



CITY COUNCIL MEETING
AUGUST 12, 2014, 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 6:00pm.

B. PLEDGE OF ALLEGIANCE

Mayor Lucero led the Pledge of Allegiance.

C. MOMENT OF MEDITATION/ INVOCATION

Mayor Pro-Tem 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:	Pedro Valdez
Councilors:	John Hernandez
	Peggy Sue Martinez
	Adrianna Ortiz
	Michelle R. Martinez
	Eric S. Radosevich

Absent:	Dennis Tim Salazar
	Cory Lewis

E. APPROVAL OF AGENDA

Agenda as Presented:

---BEGIN---

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. MOMENT OF MEDITATION/ INVOCATION**
- D. ROLL CALL/ DETERMINATION OF QUORUM**
- E. APPROVAL OF AGENDA**
- F. PUBLIC COMMENTS**
- G. COUNCILOR COMMENTS/ ANNOUNCEMENTS**
- H. MATTERS FROM THE MAYOR (ACTION ITEMS)**
 - 1. Certificate of Recognition- Lotaburger (requested by Mayor Pro-Tem Valdez)
 - 2. Report on Governor's Statewide Declaration of Emergency due to Flooding
 - 3. Report on Meeting with DOE Secretary Ernest Moniz and Secretary of Interior Sally Jewell
- I. PUBLIC HEARINGS**

4. **AN ORDINANCE OF THE CITY OF ESPANOLA, NEW MEXICO; PROVIDING FOR A LONG TERM LEASE OF 27.3405+- ACRES OF CITY OWNED REAL PROPERTY; THE LESSEE WILL BE THE SANTA FE CIVIC HOUSING AUTHORITY WHO PLAN TO RENOVATE, REHABILITATE, CONSTRUCT OR RECONSTRUCT AND OPERATE ON THE LEASED PROPERTY UP TO 178 AFFORDABLE RENTAL HOUSING UNITS; AUTHORIZING THE CITY MANAGER AND CLERK TO HANDLE THE ADMINISTRATIVE DETAILS; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION**

J. CONSENT AGENDA

5. 7.8.14 City Council Meeting Minutes

K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)

6. Contract Between the United States Of America Department Of The Interior Bureau Of Reclamation And The City Of Española To Lease The Use Of San Juan-Chama Project Water
 7. Request for Co-Sponsorship- Taste of the Enchanted Valley 2014- Downtown Action Team Española
 8. Approval of RFP 2014-002 Professional Engineering Services
 9. Approval of Interlocal Byrne Justice Grant with Rio Arriba County
 10. Approval of Sandoval County Detention Contract
 11. Selection New Mexico Municipal League Annual Conference Voting Delegate

L. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

M. ADJOURNMENT

---END---

Motion by Mayor Pro-Tem Valdez to approve the agenda; seconded by Councilor Ortiz.

Motion carried 6-0.

F. PUBLIC COMMENTS

Ms. Lauren Reichelt, Director of Health and Human Services for Rio Arriba County announced that the Annual Health Fair would be held on September 20th and would be combined with Las Cumbres Family Day. She stated that it would be called "Family Health Day" and would take place at the Health Commons. She reported that they would offer low-cost sports physicals, jumpy houses and rock climbing.

Ms. Reichelt continued that the fair had grown annually and would be held on a Saturday in order to allow for adequate parking. She stated that performance poets would attend to work with youth and there would be three (3) bands. Ms. Reichelt commented that they would need help with parking and suggested that the City of Española consider doing something at the ball fields. She added that there would be several food trucks. Mayor Lucero requested that the issue be placed on the agenda for the next city council meeting.

Ms. Reichelt reported that she had presented her first law enforcement training that day. She stated that there had been ten (10) attentive City policemen in attendance and the second training would be held on Thursday.

Ms. Lorraine Gray stated that she was a landowner and cofounder of a local nonprofit organization. She announced that her organization had put on a conference every year for five (5) years to educate people on the environment and cultural farming. She stated that they had formed the Northern NM Coalition against GMOs. She expressed the desire for everyone on the Council to see the film "GMO OMG."

Ms. Gray stated that the conference would concentrate on GMOs. She asked for Governing Body members to serve as some of their speakers. She stated that their keynote address had been done by Vandana Shiva from Germany the previous year. Ms. Gray reported that the conference had brought in people from different parts of the state. She stated that they were not a hostile group and wanted to educate people on what GMOs were and what fracking did to the environment. She asked for an update on the GMO/Poplar Tree project. Ms. Gray stated that the film had been shown in July and would show again at the conference. She stated that the conference would take place October 3 & 4 from 9am-6pm in the Fine Arts building at Northern New Mexico College.

Ms. Honey Nam stated that she was an Ecological Scientist and a Professor at Northern New Mexico College. She mentioned that introducing poplars to the Bosque would be detrimental to biodiversity. She stated that they had the potential to invade the Bosque and take over like the Chinese Elm and Russian Elm had. Ms. Nam stated that projects had focused on the eradication of invasive species and asked who would pay for the eradication of the new poplars. She explained that Española had the longest track of Cottonwoods and they were lacking flood waters because of the channelization of the 1950s. Ms. Nam stated that poplars were known to be capable of transferring their genetic make-up and asked why the human race continued to feel in control of nature. Ms. Nam asked the Council if they had proven that short term economic gains had resulted in the slow decay of families, communities, etc. and requested that they consider renting the land to local residents.

Mr. Rudy C de Baca stated that he was with the Davies Legion Foundation. He stated that he was in attendance to introduce himself to Governing Body as he would like to locate his business to Española.

Ms. Jan Deligans stated that she had lived in Española for two (2) years. She stated that she loved the naturalness and beauty. She explained that she had discovered the Española Community Market was adding to the income and creating a market for new farmers as well as traditional farmers. She stated that they sold only organic and chemical free food. She stated that the poplar tree factory would introduce chemicals by adding a pesticide right into the tree. She stated that the genetic modifications were to avoid paying the wages of workers.

Mr. Lamar Knight stated that he was a volunteer at the Community Market and was concerned about GMO corn which could travel in the wind. He stated that he had raised blue corn in the valley for several years and it was now endangered. Mr. Knight stated that blue corn was sacred to the people of the pueblos. He explained that the people of the valley had to have their own seeds which they kept from year to year. He stated that it was necessary in order to have true freedom and expressed hope that the Council would consider establishing a GMO free zone. He stated that there was an economic benefit to having an ecofriendly place to live.

Mr. Emilio Bailon stated that he was the agricultural head of Tesuque pueblo. He asserted that GMOs could cause illness. He expressed excitement about creating jobs but curbed his remark by stating that the City had to be careful in the way this is done.

Councilor Radosevich asked that people be more proactive in the future when the decision making process was ongoing. He stated that he would have reconsidered his decision.

G. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Councilor Michelle R. Martinez announced movie night on Friday, September 2nd. She stated that she would hold her quarterly Town Hall meeting on September 3rd. She complimented the Streets Department on their performance during the heavy rains. She stated that General Services Director Juanito Maes was doing a great job as were the other supervisors.

Mayor Pro-Tem Valdez mentioned exhibits at the Convento gift shop. He stated that there was Spanish Colcha embroidery at the Bond house. He reported that he presented a plaque to the San Gabriel Historical Society. Mayor Pro-Tem Valdez complimented Cultura Promotions on the car show. He thanked Richard Marquez from the Municipal Court for the work done on the islands and parks and complimented Antionette Vigil and the Fiesta Court for representing the City well at a Buffalo Thunder Resort event. Mayor Pro-Tem Valdez informed the Council that he had left information on the Infrastructure Capital Improvements Plan (ICIP) and grants list at their seats.

Councilor Peggy Sue Martinez stated that there would be a NarcAnon meeting at the Española Hospital at 6pm in the Piñon Room. She commended Mark Trujillo for the work in the Convento as well as the Northern New Mexico Regional Arts Center (NNMRAC) and the Children's choir.

Councilor Michelle R. Martinez thanked Librarian Sherry Aragon for her work at the library. She reported that Ms. Aragon had booked Steve Stucker as a guest speaker.

H. MATTERS FROM THE MAYOR (ACTION ITEMS)

12. Certificate of Recognition- Lotaburger (requested by Mayor Pro-Tem Valdez)

Mayor Lucero presented a Certificate of Recognition to Ms. Jesse Sandoval, District Manager for Northern New Mexico Lotaburgers. Ms. Sandoval stated that they had used local businesses for the remodel.

Councilor Peggy Sue Martinez complimented Councilor Cory Lewis on the work he had done through his landscaping business. Ms. Sandoval stated that Mr. Lewis had introduced her to local businesses. She commented that Española was an awesome City.

13. Report on Governor's Statewide Declaration of Emergency due to Flooding

Mayor Lucero stated that staff had been researching what to do regarding the disaster due to flooding. She reported that the Governor had already issued a statewide declaration of emergency and the City would be eligible to apply for funding from FEMA. She stated that she understood that this did not apply to the private citizen as they would have to go through their insurance company. Mayor Lucero stated that General Services Director Juanito Maes was working on a spreadsheet to determine all costs. She stated that he was also examining ways that the City could participate in improving the area to avoid flooding within legal parameters.

14. Report on Meeting with DOE Secretary Ernest Moniz and Secretary of Interior Sally Jewell

Mayor Lucero stated that the Regional Coalition of LANL Community (RCLC) had tried to keep the community informed regarding clean-up, remediation at LANL and economic development. She announced that she and Mr. Darien Cabral had gotten the opportunity to meet with the Secretary of the Department of Energy. She reported that they discussed WIPP and how it had affected the community as well as the Supply Chain Management Center (SCMC). Mayor Lucero reminded everyone that the policy would mean that all national labs would have to purchase supplies from the SCMC in Kansas City, Missouri instead of local businesses. She explained that this had been done in order to cut costs; however, it had not done so. Mayor noted that Secretary Moniz used to work at LANL and live in Los Alamos.

I. PUBLIC HEARINGS

15. AN ORDINANCE OF THE CITY OF ESPANOLA, NEW MEXICO; PROVIDING FOR A LONG TERM LEASE OF 27.3405+- ACRES OF CITY OWNED REAL PROPERTY; THE LESSEE WILL BE THE SANTA FE CIVIC HOUSING AUTHORITY WHO PLAN TO RENOVATE, REHABILITATE, CONSTRUCT OR RECONSTRUCT AND OPERATE ON THE LEASED PROPERTY UP TO 178 AFFORDABLE RENTAL HOUSING UNITS; AUTHORIZING THE CITY MANAGER AND CLERK TO HANDLE THE ADMINISTRATIVE DETAILS; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

City Attorney Frank Coppler stated that he and the Mayor had two (2) meetings with Santa Fe Civic Housing Authority. He explained that they had a request from Santa Fe Civic for a 99-year lease of three (3) different parcels of city-owned land where there was low income housing. He stated that it had been operated in the past by a City Housing Authority. City Attorney Coppler stated that in 2008, the City entered into an agreement with Santa Fe Civic Housing Authority whereby the nonprofit corporation assumed operational responsibility. He reported that they had made an application for low income financing tax credit through the State Mortgage Finance Authority. City Attorney Coppler explained that this would change the management to a private LLC.

He stated that he had met with them for the second time the previous week. City Attorney Coppler stated that Mr. Romero had expressed reluctance to the notion that the City had to follow the procedure of passing an ordinance, doing an advertisement, notifying the citizens that they can file a petition or referendum, etc. He stated that the impact on the people in the housing development was the most important issue. City Attorney Coppler stated that the second issue was whether the council would like to enter into an agreement where the lessee could sell the housing to a private developer at the end of financing. He explained that the possibility would be in effect without a restriction on the lease that would terminate it if that took place. He asked if they would want a provision in the lease that would forever dedicate the property to low and moderate income.

Mayor Lucero opened the public hearing at 7:04pm.

Mr. Ed Romero, Santa Fe Civic Housing Authority Executive Director stated that they had a lease that expired as of August 31, 2014. He explained that in order get to a point where they could issue bonds, they would require a lease that showed they controlled the land. He stated that the units were built mostly in the 1970s, with a few built in the 1990s. He continued that the older units had asbestos, old cabinets, flooring, bedrooms and kitchens. Mr. Romero commented that as it stood, there had been three (3) RAD awards and all had come to the Santa Fe Civic Housing Authority. He explained that what that meant to Española was that they could leverage the properties they had and get the means to generate money for upgrades.

He stated that for the most part, there would be the same rent calculations. Mr. Romero stated that residents paid roughly 1/3 of their income for rent and HUD paid the remaining portion. He expressed the belief that it would not have a big impact on residents. He conceded that there could be an issue in the future that people that increased their income may not be able to remain in their units. Mr. Romero stated that he believed this was the opportunity to bring \$9 million of improvements to the housing authority. He reported that they had 178 units and three (3) were occupied by police officers. He stated that as it moved forward, he was concerned that dedication of the property or some other type of restriction would cause investors to pull out.

City Attorney Coppler asked if they would accept a 45-year lease instead. Mr. Romero stated that the least that they would accept was a 65-year lease. He added that the project had already been bid and awarded.

Ms. Reichelt stated that anything that could be done to create affordable housing was very positive. She stated that she had appeared before the Council a few months prior with Rio Arriba County Attorney Ted Trujillo and had contacted City Attorney Frank Coppler for a somewhat similar project. Ms. Reichelt asked if there was a possibility of Mr. Romero sitting down with her and some of their partners.

Mayor Lucero called for a point of order. She stated that the public hearing must pertain specifically to the ordinance.

Ms. Reichelt asked if this would affect what Rio Arriba County was trying to do.

Mayor Lucero closed the public hearing at 7:22pm.

Motion by Mayor Pro-Tem Valdez to approve the ordinance as published; seconded by Councilor Michelle R. Martinez.

Mayor Pro-Tem Valdez stated he would like for the lease to be only 65 years. Mr. Romero clarified that they would rather the land continue to be deeded to the municipality and the lease was the best way to keep a sense of permanence. City Attorney Coppler verified that the land being owned by the City was helpful to the bottom line because no property taxes would be paid.

Councilor Peggy Sue Martinez stated that she would like to ask for people's patience because she had a lot of questions. She stated that she had the same concern as Ms. Reichelt since the City was partnering with Rio Arriba County. She asked why they would ask the city for a 99-year lease when their own agreement was for 40 years. Mr. Romero stated that it was because 99 years was basically a sale. He explained that equity providers had a funding mechanism where this would not compromise their tax credits. He stated that at \$50,000 per year and an \$8 million note, it was a very long time. Mr. Romero continued that they needed to know that there was the possibility that this would get paid. Councilor Peggy Sue Martinez clarified that it was basically a sale without a deed. She questioned the expiration of the RAD grant and asked how much would be spent per unit. Mr. Romero stated that it depended how they looked at it. He added that they would be bringing cash from other sources. Mr. Romero explained that some units were built in 1973 and had \$6 million of maintenance needed. He stated that in 20 years, there would be someone else sitting in front of them for the same purpose.

Mayor Lucero noted that these were existing units at Duran, Pajarito and Apple Valley.

Mr. Romero stated that, if the City of Española had a plan in place, they could look at the 9% deal. He stated that they would love for that to move forward, because without that, it was very unlikely until there was a plan.

Councilor Ortiz asked where the actual units were. Mr. Romero said the soup kitchen would be removed from the project. He stated that their desire was to try and maintain the soup kitchen moving forward.

Councilor Michelle R. Martinez asked the types of renovations. Mr. Romero stated that there would be new flooring, new kitchens, and new bathrooms. He stated that he would love to remove the asbestos but the price of that was about \$4 million so their plan was to seal it in. He replied that there was some asbestos in the mud in the drywall and they would refinish those walls. He added that there would be some electrical changes. Mr. Romero stated that they wanted them to have a new unit feel and if they could not close this they would continue to operate the site as it stood.

Councilor Hernandez asked how many units they had in Santa Fe. Mr. Romero stated that there was close to 1,000. Councilor Hernandez asked the likelihood that at the end of the bond funding payment the lessee would sell the lease to a third party. Mr. Romero replied that within their operating agreement, they had an option for right of first refusal. He added that the debt on property would be about \$10 million and anyone that attempted to purchase it would be upside down; therefore, it would be best for them as they would forgive their own debt.

Councilor Peggy Sue Martinez asked the estimated time that it would take for each unit to be remodeled. Mr. Romero responded that it would be between six (6) and nine (9) weeks. Councilor Peggy Sue Martinez asked if they would relocate residents to empty units. Mr. Romero replied in affirmative and added that they would start with the 30 empty units. Mr. Romero stated that they would like to keep people in the same location but possibly not in the same unit. He continued that they would be able to strike a deal to where they would stay with family or friends and get the same unit returned.

Councilor Peggy Sue Martinez asked City Attorney Coppler if this had already gone before the council and been defeated. City Attorney Coppler replied that the previous year, a lease had been brought and approved with the contingency that if they got their funding they would have to go back through the process of an ordinance. He explained that the transaction was not completed because they did not get their funding. Councilor Peggy Sue Martinez asked about the risk to the other project and if the Council could table the ordinance until the next meeting. City Attorney Coppler stated that it could be postponed; however, Mr. Romero would have to file the application by the end of the month or the units may be pulled back into the nationwide pool. Mr. Romero confirmed this fact and stated that the Mortgage Finance Authority (MFA) needed the approval so they could be placed on the Board of Finance agenda in September.

Mayor Lucero asked City Attorney Coppler if he believed this would affect the other project. City Attorney Coppler replied in the negative.

Councilor Michelle R. Martinez asked that they consider that it be restricted to Low Income Housing Tax Credits (LIHTC) rent requirements. Mr. Romeo suggested that it be a 67-year lease so that they could have two (2) years to close. City Attorney Coppler replied that as he understood the language, the LIHTC would be a part of the lease and were already a part of the financing so it would not be an issue. He suggested that they add it and Mr. Romero verify whether it could be done prior to execution by the Mayor.

Councilor Peggy Sue Martinez agreed with Councilor Michelle R. Martinez. Councilor Hernandez clarified that receipt of the tax credits was based on the fact that the units were low income.

Mr. Romero stated that if they continued the way they were going, without further help from HUD, there would be no low income housing as it should be. He added that in 40 years, the buildings would be so dilapidated that Housing would be the only ones interested in them and they would need a better plan. Mr. Romero asserted that Santa Fe Civic Housing Authority had been in existence since 1962 and were very successful because their residents wanted to stay with them.

Councilor Hernandez stated that in order to fund these units, the lease must go forward and he would support the measure.

Motion amended by Mayor Pro-Tem Valdez to approve a 67-year lease as opposed to a 99-year lease with LIHTC rent restrictions and income qualifications contingent upon the approval of the language by the equity partner of Santa Fe Civic Housing Authority; seconded by Councilor Michelle R. Martinez.

Roll Call Vote:

Mayor Pro-Tem:	Pedro Valdez	In Favor
Councilors:	John Hernandez	In Favor
	Peggy Sue Martinez	Against
	Adrianna Ortiz	In Favor
	Michelle R. Martinez	In Favor
	Eric S. Radosevich	In Favor

Motion carried 5-1, with Councilor Peggy Sue Martinez voting in the negative.

J. CONSENT AGENDA

16. 7.8.14 City Council Meeting Minutes

Motion by Councilor Michelle R. Martinez to approve the consent agenda; seconded by Mayor Pro-Tem Valdez.

Motion carried 6-0.

K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)

17. Contract Between the United States Of America Department Of The Interior Bureau Of Reclamation And The City Of Española To Lease The Use Of San Juan-Chama Project Water

City Attorney Coppler stated that he only had one suggestion that was in response to a question from Mayor Pro-Tem Valdez. He explained that he had asked why they had 1,000 acre feet for the silvery minnow and did not have 100 acre feet for Cuatro Villas and 100 acre feet for the Rio Chama Acequia Association. City Attorney Coppler reminded them that the issue had gone before the Council and been turned down because there was not enough wet water. Mayor Lucero clarified that the Council had approved the request; however, the Bureau of Reclamation denied it.

Motion by Councilor Radosevich to approve the lease of 800 acre feet water in the San Juan Chama Water Project to the Bureau of Reclamation contingent upon a 100 acre feet lease being approved for Cuatro Villas and a 100 acre feet lease being approved for the Rio Chama Acequia Association; seconded by Mayor Pro-Tem Valdez.

Councilor Peggy Sue Martinez asked if there was any other Acequia Association that was in need of this water. City Attorney Coppler stated that these were the only associations that had come forward.

Motion carried 6-0.

18. Request for Co-Sponsorship- Taste of the Enchanted Valley 2014- Downtown Action Team Española

Mr. Eric Quintana, President of the Downtown Action Team Española, stated that they would like to have the event in conjunction with the Espanola Arts Festival to help attendance on that Saturday from 5pm-8pm. He stated that in the past, they had erected a tent on the Plaza where the traffic caused dust so they would like to

move the location to Calle de Española which would alleviate the dust and keep them out of the way of the Arts Festival. He stated that they would also like to see if they could get trash services and access to electricity. He added that they were also requesting a police presence and insurance coverage.

Mr. Quintana explained that attendees were given small amounts of food to taste from the various restaurants. He added that they would also like to do a wine or beer tasting. Ms. Bustos stated that they would have different colors of wristbands to distinguish those who could legally drink. She stated that they were not charging the restaurants. Mr. Quintana stated that they would use the funds to revitalize the Mainstreet island and eventually add a statue. He added that they were looking to put more flagging on the light poles and purchase improved Christmas decorations.

Mayor Lucero stated that she did not see a problem with closing the street and providing police presence. She added that the City could also work with North Central Solid Waste Authority (NCSWA) to handle trash. Interim City Manager Mascareñas stated that the City insurance required that the Downtown Action Team Española acquire insurance to cover their own activities.

Motion by Councilor Radosevich to approve the co-sponsorship of Taste of the Enchanted Valley; seconded by Peggy Sue Martinez.

Motion carried 6-0.

Ms. Bustos announced that the Santa Cruz Gala would be on September 20th. She also invited everyone to go out to the Wildlife Center and visit as they did not charge local residents.

19. Approval of RFP 2014-002 Professional Engineering Services

Planning & Zoning (P&Z) Director Naranjo stated that the City had issued an RFP in July to locate qualified engineering services on an as-needed basis. He stated that the scope of work included particular projects, such as: Calle Gallegos Project, Pacheco Lane Project, Coronado Phase II Waterline Extension, Wastewater Treatment Plant Installation of Effluent Disinfection System and Upgrade of Electrical Panel, etc.

He stated that four (4) proposals came in and of those firms there were two (2) standouts- Wilson & Co. and Sounder, Miller & Associates. He stated that the evaluation committee recommended the services of Wilson & Co. to be the City of Española's engineer of record. He informed the Council that the City stood to lose \$1.4 million in Environmental Protection Agency funding if an engineer of record was not brought on board. He added that Wilson & Co. had served as the engineer of record in the past.

Motion by Mayor Pro-Tem Valdez to approve Wilson & Co. as the engineer of record; seconded by Councilor Ortiz.

Councilor Ortiz clarified that the Calle Gallegos project had been on the radar for a while. She asked if Wilson & Co. had done the original design work. P&Z Director Naranjo replied in the affirmative. Councilor Ortiz asked if any of the projects had been worked on by Wilson & Co. P & Z Naranjo responded that they had also done the Coronado Phase II Waterline Extension design.

Councilor Peggy Sue Martinez asked if the City had the dedicated easement for Calle Gallegos and Pacheco Lane. P & Z Director Naranjo stated that he was unsure as to the property acquisitions. Councilor Peggy Sue Martinez stated that she had an issue that the City decided that a street was theirs when it was in their interest.

She asserted that if they were to put any public money into any street, the paperwork should be in order. She added that the first two (2) companies were close in score and asked if the City of Española could enter into a contract with both entities in the interest of moving the projects forward. P & Z Director Naranjo stated that he was unsure as to whether that was plausible.

Councilor Martinez stated that the RFP was not included in the packet. P & Z Director Naranjo stated that he was unsure as to whether the contract could be split. Councilor Peggy Sue Martinez stated that she could not tell him without a copy of the RFP; however, it would be smart to split the contract in the interest of progressing.

Mayor Pro-Tem Valdez stated that they had acquired the easements up to the pavement on Calle Gallegos; however, there was not monies to complete that project or the Pacheco Lane project just yet. Councilor Peggy Sue Martinez asked why they were doing design for projects that funds were not in place for yet. P&Z Director Naranjo replied that there was EPA funding out there.

Councilor Peggy Sue Martinez expressed the belief that the Wastewater Treatment Plant needed to be the priority as during the recent rains, the sludge became wet and caused a smell all the way to her home.

Mayor Lucero asked City Attorney Coppler whether or not it was legal to award the contract to two (2) companies. City Attorney Coppler stated that they could award it to different forms and designate someone in the administration to call on the firm that was best suited to do the work under the contract.

Mayor Pro-Tem Valdez stated that if the contracts were split, it would cause confusion and delays on projects. Mayor Lucero agreed with Councilor Sue Martinez that it may help for the engineers to work on different projects simultaneously.

Councilor Radosevich stated that he thought the purpose of the RFP process was to find the best company for the job. Mayor Lucero stated that they were close in score.

Motion withdrawn by Mayor Pro-Tem Valdez; second withdrawn by Councilor Radosevich.

Motion by Mayor Pro-Tem Valdez to award the RFP to Wilson & Co. and Souder, Miller & Associates; seconded by Councilor Peggy Sue Martinez.

Councilor Ortiz asked what staff's perspective was on the idea to utilize two (2) firms. P & Z Director replied that it did create a little bit of confusion as there were already plans created by one (1) firm. He stated that it was not defined as how they would be divided up as he had not worked like this in the past.

Councilor Ortiz asked if the committee that evaluated the RFP included project coordinators from the respective departments and if there was a standout reason that separated the two (2) companies. P & Z Director Naranjo replied in the affirmative and explained that the RFP had very technical verbiage and the proposal submitted by Wilson & Co. was just more detailed in their responses and cited that example that Wilson & Co. presented a percentage of time allotment that each of their employees would be able to devote to City of Española projects.

Councilor Radosevich asked how many staff members worked on this and the amount of time they worked on it. P & Z Director Naranjo stated that there were five (5) staff members that worked the better part of a day on it. Councilor Radosevich expressed the belief that he did not agree with having five (5) Department Heads waste their entire day so that the Council could go in and micromanage their decision.

Councilor Hernandez stated that the suggestion for multiple awards was a good suggestion under the right circumstances; however, with contracting it was desirable to inform the bidders that multiple proposals would be selected. He stated that this would give the contractor the right to determine whether the project was worth bidding on.

Councilor Peggy Sue Martinez stated that she would agree to go with the consensus on the issue.

Motion failed 1-5, with Mayor Pro-Tem Valdez, Councilor Ortiz, Councilor Michelle R. Martinez, Councilor Hernandez and Councilor Radosevich voting in the negative.

Motion by Councilor Radosevich to approve Wilson & Co. as the engineer of record; seconded by Councilor Ortiz.

Councilor Hernandez verified that Wilson & Co. was fully capable of meeting the requirements. P & Z Director Naranjo replied in the affirmative.

Councilor Peggy Sue Martinez stated that if the RFP were included, it would eliminate the large discussion during City Council meetings. She stated that next time it should be in the packets or she would table the item.

Motion carried 6-0.

20. Approval of Interlocal Byrne Justice Grant with Rio Arriba County

Motion by Councilor Peggy Sue Martinez to approve Interlocal Byrne Justice Grant with Rio Arriba County; seconded by Councilor Radosevich.

Motion carried 6-0.

21. Approval of Sandoval County Detention Contract

Motion by Councilor Radosevich to approve the Sandoval County Detention Contract; seconded by Mayor Pro-Tem Valdez.

Director of Public Safety Richard Gallegos stated that the item had been taken before the Public Safety committee. He explained that there was an agreement for \$70 per day and City Attorney Coppler had approved it as to form.

Councilor Peggy Sue Martinez verified that there was a protocol set up within the department for the healthcare of prisoners. Director of Public Safety Gallegos replied in the affirmative.

Motion carried 6-0.

22. Selection New Mexico Municipal League Annual Conference Voting Delegate

Interim City Manager Mascareñas explained that a member of the Governing Body needed to be selected to attend the New Mexico Municipal League (NMML) Annual Business Meeting. She stated that they would be voting on President-Elect, Vice-President, a Treasurer and three (3) Directors-at-large. She stated that they

would also vote on the Annual Statement of Municipal Policy and the Conference Resolutions. Mayor Lucero added that the resolutions defined the legislative issues that the NMML would take on during the legislative session.

Motion by Councilor Peggy Sue Martinez to designate Councilor Ortiz as the New Mexico Municipal League Voting Delegate; seconded by Councilor Michelle R. Martinez.

Motion carried 6-0.

Motion by Councilor Hernandez to designate Mayor Pro-Tem Valdez as the New Mexico Municipal League Voting Delegate Alternate; seconded by Councilor Radosevich.

Motion carried 6-0.

L. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

Mayor Lucero stated that there was a need to enter into Executive Session.

Motion by Councilor Peggy Sue Martinez to enter in Executive Session for the purpose of discussing litigation pertaining to Santa Clara Pueblo and Personnel Matters; seconded by Councilor Michelle R. Martinez.

Roll Call Vote:

Mayor Pro-Tem:	Pedro Valdez	In Favor
Councilors:	John Hernandez	In Favor
	Peggy Sue Martinez	In Favor
	Adrianna Ortiz	In Favor
	Michelle R. Martinez	In Favor
	Eric S. Radosevich	Against

Motion carried 5-1, with Councilor Radosevich voting in the negative.

The meeting entered in Executive Session at 8:40pm.

Motion by Councilor Peggy Sue Martinez to exit Executive Session; seconded by Mayor Pro-Tem Valdez.

Roll Call Vote:

Mayor Pro-Tem:	Pedro Valdez	In Favor
Councilors:	John Hernandez	In Favor
	Peggy Sue Martinez	In Favor

Adrianna Ortiz In Favor
Michelle R. Martinez In Favor
Eric S. Radosevich In Favor

Motion carried 6-0.

The Governing Body exited Executive session at 9:12pm.

There was no action taken in Executive Session.

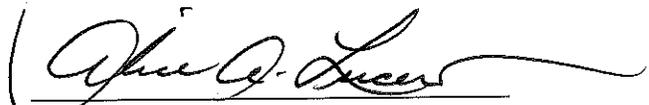
M. ADJOURNMENT

Motion by Councilor Peggy Sue Martinez to adjourn; seconded by Councilor Radosevich.

Motion carried 6-0.

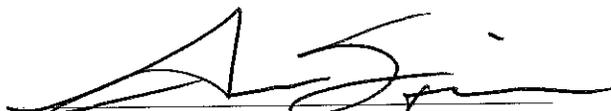
The meeting was adjourned at 9:13pm.

SIGNED, ADOPTED AND APPROVED THIS DAY OF



Alice A. Lucero, Mayor

ATTEST



Anna Squires, Deputy City Clerk

