



**CITY COUNCIL MEETING**  
MONDAY, DECEMBER 12, 2011 6:00 PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM

**A. CALL TO ORDER**

Mayor 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**

Councilor Kain-Salazar led the moment of meditation.

**D. ROLL CALL/ DETERMINATION OF QUORUM**

The following Governing Body members were in attendance:

Mayor: Alice A. Lucero  
Councilors: Greg Ortega  
Rosario "Chayo" Garcia  
Dennis Tim Salazar  
Helen Kain-Salazar  
Pedro Valdez

**E. APPROVAL OF AGENDA**

Mayor Lucero requested that a Councilor Comment section and the Public Comment Section be added to the agenda and presented the following agenda:

---Begin---



**AGENDA**  
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- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. MOMENT OF MEDITATION/ INVOCATION**
- D. ROLL CALL/ DETERMINATION OF QUORUM**
- E. APPROVAL OF AGENDA**
- F. COUNCILOR COMMENTS**
- G. PUBLIC COMMENTS**
- H. MATTERS FROM THE MAYOR**
  - 1. Employee of the Month- Jon Paul Gonzales
  - 2. Employee Retirements-
    - a. Isabelle Martinez

- b. Cindy Trujillo
  - c. Ernie Romero
- 3. Appointment of Additional Fiesta Council Members
- 4. Approval of Posadas on the Plaza
- I. PUBLIC HEARINGS**
- 5. **APPLICATION FOR TRANSFER OF LIQUOR LICENSE LOCATION-**  
Thunderbird Liquors, LLC, 2431 North Riverside Drive, Española, NM
- 6. **ORDINANCE 2011-07: AN ORDINANCE ESTABLISHING MUNICIPAL ELECTION DISTRICTS AND REPEALING ORDINANCE 2007-06**
- J. CONSENT AGENDA**
- 7. Approval of Minutes
  - a. November 28, 2011 City Council Workshop/Meeting Minutes
- K. REPORTS**
- 8. **Council Committees** (Public Safety, Public Works, Community Services, Finance)
- 9. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Regional Development Corporation)
- 10. **City Manager (Finance Report and Staff Reports)**
- L. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS**
- 11. Agreement between City of Española and WalMart of North America, d/b/a WalMart Store #2656, Espanola, NM for Black Friday
- 12. Agreement between City of Española and WalMart of North America, d/b/a WalMart Store #2656, Espanola, NM for Christmas Eve
- 13. Agreement with Española Public Schools for Election Day Facility Use
- 14. Resolution 2011-14: Election Resolution
- 15. Resolution 2011-15: DOT Project Extension
- 16. Pacheco Lane Phase 2 Approval
- 17. Resolution 2011-16: 2012 Holiday Schedule
- 18. Resolution 2011-17: Cooperative Agreement SP-5-12(163) Award Acceptance
- 19. Resolution 2011-18: Municipal Arterial Program Cooperative Agreement MAP-7639(902) Award Acceptance
- 20. DFA Resolution 2011-18: Teen Court Budget Adjustment Request
- 21. DFA Resolution 2011-19: E-911 Budget Adjustment Request
- M. EXECUTIVE SESSION**
- Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (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.
- N. ANNOUNCEMENTS**
- O. ADJOURNMENT**

The Governing Body may revise the order of the agenda items considered at this Open Meeting. If you are an individual with a disability who is in need of an amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 747-6019 at least three days prior to the meeting.

---End---

Mayor Lucero requested the addition of a Public and Councilor Comment section.

***Motion to approve Agenda as Amended by Councilor Ortega; seconded by Councilor Garcia.***

**Motion carried 5-0.**

**F. PUBLIC COMMENT**

**G. COUNCILOR COMMENT**

Councilor Valdez commented on the ongoing situation with the Department of Transportation regarding the median by Bank of America. He stated that he would like for DOT to ride with him so he could show them the problem area.

Councilor Garcia mentioned that the light parade had been a success. She stated that it had been difficult for her to judge.

Councilor Ortega commended the Streets Department. He stated that they had been out salting the roads to prepare for travel after the snow. He added that the City Roads are always clean and explained the difference.

#### **H. MATTERS FROM THE MAYOR**

##### **1. Employee of the Month- Jon Paul Gonzales**

Mr. Marvin Martinez nominated Jon Paul Gonzales. Mr. Martinez explained that Mr. Gonzales worked at the Wastewater Treatment Plant and had been employed with the City of Espanola for five (5) years. Mr. Gonzales began as a utility service worker and had become one of the most knowledgeable employees for the wastewater facility. Mr. Martinez read the nomination memo.

Mayor Lucero commended Mr. Gonzales on acquiring his Level 1 Certification and encouraged him to get his Level 2.

##### **2. Employee Retirements-** **a. Isabelle Martinez**

Mayor Lucero stated that Isabelle Martinez had been with the City for twenty-five (25) years and City Hall would not be the same without her. She went on to state that Ms. Martinez had been a dedicated and loyal employee whom she had had the pleasure of working with her for 12 years.

Mayor Lucero presented Ms. Martinez with a Certificate of Honor.

##### **b. Cindy Trujillo**

Mayor Lucero stated that Ms. Cindy Trujillo had been with the City for twenty seven (27) years in cashiering. Mayor Lucero stated that City Hall would not be the same without Ms. Trujillo either. Mayor expressed her appreciation for Ms. Trujillo's time and effort. Mayor Lucero mentioned that Ms. Trujillo looked the same as when she began.

Mayor Lucero presented Ms. Trujillo with a Certificate of Honor.

##### **c. Ernie Romero**

Mayor Lucero stated that Mr. Romero had been a police officer for twenty two (22) years and had spent four (4) years with the City of Espanola. She thanked him for putting himself in harm's way for the safety of the public.

Mayor Lucero presented Mr. Romero with a Certificate of Honor.

##### **3. Appointment of Additional Fiesta Council Members**

Mayor Lucero stated that Mr. Kelly Duran would be unable to serve as Vice-President and recommended the ratification of her appointment of Scott Smith.

*Motion by Councilor Ortega to ratify appointment; seconded by Councilor Valdez.*

*Motion carried 5-0.*

Fiesta Council President Judy Martinez read the 2011 schedule of events. She announced that the first fundraiser would take place on December 30<sup>th</sup> at the Santa Claran. She stated that there would be a live and silent auction. She stated that there was a miniature pinto horse for silent auction, as well as a 370 rifle. She added that they would participate in Las Posadas on December 21<sup>st</sup>.

Ms. Lujan reported that there were twenty two (22) committees already set up.

4. Approval of Posadas on the Plaza

Mayor Lucero announced that they were scheduled for December 21<sup>st</sup>.

*Motion by Councilor Ortega to approve Posadas on the Plaza; seconded by Councilor Valdez.*

*Motion carried 5-0.*

#### **I. PUBLIC HEARINGS**

5. **APPLICATION FOR TRANSFER OF LIQUOR LICENSE LOCATION-**  
Thunderbird Liquors, LLC, 2431 North Riverside Drive, Española, NM

Mayor Lucero stated that this application requested a transfer from the building in front to the building in back. She stated that it would be the same license issued to the same holder.

Councilor Garcia disclosed that her family owned a liquor license and asked the other council members if she could vote. They replied in the affirmative.

*Motion by Councilor Ortega to approve the application for transfer of liquor license; seconded by Councilor Salazar.*

Councilor Valdez clarified that he would be voting in the negative in the interest of health, safety, and morals.

#### **Roll Call:**

<b>Councilor Valdez</b>	<b>Not In Favor</b>
<b>Councilor Kain- Salazar</b>	<b>In Favor</b>
<b>Councilor Salazar</b>	<b>In Favor</b>
<b>Councilor Garcia</b>	<b>In Favor</b>
<b>Councilor Ortega</b>	<b>In Favor</b>

*Motion carried 4-1.*

6. **ORDINANCE 2011-07: AN ORDINANCE ESTABLISHING MUNICIPAL ELECTION DISTRICTS AND REPEALING ORDINANCE 2007-06**

Mayor Lucero reviewed the discussion that had taken place during the November 28, 2011 meeting. She explained that current districts had grown beyond the 5% deviation allowable by law. She stated that Option 1 had the least amount of change and would not impact current councilors and would be the least confusing to voters. She stated that there would be a small change in District 2 which was in Rio Arriba County and covered a small portion of N. McCurdy Road. In addition, District 4 would grow in the El Llano area.

Mayor Lucero stated that Option 2 would affect Mayor Pro-Tem Lujan's District. In addition, this Option made major changes to District 2 and 3.

Mayor Lucero stated that Option 3 had the most amount of change. Every district changes and most council members were affected.

Mayor Lucero opened the public hearing at 6:28 p.m and asked if there was any comment from the public.

Mr. Jeff Conower stated that he was the Student Body President at Northern New Mexico College. He explained that he would like to request that the college remain in one district. He stated that Option 1 was an improvement in that regard. However, he suggested moving District 1 down so that all of the college would be contained in District 2. Mayor Lucero stated that this could be considered in the future; however, the issue with redistricting was the fact that businesses were not considered. Rather, residences and population was what was taken into consideration.

Mayor Lucero asked two more times if there was anyone else from the public who would like to comment with no reply.

***Motion by Council Valdez to Ordinance 2011-07; seconded by Councilor Kain-Salazar.***

Councilor Ortega clarified that this approval did not go on the ballot, rather this was only for Municipal Election purposes. Councilor Garcia stated that this could affect who the public was eligible to vote for. She suggested that the listening audience (live and on KDCE) come in to City Hall and ensure who they can vote for and where their polling place is located.

Mayor Lucero stated there would be newspaper articles and presentations on the radio as well.

Councilor Valdez suggested that it be placed in the newsletter as well.

**Roll Call:**

<b>Councilor Valdez</b>	<b>Yes</b>
<b>Councilor Kain- Salazar</b>	<b>Yes</b>
<b>Councilor Salazar</b>	<b>Yes</b>
<b>Councilor Garcia</b>	<b>Yes</b>
<b>Councilor Ortega</b>	<b>Yes</b>

*Motion carried 5-0.*

**J. CONSENT AGENDA**

7. Approval of Minutes
  - a. November 28, 2011 City Council Workshop/Meeting Minutes

*Motion by Councilor Ortega to approve Consent Agenda; seconded by Councilor Valdez.*

*Motion carried 5-0.*

**K. REPORTS**

8. **Council Committees** (Public Safety, Public Works, Community Services, Finance)

Councilor Ortega stated that the Public Safety had canceled their meeting due to the snow storm the previous Monday. He stated that they would be reviewing a new wrecker policy.

Councilor Kain-Salazar stated that there was an action item relating to the progression of the Pacheco Lane project to Phase 2. She added that on Wednesday, December 14<sup>th</sup> there would be a meeting for those who wish to tie into city water.

9. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Regional Development Corporation)

No reports.

10. **City Manager (Finance Report and Staff Reports)**

Administrative Services Director Sandoval stated that the City of Española was currently in the positive approximately \$460, 723. She cautioned that although we were in the positive, our revenues were still less than the anticipated amount. The reason for the positive was the restriction of expenditures.

Mayor Lucero thanked the Department Heads. She stated that some had been creative in finding ways to generate revenue.

**L. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS**

11. Agreement between City of Española and WalMart of North America, d/b/a WalMart Store #2656, Espanola, NM for Black Friday

Chief Montoya stated that services had been provided to Wal-Mart by the Police Department in years prior; however, there had been no contract in place. He added that Wal-Mart had requested the same types of services for December 24<sup>th</sup> and this would serve as a deterrent to problems that they would be called in to handle anyway.

Mayor Lucero commended Mr. Coppler stating that this had already taken place, yet he was still making sure that an agreement was in place to protect the city. She explained that Wal-Mart would pay the hourly rate as well as benefits and related vehicle fees.

Councilor Garcia asked who would have liability if there were issues and expressed her disappointment that the contract approval request had come after the fact.

Councilor Ortega agreed with Councilor Garcia and stated that he felt it was unacceptable to contract as a security service with private businesses. He questioned what would happen when every business in town wanted to hire a security guard through the police department.

Mayor Lucero expressed her belief that the City should be reimbursed for the services already rendered. City Attorney Coppler stated that he was not in favor of or against the agreement; however, there should be agreement in place to get paid for Black Friday services. He commented that the agreement did bind Wal-Mart to defend and indemnify the city, agents, etc. He acknowledged the correctness of Councilor Garcia's comment with respect to health and safety issues stating that they would remain a City expense.

***Motion by Councilor Valdez to approve Agreement between City of Española and WalMart of North America, d/b/a WalMart Store #2656, Espanola, NM for Black Friday; seconded by Councilor Salazar.***

Councilor Garcia asked what the bidding would be for 2012 if this was approved. City Attorney Coppler stated that this would not bind the city for anything in the future.

Councilor Valdez stated that the officers were doing the work anyway, but at least the City would be getting paid for it.

***Motion carried 3-2, with Councilor Ortega and Councilor Garcia voting in the negative.***

12. Agreement between City of Española and WalMart of North America, d/b/a WalMart Store #2656, Espanola, NM for Christmas Eve

***Motion made by Councilor Valdez to approve Agreement between City of Española and WalMart of North America, d/b/a WalMart Store #2656, Espanola, NM for Christmas Eve to approve PV;***

***Motion failed due to the lack of a second.***

13. Agreement with Española Public Schools for Election Day Facility Use

City Clerk Mascareñas explained that this contract was for the use of the Fairview Elementary Library and would allow the City of Española to pay the Española Public Schools a \$200 fee. She added that during her discussion with Superintendent Evelyn Maruska, Ms. Maruska had stated that they would use the funds to pay a school employee to monitor the facility.

Councilor Ortega asked if this cost had been considered during the budget process. City Clerk Mascareñas replied in the affirmative and added that the same amount had been paid to Holy Cross for the same purpose in 2010.

***Motion by Councilor Salazar to approve the Agreement with the Española Public Schools for Election Day Use; seconded by Councilor Ortega.***

***Motion carried 5-0.***

14. Resolution 2011-14: Election Resolution

City Clerk Mascareñas stated that the approval of this resolution was required in order to hold the Regular Municipal Election in March and was required by state statute. She stated that this resolution defined the locations of polling places and consolidated precincts. She explained that this was much more cost-effective for the City and straightforward for the voters.

***Motion by Councilor Valdez to approve Resolution 2011-14; seconded by Councilor Ortega.***

***Motion carried 5-0.***

15. Resolution 2011-15: DOT Project Extension

Public Works Director Marvin Martinez stated that this extension was for an available grant.

***Motion by Councilor Valdez to approve Resolution 2011-15: DOT Project Extension; seconded by Councilor Kain-Salazar.***

Councilor Valdez asked if the City's portion was for North or South. Marvin replied that it was for North Pacheco Lane. Mayor Lucero asked that this be specified in the resolution.

***Motion carried 5-0.***

16. Pacheco Lane Phase 2 Approval

***Motion by Councilor Valdez to approve Pacheco Lane Phase 2; seconded by Councilor Salazar.***

Councilor Ortega stated he had gone out to Pacheco Lane and had discussed the issue with the City Manager. He asked if there were still residents unwilling to transfer property for the purpose of the improvements and if Phase 2 could begin without getting the agreements. Mayor Lucero stated that the contractor would present the proposal to the property owners.

***Motion carried 5-0.***

17. Resolution 2011-16: 2012 Holiday Schedule

City Clerk Mascareñas explained that this schedule allowed the same holidays as what had been granted in previous years.

***Motion by Councilor Salazar to approve Resolution 2011-16; seconded by Councilor Garcia.***

***Motion carried 5-0.***

18. Resolution 2011-17: Cooperative Agreement SP-5-12(163) Award Acceptance

Public Works Director Marvin Martinez stated that approval by resolution was necessary in order to accept the monies.

***Motion by Councilor Valdez to approve Resolution 2011-17; seconded by Councilor Ortega.***

Councilor Valdez stated that no location has been specified and asked if the money could be used for Pacheco Lane. Public Works Director Martinez clarified that a list had been presented and approved during the course of a prior City Council Meeting.

*Motion carried 5-0.*

19. Resolution 2011-18: Municipal Arterial Program Cooperative Agreement MAP-7639(902) Award Acceptance

*Motion by Councilor Valdez to approve Resolution 2011-18: Municipal Arterial Program Cooperative Agreement MAP-7639(902) Award Acceptance; seconded by Councilor Kain-Salazar.*

Councilor Valdez asked if this was one of the places that would include drainage to 285. Public Works Director Martinez stated that it was included; however, the award would probably only be enough to pay for the resurface to Salazar Street.

*Motion carried 5-0.*

20. DFA Resolution 2011-18: Teen Court Budget Adjustment Request

*Motion by Councilor Valdez to approve DFA Resolution 2011-18: Teen Court Budget Adjustment Request; seconded by Councilor Ortega.*

*Motion carried 5-0.*

21. DFA Resolution 2011-19: E-911 Budget Adjustment Request

*Motion by Councilor Valdez to approve DFA Resolution 2011-19: E-911 Budget Adjustment Request; seconded by Councilor Ortega.*

*Motion carried 5-0.*

#### **M. EXECUTIVE SESSION**

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (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.

There was no need to go into Executive Session.

#### **N. ANNOUNCEMENTS**

#### **O. ADJOURNMENT**

*Motion by Councilor Valdez to adjourn meeting; seconded by Councilor Ortega.*

*Motion carried 5-0.*

*Meeting adjourned at approximately 7:21 p.m.*

*Minutes taken and transcribed by Tessa Jo Mascareñas, City Clerk.*

APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

*Alice A. Lucero*  
Alice A. Lucero, Mayor

ATTEST:  
*Tessa Jo Mascarenas*  
Tessa Jo Mascarenas  
City Clerk

The seal of the City of San Antonio, Texas, is circular. It features a central shield with a five-pointed star. The words "SAN ANTONIO" are written in a semi-circle above the shield, and "TEXAS" is written below it. The outer border of the seal contains the text "CITY OF SAN ANTONIO TEXAS".