



CITY COUNCIL MEETING
MARCH 11, 2013, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

Mayor Alice A. Lucero called the meeting to order at approximately 6:03pm.

B. PLEDGE OF ALLEGIANCE

Mayor Lucero led the Pledge of Allegiance.

C. MOMENT OF MEDITATION/ INVOCATION

Councilor Pedro Valdez led the Moment of Meditation/Invocation.

D. ROLL CALL/ DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Dennis Tim Salazar
Councilors:	Elaine H. Herrera
	Eric Radosevich
	Cory Lewis
	Peggy Sue Martinez
	Pedro Valdez
	Robert Seeds

E. APPROVAL OF AGENDA

Councilor Lewis requested that the Softball Field Lighting Proposal be discussed following Matters from the Mayor.

Councilor Martinez requested that the Minutes from 2.11.13 be removed from the consent agenda and placed as a discussion item.

Motion to approve the agenda by Councilor Valdez; seconded by Councilor Lewis.

Motion carried 7-0.

F. PUBLIC COMMENTS

There were no members of the public in attendance wishing to comment.

G. COUNCILOR COMMENTS/ANNOUNCEMENTS

Councilor Martinez congratulated the Española Valley High School (EVHS) Girls' Basketball team on winning first place in their district. She also congratulated the Española, McCurdy and Pojoaque Boys' Basketball teams for making it to the State Tournament.

Councilor Martinez congratulated Mr. John Ramon Vigil from EVHS for being elected the President of NM Association of Student Councils. She noted that the EVHS Student Council had been the only Council in the State to receive an exemplary rating for 2013. She added that Advisor Robbie Garcia had been named New Mexico High School Student Council Advisor of the Year.

Mayor Lucero noted that the EVHS Boys' Basketball Team would play Roswell on Wednesday, March 13th at 10:15pm. She stated that the EVHS Girls' Basketball Team would play St. Pius on Tuesday, March 12th at 9:45am. She added that the McCurdy Boys' Basketball Team would play on Wednesday, March 13th at 8:15pm. Mayor Lucero and Councilor Martinez wished good luck to all of the local teams. Councilor Seeds echoed the comments of Mayor Lucero and Councilor Martinez.

Councilor Seeds asked Interim City Manager Duran the status of the Ol' Mel Patch. Interim City Manager Duran replied that the transition of ownership of the building had taken place and he was waiting to speak with the new owner. He reported that the building was owned by Mr. Randy Perraglio. Councilor Seeds stated that he would like to be invited to that meeting. He added that he understood that the graffiti had continued and one resident had reported to him that syringes had been found.

Councilor Seeds asked if the inspection of the hydrants had been completed. Interim City Manager Duran replied that the Fire and Water Departments had been working on it.

Councilor Seeds asked City Attorney Coppler for clarification. He stated a measure had been passed requiring that any expenditure over \$500 be approved by the Governing Body. City Attorney Coppler stated that if that was the action taken, the City Manager should take every expenditure over \$500 to the Council.

Councilor Seeds asked who was parking the City vehicle that was in front of City Hall. He stated that he would like to review the policy for employees. He stated that it would include the Mayor and City Council as they were employees as well.

Councilor Lewis requested a status update regarding the asphalt that was cut at N. McCurdy and Calle Chacoma Vista. He stated that it had not yet been done and he had been told that it would be fixed by March 1st. Interim City Manager Duran stated that he had signed a purchase requisition for the asphalt needed for the two (2) large patches and it should be fixed within the next week.

Councilor Martinez asked City Attorney Coppler if it was possible to have the Ol' Mel Patch building inspected to see if it met City standards and have it condemned if it did not. City Attorney Coppler replied in the affirmative. He stated that the City did have the authority, under state statute, to inspect the inventory and the premises. He stated that following an inspection, a report would be brought to the City Council who could then present a resolution of condemnation. City Attorney Coppler continued

that if the City Council desired to approve the resolution, it must be published, sent to the owner, and then a public hearing be offered with the opportunity for the owner to come before the City Council. He stated that following a public hearing, the owner would have the option to appeal the decision to District Court. City Attorney Coppler stated that, following an appeal and loss, the City could use its crews to go out and remove the building and contents and file a lien on the property for the cost of removal. He stated that the City could also put the task out to bid for a contractor to do the work and the payment to the contractor could then be placed as a lien by the City.

Councilor Martinez asked Interim City Manager Joe to continue to move on the issue. She stated that a caller had informed her that a piece of the plaster was coming off the wall so it was a safety concern. She explained that she would like to see the Council adopt a similar type of ordinance concerning homes that were vacant and not being taken care of. Councilor Martinez expressed her belief that vacant houses were defining some neighborhoods in the community. She cited Calle Rodriguez and Calle Quintana as examples.

Councilor Martinez stated that she would also like to see the Council work on making landlords more responsible to the environment that they defined. She stated that it was unfortunate that people could collect rent and walk away unscathed especially where tenants went into neighborhoods and began to sell drugs.

Councilor Martinez stated she was concerned about the issue on Chacoma Vista. She explained that she had seen in the evenings that there had been crews out installing pedestals on the property.

Councilor Martinez told City Attorney Frank Coppler that, concerning the take home policy, it was her understanding was that no elected official had the right to additional compensation and that driving a City vehicle was additional compensation. City Attorney Coppler stated that he believed Councilor Martinez was referring to Mayor Lucero and stated that he did not believe that the Mayor driving a vehicle constituted additional compensation. Councilor Martinez asked City Attorney Coppler if he thought it was okay for the Mayor to take the City vehicle home when she had her own vehicle. City Attorney Coppler stated that it was legal as long as it was used solely for City purposes.

Councilor Seeds thanked Councilor Martinez for bringing up the issue with vacant homes again. He requested that date be set regarding some discussion. Mayor Lucero requested that Councilors provide input to the City Clerk regarding possible dates.

Councilor Valdez asked City Attorney Coppler if the Council had acted on a resolution that prohibited the City Manager from making expenditures in excess of \$500. He stated that he still felt that the City Manager should have that authority. Councilor Valdez expressed his belief that such a resolution had not been passed.

Mayor Lucero noted that Councilor Comments and Announcements were not meant for discussion. She stated that if the Governing Body had an issue to discuss, they should place it on the agenda.

Councilor Martinez reminded everyone that it was important that people affected by drug use share their concerns on April 25, 2013 in the Nick Salazar Center for the Arts building from 6-8pm.

Councilor Martinez asked that staff review the minutes regarding the resolution barring the City Manager from making expenditures in excess of \$500. Councilor Seeds asked City Attorney Frank if they needed to pass a resolution to change it. City Attorney Coppler stated that he did not know whether it had been done or not. He explained that if it had not been passed, the Council would need to ask that a resolution be placed on the agenda,

H. MATTERS FROM THE MAYOR

1. Employee of the Month- Stephanie Romero

Mayor Lucero stated that the person that was selected had always been willing to help whether it was in her job description or not.

Grants Administrator Diahann Jacquez stated that she would be presenting the nomination on behalf of Administrative Services Director Joyce Sandoval. She read the nomination memo.

Mayor Lucero presented the Certificate of Appreciation to Financial Specialist Stephanie Romero.

Financial Specialist Romero thanked her Director for giving her the opportunity to prove herself and thanked her co-workers in the Finance Department.

2. Legislative Update

Mayor Lucero stated during the course of the previous week, the Legislative Finance Committee had reviewed the proposals for capital outlay and there were requests funded. She stated that the City of Española had received \$300,000 for the remodel and expansion of City Hall, \$100,000 for the Española La Joya Fire Station and \$100,000 for the Veteran's Memorial Wall. She stated that we had received a total of \$500,000 which was more than previous years. She expressed her hope that the appropriations would make it past the Governor's desk as she did have the right to line item veto any item. Mayor Lucero thanked the legislators for their help. She acknowledged the fact that money was limited.

Mayor Lucero announced that Española Valley Day at the legislature had been a great success. She thanked the fiesta council for their attendance and stated that they had done an excellent job. Mayor Lucero thanked Joseph Torres, City Clerk Mascareñas, Deputy City Clerk Squires, and Recreation Coordinator Herrera for planning the day. She also thanked the Santa Clara Development Corporation for making a banner for the City. Mayor Lucero explained that she had never seen an Española Valley Day go so well and stated that everyone seemed to have a great time. She thanked the participants who placed booths in the rotunda and commented how everyone loved Española Valley Day at the legislature.

Mayor Lucero announced that there would be a Finance Board Meeting the following Tuesday.

6. Softball Field Lighting Proposal (Councilor Radosevich)

Councilor Radosevich stated that that the Council had been concerned about not getting any local proposals. He reported that he had taken it upon himself to research locally. He explained that he had spoken with several people in the general area and provided them with the information that he could.

He stated that they had all informed him that it was too big of a job for them to attempt. Councilor Radosevich added that many of the businesses did not possess the correct certifications. Interim City Manager Duran stated that he would like to refer the item to staff and ensure that each contractor was quoting the same thing. He stated that he would provide a recommendation at the next meeting.

Councilor Seeds stated that he took his hat off to Councilor Radosevich for taking the initiative to get the quotes. He stated that he wanted to ensure that everyone was protected and asked for the opinion of the City Attorney.

Mayor Lucero stated that she was aware that it had been suggested that the Council go out to bid; however, due to the time frame, it would take at least 6 months to issue a contract if that were done.

Motion by Councilor Radosevich to act on the item tonight; seconded by Councilor Lewis.

City Attorney Coppler stated that he had looked at the proposals and talked to the Interim City Manager before the meeting. He explained that it was difficult to decipher what each proposal covered. He suggested that the Council make a motion and second giving the Interim City Manager the authority to sit down with someone, compare the proposals and pick the lowest bid. He stated that legally they could do it because they were all on the state list.

Councilor Valdez asked if the Council would be able to act on the measure at the Finance Board Meeting. He stated that the proposals appeared to be straightforward.

Councilor Seeds stated that, in order to avoid placing anyone in harm's way, he would insist that there be a recommendation from staff.

Motion withdrawn by Councilor Radosevich; second withdrawn by Councilor Lewis.

Motion by Councilor Valdez to send the proposal approval to the Finance Board; seconded by Councilor Seeds.

Motion carried 6-1, with Councilor Martinez voting in the negative.

I. REPORTS

1. Council Committees (Public Safety, Public Works)

Mayor Pro-Tem Salazar stated that there had not been a quorum for the Public Safety Committee meeting on March 4th so it had been rescheduled for March 12th. Councilor Radosevich asked when the date had been decided upon as he had not received any emails. Mayor Pro-Tem Salazar stated that Director of Public Safety Garcia and Executive Secretary Victoria Gallegos were supposed to have sent out an email. He asked if Councilor Radosevich and Councilor Herrera would be available. Councilor Herrera replied in the affirmative.

Councilor Valdez stated that there had been several items on the agenda. He explained that he had passed out a report and requested calls from anyone who had questions.

Councilor Seeds asked if Interim City Manager Duran had met with residents from Pacheco Lane. Interim City Manager Duran stated that he had not been able to get a hold of them and was hoping to approach them in the evening or on a weekend.

Councilor Lewis exited at 6:47pm.

Mayor Lucero stated that the City could not obtain funding until it acquired the easements.

2. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Beautification Committee, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)

Councilor Valdez stated that he had placed a report from the last meeting in each Councilor's mailbox regarding North Central Solid Waste Authority (NCSWA). Mayor Lucero stated that she had received complaints from the public because they were only receiving four (4) dump permits per year. She stated that, in one cleaning, a resident had used all four (4) of their permits. Mayor Lucero asked Councilor Valdez if he could address the issue with the Board.

Councilor Martinez stated that during the previous NCSWA meeting, it had been proposed that City residents be reduced to two (2). She stated that she had begged that the NCSWA Board not take action on the item. Councilor Martinez reported that county constituents had been cut from 16 to 8. She explained that when she had questioned the discrepancy, she was told that the County of Rio Arriba subsidized NCSWA with \$600,000 per year. Mayor Lucero stated that the City of Española was a part of the County and should also be subsidized. Councilor Martinez asked Councilor Valdez to continue to fight for the constituents of the Valley.

Mayor Lucero stated that NCSWA was receiving over \$1 million from City residents and businesses combined, in addition to a \$100,000 supplement approved by the City Council. She stated that the residents deserved to be treated more fairly. Councilor Valdez pointed out that there was a lot of detail they needed to examine in order to make things work.

Councilor Seeds commented that he had not realized that the City was treated differently than County residents. Councilor Martinez stated that she had previously mentioned that the City needed to look forward to some type of recycling program where they continued to use the old polycarts.

Mayor Pro-Tem Salazar stated that he had been unable to attend the March 1st NCRTD meeting and Councilor Martinez had attended as the alternate. Councilor Martinez stated that Nambe Pueblo had become the newest voting member. She explained that there had been opposition from the City of Santa Fe because they felt it diluted their vote. She stated the City of Española now had three (3) votes instead of one (1) vote because the census had exceeded 10,000. Councilor Martinez announced that the NCRTD Board had approved marketing/advertisement on buses to create revenue.

Interim City Manager Duran stated that the E-911 Board had met on March 5th. He reported that it had been discussed that the Town of Taos needed assistance with 911 and would be working on negotiations. He added that there had been approval of their FY13-14 budget. Interim City Manager Duran stated that the E-911 Board would bring forth a new Joint Powers Agreement in the future. He announced that the next meeting would take place on June 4th.

Councilor Martinez reported that 13 planters had been purchased by the Beautification Committee. She explained that they had been created out of concrete donated by Mr. Richard Cook and the plan was to have them delivered to Mainstreet on April 22, 2013, which was Earth Day.

Mayor Lucero exited at 7:00pm.

Councilor Valdez asked when the next Beautification meeting was. Councilor Martinez stated that the next meeting had not yet been planned. She stated that the planters had been sprayed with anti-graffiti spray.

Mayor Pro-Tem asked if there was a report regarding the Regional Coalition of LANL Communities. City Clerk Mascareñas informed him that Mayor Lucero would be attending a meeting that Friday, but she would be better able to answer any questions when she returned to the Chambers.

Interim City Manager Duran stated that there was no report on Redi-Net as they had not met the previous month. City Clerk Mascareñas stated that they would be meeting on March 20th.

Mayor Lucero re-entered at 7:02pm.

J. CONSENT AGENDA

3. Approval of Minutes
 - a. 1.14.13 City Council Meeting
 - b. 1.22.13 Finance Board Meeting
 - c. 1.28.13 City Council Meeting

Motion by Councilor Valdez to approve the Consent Agenda; seconded by Councilor Radosevich.

Motion carried 6-0.

K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

- a. 2.11.13 City Council Meeting

Councilor Martinez requested an opinion from the City Attorney. She reported that she had called the New Mexico Municipal League (NMML) and inquired whether it was legal that Councilor Radosevich had changed his vote after a vote was already taken. She stated that the minutes read that there was discussion regarding work that had been completed. She stated the vote was 4-2 and following the vote, the Interim City Manager stated that he did not understand how he would pay for the completed work. Councilor Martinez stated that it was at that time that Councilor Radosevich stated that he would like to change his vote. She stated that she had gone to the restroom and by the time she returned, the same motion had been re-made. Councilor Martinez continued that once an item had been acted upon and Councilor Radosevich had reconsidered his vote, protocol stated that Councilor Radosevich request that it be placed back on an agenda for reconsideration at the next meeting. Councilor Martinez asked City Attorney Coppler if the Council had voted twice, which motion would stand.

Councilor Radosevich stated that he believed that the motion had been slightly different. Councilor Martinez read the proposed set of minutes.

Councilor Martinez asked City Attorney Coppler which vote took precedence. City Attorney Coppler verified that Councilor Radosevich had voted in the majority. He stated that if he had, under Roberts Rules of Order, he could state "Madam Mayor having voted in majority, I wish to vote to reconsider." City Attorney Coppler stated that Councilor Radosevich had used similar language and under Roberts Rules of Order it would be treated as a motion to reconsider. He stated he did not see an issue with it. Councilor Martinez stated that the opinion she had gotten from NMML differed and stated as follows:

"I did call for a point of order because the action had already been taken on the subject. So I did call Madam Chair for a point of order because the action had already been taken. There was a new motion allowed and I want it to reflect that I did call for a second point of order asking the Mayor to please continue on to the next item on the agenda because action had already been had on this item."

She stated that she wished for this to be reflected and added that it was on the recording. Therefore, she needed that to be reflected. Mayor Lucero suggested that the Council review the recording as she did not recall that Councilor Martinez made those statements. She reminded Councilor Martinez that any time a Councilor stepped out, the meeting continued. Councilor Radosevich stated that he would also like to hear the recording as he did not like for people to put words in his mouth.

Motion by Councilor Seeds to table the Minutes of 2.1.13 until the next meeting; seconded by Councilor Radosevich.

Motion carried 6-0.

Councilor Seeds recognized Mr. Matthew Rivera from the Rivera Funeral Home. Mr. Matthew Rivera stated that he would like to bring a couple of items to the attention of the Council. He stated that he had heard discussion about the Beautification project and the planters and had been in the dark about the progress as some of the information was vague. Mr. Rivera stated that since hearing the update, he would like to direct the City to disregard his request for a refund. He explained that he had submitted the request because he did not see anything happening. Mr. Rivera reported that when the money had been solicited originally, he was given information that it would be done around the time of the car show. He stated that because it had been some time since then and he had begun to wonder. Mr. Rivera expressed his excitement about the planter.

Councilor Martinez asked Mr. Rivera to accept her apologies that the committee was not communicating with people about the planters. Mr. Rivera stated that he was excited to see the area continue to grow. Mayor Lucero asked Councilor Martinez if the monies had been deposited into the City account. Councilor Martinez replied in the affirmative. Mayor Lucero asked if she could see a layout. Councilor Martinez stated that was another reason that the Beautification Committee needed to have a meeting with Recreation. She stated she would get with Interim City Manager Duran to plan it with the committee. Mayor Lucero stated that when the committee was formed, they asked that they collaborate with the Downtown Action Committee.

Mr. Rivera stated that planters were installed and one was placed in front of their business. He stated that while they liked them and there was a bench, a representative from the Department of Transportation (DOT) had gone by and mentioned that they should not be so close to the highway. Councilor Martinez clarified that those planters and benches were not placed by the Beautification Committee, but by the Downtown Action Committee. She stated that the Beautification Committee had gotten approval from DOT.

Councilor Seeds asked if it would be appropriate to ask the Highway department that they limit the flow of highway traffic to smaller vehicles without having to take ownership of it. City Attorney Coppler suggested that Councilor Seeds requested that the issue be placed on the agenda for a future meeting.

Mr. Rivera stated that he had spoken with the former City Manager regarding placing a sign on the pole in front of the Chimayo Trading Post that indicated that the intersection led to Paseo de Oñate. Mayor Lucero stated that the City would follow up.

Councilor Valdez pointed out that it was important for there to be a road exchange.

Councilor Martinez exited at 7:23pm.

L. EXECUTIVE SESSION

There was no need to enter into Executive Session.

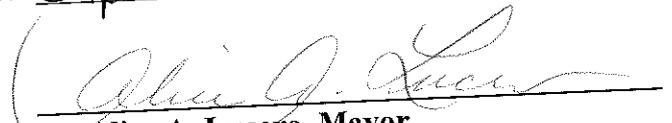
M. ADJOURNMENT

Motion by Mayor Pro-Tem Salazar to adjourn; seconded by Councilor Radosevich.

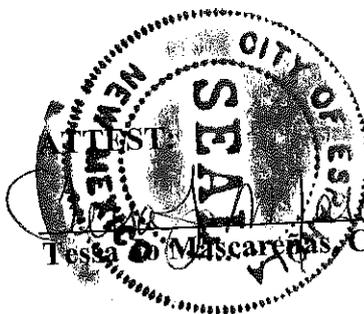
Motion carried 5-0.

The meeting was adjourned at 7:23pm.

APPROVED AND ADOPTED THIS 8th DAY OF April, 2013.



Alice A. Lucero, Mayor



Tessa Mascareñas, City Clerk