

**CITY COUNCIL MEETING
JANUARY 12TH, 2016, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM**

A. CALL TO ORDER

The meeting was called to order at 6:03 pm by Mayor Alice A. Lucero

B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/ INVOCATION

Mayor Alice A. Lucero led the Pledge of Allegiance. Councilor Adrianna Ortiz led the moment of Meditation/Invocation

C. ROLL CALL/ DETERMINATION OF QUORUM

The following in Attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Pedro Valdez
Councilors:	John Hernandez
	Peggy Sue Martinez
	Adrianna Ortiz
	Dennis Tim Salazar
	Michelle R. Martinez
	Cory Lewis

City Manager Kelly Duran- *residing*
City Attorney Frank Coppler- *residing*
City Clerk Anna Squires- *residing*
Deputy City Clerk Jeanne Bustos- *residing*

D. APPROVAL OF AGENDA

Agenda as Presented:

--Begin--

A. CALL TO ORDER**B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/ INVOCATION****C. ROLL CALL/ DETERMINATION OF QUORUM****D. APPROVAL OF AGENDA****E. PUBLIC COMMENTS**

PLEASE SIGN IN: *Print First Name and Last, including Affiliation and/or Address if Applicable. Please Keep Comments to a five (5) Minute Time Frame. Public Comment Log Sheet Located upon South East Entry near the City Clerk. Thank You.*

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS**G. MATTERS FROM THE MAYOR**

1. Proclamation Honoring the Hispano Music Awards 25th Anniversary
2. Certificate of Recognition former City Councilor Tania Sanchez
3. Certificate of Appreciation Downtown Action Team (D.A.T.E.)

H. CONSENT AGENDA

4. 11-10-15 Finance Board Meeting Minutes
5. 11-24-15 City Council Meeting Minutes

I. MATTERS FROM THE CITY MANAGER

6. Introduction of New Employees – *City Manager Kelly Duran*

J. MATTERS FROM THE CITY CLERK

7. 2016 Municipal Election Updates - *City Clerk Anna Squires*

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

8. **Consideration of Resolution 2016-01;** A Resolution Supporting the Efforts of Northern New Mexicans Protecting Land, Water and Rights to Defend Public Right of Way, Public Easements, (Highways, Roads, Streets) In, On and

Across Tribal Territory; recognizing tribal sovereignty does not carry with it any right to extract or force payment of money as a condition of exercise of basic human rights such as the right of travel and rights of ownership, use and enjoyment of private property; calling on the Congress of the United States to act immediately to settle the questions of the right of all to access their property within the public access to their private property without Native American Governments closing off public access by vehicle or service by public utility; declaring that forcing payment for exercise of these fundamental human rights is no more to be tolerated than monetary conditions on exercise of other freedoms such as the right to vote, to speak freely or to petition government; calling on Santa Fe and Rio Arriba Counties to support Española in its efforts to provide unhindered water/wastewater service; and thanking Santa Fe County for taking a stand on the issue of freedom of access to property. -*City Attorney Frank Coppler*

9. Consideration of RFP 2015-003 Municipal Attorney Services for City of Española & Municipal Prosecutor Services for City of Española - Administrative Services Director Joyce Sandoval

10. Consideration of RFP 2015-002 Professional Engineering Services for City of Española-City Manager Kelly Duran

11. Consideration of City of Española, Lucero Center Fee Adjustments -Community Services Director Mark Trujillo

L. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION -City Attorney Frank Coppler

A.) Discussion of a Personnel Matter Involving an Individual City Employee

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

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--

Councilor Peggy Sue Martinez stated that she would like to move Item H. No. 4 Finance Board Meeting Minutes of 11-24-15 out of Consent Agenda to be further discussed before Item K.

Motion by Councilor Cory Lewis to approve the agenda as amended; 2nd by Councilor Adrianna Ortiz

Motion Carried 7-0

E. PUBLIC COMMENTS

Michael "Spanky" Martinez stated the daily vendor fee prescribed by the City Planning and Land Use Department has become more expensive. Mr. Martinez stated that he would like to see the Governing Body as well as the City as a whole do more to help the local vendors and find a solution to do so.

Mayor Lucero directed CM Kelly Duran to review, develop and inform the Governing Body of a collaborative solution to assist the local vendors. CM Kelly Duran concurred to help resolve the matter collaboratively.

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Councilor Peggy Sue Martinez thanked the Downtown Action Team for the success of the Christmas Light Parade. She further stated that the lighting of the luminarias during the holidays was beautiful and enjoyed by many. Councilor Peggy Sue Martinez expressed gratitude toward Casey Gallegos of KDCE Radio for providing 30 (thirty) local musician music CD's for the tree auction. She also thanked City Attorney(s) Frank Coppler and A.J. Salazar for also helping sponsor the tree auction. She expressed final gratitude towards Community Services Director Mark Trujillo and staff for all the hard work.

Councilor Cory Lewis expressed gratitude toward City Clerk Anna Squires for painting the City Hall entrance lobby off hours. He stated that the lobby was looking more updated and professional.

Councilor Adrianna Ortiz announced that voter's registration for the 2016 Municipal Election closed on February 2, 2016 at both Rio Arriba and Santa Fe County Clerks Offices. She further announced that the public could also use the website; www.voterview.state.nm.us, to register to vote.

Mayor Lucero commended Desert Sun of Española for the Big Givers Program, also for bringing the community together by handing out gifts to those in need. She further stated that she would be recognizing Desert Sun at the upcoming Council Meeting presenting a *Friend of the City Award* on behalf of the Governing Body.

G. MATTERS FROM THE MAYOR

1. Proclamation Honoring the Hispano Music Awards 25th Anniversary

Councilor Adrianna Ortiz read the proclamation honoring the 25th Anniversary of the Hispano Music Awards. Casey Gallegos of KDCE radio received the Proclamation on behalf of the Hispano Music Awards.

2. Certificate of Recognition former City Councilor Tania Sanchez

Mayor Alice A. Lucero recognized former District 3 City Councilor Tania Sanchez. She applauded her wisdom and her vision for the City. Mayor Lucero presented a Certificate of Recognition to former City Councilor Tania Sanchez. The Governing Body expressed sincere gratitude towards former Councilor Tania Sanchez and recognized all the hard work she had accomplished while in office. Former District 3 City Councilor Tania Sanchez stated that it was a privilege and pleasure serving her community in the capacity of City Councilor.

3. Certificate of Appreciation Downtown Action Team (D.A.T.E.)

Mayor Lucero recognized the Downtown Action Team Española for the hard work in the preparation of the Christmas Light Parade citing a job well done and another successful year. The Certificate of Appreciation was accepted by Downtown Action Team (D.A.T.E.) President Oliva Martinez and other members; Christine "Tinnie" Bustos and Arsenio Martinez.

Christine "Tinnie" Bustos Española stated that the theme for next year's Christmas Light Parade would be entitled: Christmas on the Plaza and would be scheduled tentatively on December 10, 2016.

H. CONSENT AGENDA

4. ~~11-10-15 Finance Board Meeting Minutes~~

(item moved from Consent Agenda and placed before item K.)

5. 11-24-15 City Council Meeting Minutes

Motion to approve City Council Meeting Minutes 11-24-15 on the Consent Agenda by Councilor Adrianna Ortiz; 2nd by Councilor Michelle R. Martinez

Motion Carried 7-0

I. MATTERS FROM THE CITY MANAGER

6. Introduction of New Employees – City Manager Kelly Duran

CM Kelly Duran welcomed and recognized Gilbert Nathan Romero who was now a certified pool officer and lifeguard with the Lucero Center. He then welcomed and recognized Yvonne Patterson who was now the Executive Assistant for the Water Department. He further thanked the General Services Department, under the direction of GSD Juanito Maez, conducted work on a daily basis and also

managed to accommodate several projects throughout the city.

J. MATTERS FROM THE CITY CLERK

7. 2016 Municipal Election Updates - City Clerk Anna Squires

City Clerk Anna Squires stated there were no Write-In-Candidates who filed. She further announced the following certified candidates running for Municipal office; Municipal Court Judge-Stephen S. Salazar, unopposed, District 1 Councilor, Dennis Tim Salazar and Joe T. Duran, District 2 Councilor, Peggy Sue Martinez and Richard R. Martinez, District 3 Councilor, Kenneth T. Borrego, Manuel J. Martinez and Christine V. Salazar, District 4 Councilor, Cory J. Lewis and Robert J. Seeds.

City Clerk Anna Squires stated that J.R. Trujillo had withdrawn from running for District 1 Councilor. City Clerk Squires further stated that she contracted an elections consultant, citing that it had been common practice by the City Clerk to contract someone who was not an employee of the Municipality. City Clerk Squires further stated that Mrs. Kelli Romero, formally City Clerk for the City of Albuquerque and Bureau of Elections Director for Secretary of State Office would be the contractor chosen to assist with the 2016 Municipal Election early and absentee voting process.

4. 11-10-15 Finance Board Meeting Minutes

(item moved from Consent Agenda and placed before item K.)

Councilor Peggy Sue Martinez stated she did not vote for the Lucero Center Roof, H-Vac, Electrical and Painting in the amount of \$300, 00.00 dollars, transferring funds from prior year cash in the amount of \$300,000.00 dollars and restricting funds for the use of mentioned improvements. She further cited that the motion carried as a vote of 7-0 and could have reflected as 6-1 citing her vote in the negative.

Councilor Peggy Sue Martinez also cited that no language was included voicing her concerns of acquiring an engineer's report and any type of estimate or real cost of what the project would cost.

City Clerk Anna Squires stated that she would correct all votes to reflect accurately and include her recollection of discussion to the 11-10-15 Finance Board Meeting Minutes. Councilor Peggy Sue Martinez thanked City Clerk Squires and staff for providing Meeting Minutes in a timely manner.

Motion to approve the 11-10-15 Finance Board Meeting Minutes with all requested edits and additional language made by Councilor Peggy Sue Martinez; 2nd by Councilor Adrianna Ortiz.

Motion Carried 7-0

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

8. Consideration of Resolution 2016-01; A Resolution Supporting the Efforts of Northern New Mexicans Protecting Land, Water and Rights to Defend Public Right of Way, Public Easements, (Highways, Roads, Streets) In, On and Across Tribal Territory; recognizing tribal sovereignty does not carry with it any right to extract or force payment of money as a condition of exercise of basic human rights such as the right of travel and rights of ownership, use and enjoyment of private property; calling on the Congress of the United States to act immediately to settle the questions of the right of all to access their property within the public access to their private property without Native American Governments closing off public access by vehicle or service by public utility; declaring that forcing payment for exercise of these fundamental human rights is no more to be tolerated than monetary conditions on exercise of other freedoms such as the right to vote, to speak freely or to petition

government; calling on Santa Fe and Rio Arriba Counties to support Española in its efforts to provide unhindered water/wastewater service; and thanking Santa Fe County for taking a stand on the issue of freedom of access to property. -*City Attorney Frank Coppler*

City Attorney Frank Coppler stated that in 2013, a number of attempts to negotiate with the tribe had failed with respect to water, sewer lines, public road, streets and highways, culminated in a notice an Order to show cause issued against the city, ordering us to show cause why we should not have to move water and sewer lines out of the public roads and streets across from Native American territory or pay or negotiate the payment acceptable to the tribes of the location of those water and sewer lines.

City Attorney Frank Coppler explained that the city's attempt to do but was not able to. He further explained that the City of Española had responded to the notice with a lengthy legal statement and a brief response to file the notice. City Attorney F. Coppler stated that since 2013 the city with respect to the order to show cause had not heard anything.

City Attorney Frank Coppler also stated that Santa Fe County had also received an order to show cause as to why it should be required to discontinue use of County Roads inside Native American territory unless Santa Fe County paid fees required by the Tribes for such use in Tribal territory. City Attorney Coppler explained that Santa Fe County responded by stating they were going to defund a portion of the settlement involving the attempt to settle all of the water rights with the residence in the Pojoaque area.

City Attorney Frank Coppler explained that Northern New Mexico Protects was an organization that was formed by a group of citizens to raise awareness of the issues and demands of the Federal Government stronghold pertaining to Tribal Lands. He also stated that in terms of public access to private property, access to private property and public utilities, commission meetings, State Legislature meetings and City Council Meeting had met to discuss the issues. All organization concerned are raising awareness of the tribes denying people opportunity to access County Roads. City Attorney Frank Coppler stated that the BIA had taken the position denying access of public roads within Tribal territory with respect to utilities being placed within public roads in tribal territory.

Motion by Mayor Pro-Tem Pedro Valdez to approve Resolution 2016-01; 2nd by Councilor John Hernandez

Mayor Pro-Tem Pedro Valdez stated that if Congress supported the resolution and effort, Congress should have no reservations. He also stated that all roads allowing for utility infrastructure and growth should be deemed public. City Attorney Frank Coppler stated that Congress should help solve the problem.

Councilor Peggy Sue Martinez questioned City Attorney Frank Coppler what the city's plan was after adopting Resolution 2016-01. City Attorney Coppler responded stating that Mayor Lucero on behalf of the Governing Body should write a letter to Congress requesting change.

Councilor Adrianna Ortiz requested that the Governing Body be kept in the loop of the process as it developed.

Councilor Dennis Tim Salazar out at 7:13 pm; in at 7:15 pm
Councilor Peggy Sue Martinez out at 7:13 pm; in at 7:14 pm

Northern New Mexicans Protecting Land, Water and Rights Executive Vice President Heather Nordquist stated her name, title and organizations for the record and explained that she was in favor of Resolution 2016-01. She further stated that she and her counter parts appreciated the City of Española as efforts to assist with the matter as it effected the area similarly. She stated that public roads should be public and remain public no matter who buys, sells, etc., not private. Ms. Heather Nordquist stated that a court hearing scheduled on January 28, 2016 at 1:30 pm at the Albuquerque Court House would be heard. She further acknowledged Northern New Mexicans Protecting Land, Water and Rights members present within Council Chambers; Joe Romero, Gene Fresquez, and Ricky Blea.

Councilor Peggy Sue Martinez requested a roll call vote.

Roll Call Vote:

<i>Mayor Pro-Tem:</i>	<i>Pedro Valdez</i>	<i>in Favor</i>
<i>Councilors:</i>	<i>Cory Lewis</i>	<i>in Favor</i>
	<i>Dennis Tim Salazar</i>	<i>in Favor</i>
	<i>Adrianna Ortiz</i>	<i>in Favor</i>
	<i>Peggy Sue Martinez</i>	<i>in Favor</i>
	<i>John Hernandez</i>	<i>in Favor</i>

Motion Carried 6-0

Councilor Michelle R. Martinez Out at 7:21pm due to a family emergency

9. Consideration of RFP 2015-003 Municipal Attorney Services for City of Española & Municipal Prosecutor Services for City of Española - Administrative Services Director Joyce Sandoval

Administrative Services Director Joyce Sandoval presented the results of RFP 2015-003, Municipal Attorney Services for the City of Española and Municipal Prosecutor Services to the Governing Body. ASD Sandoval stated the City received one (1) proposal for each of the services mentioned. She further stated that the Coppler Law Firm had submitted all the requested documents for the Municipal Attorney Services and Municipal Prosecutor Services RFP. She explained that the submittal(s) were evaluated requirements met. She then explained that the Coppler Law Firm was scored at 97.4. ASD Sandoval then recommended that the Coppler Law Firm be retained for the Municipal Attorney Services and Municipal Prosecutor Services for the City of Española.

Mayor Lucero stated the Municipal Attorney and Municipal Prosecutor position(s) were also subject to appointed and ratification. She stated that hired attorney did not work on premise. Mayor Lucero stated the reason for the RFP was to try and save the City money.

Motion by Mayor Pro-Tem Pedro Valdez to approve RFP 2015-003 Municipal Attorney Service for City of Española & Municipal Prosecutor Services for City of Española; 2nd by Councilor Cory Lewis

Motion Carried 6-0

10. Consideration of RFP 2015-002 Professional Engineering Services for City of Española -City Manager Kelly Duran

Motion by Mayor Pro-Tem Pedro Valdez to approve RFP 2015-002 Professional Engineering Services to Sullivan Design Group and Souder Miller & Associates for the City of Española; 2nd by Councilor Cory Lewis

Mayor Pro-Tem Pedro Valdez stated he wanted to discuss the 10% or 25 point scoring advantage for Veterans Preference. CM Duran explained that the 10% awarded to Sullivan Design Group for their Veterans Preference was the reasoning for the additional 10% percent accumulating to the score of to 101.2.

Mayor Lucero stated that the recommendation was for two (2) engineers of record and both Sullivan Design Group and Souder Miller & Associates were equally recommended.

CM Kelly Duran stated the city issued an RFP with on call for engineer's service and we received six (6) bid packets for the City RFP process. CM Kelly Duran also stated that Procurement Officer Georg-Ann Salazar led and moderated the process, concluded the recommendation in a written statement recommended Sullivan Design Group and Souder Miller & Associates be the on call Engineers of Record.

Councilor Peggy Sue Martinez stated that she had previously requested that a scope of work be attached to the RFP paperwork for Councils review within the City Council Agenda packet. She questioned what that the determined cost would be before contracting these companies. CM Duran stated that there would be no way of calculating the cost because it was task order driven. He further stated that anything over \$25,000.00 dollars and above would be brought to the Governing Body for approval.

Councilor John Hernandez stated he was concerned about the cost of the task order. CM Duran stated the State of NM had a pricing list and the City followed the Professional Services Agreement regulated by the state. He further stated that the City could not charge an amount that was not already approved by the state.

Councilor John Hernandez stated the contractors should go by the scope of work and not increase more work to their task order. He further cited concerns of obtaining two (2) engineers of record, knowing that their services are only as needed. He further stated that he was not questioning the need of two (2) engineers and was moreover in support of having Engineers of Record in place.

Councilor Peggy Sue Martinez stated she needed clarification on the 10%, she questioned ASD Joyce Sandoval of the RFP language pertaining to the matter.

CM Kelly Duran stated that questions pertaining to the RFP process and language should have been brought to his attention or the attention of ASD Joyce Sandoval prior to the meeting to avoid scrutiny.

Councilor Cory Lewis called for a Point of Order at 7:32 pm. He asked that ASD Joyce Sandoval or City Manager Kelly Duran address the question on the floor by Councilor Peggy Sue Martinez.

Councilor Lewis stated that he had concerns similar concerns as Councilor Peggy Sue Martinez as missing materials such as the RFP language within the Agenda Packet were not received by Council for adequate review. He further stated that he understood the responsibility was not solely that of the City Clerks as she can only provide what is provided to her.

CM Kelly Duran stated that he took full responsibility and would make more time to meet with Council to discuss any issues that they may have prior to the meeting. He further stated that all materials including letter of recommendation, RFP language, advertisement(s), bid packets and score sheets would be provided by Procurement Officer Georg-Ann Salazar and submitted to the City Clerk for Council Packet materials for adequate review by the Governing Body.

Motion Carried 5-1

Councilor Peggy Sue Martinez voting in the negative

11. Consideration of City of Española, Lucero Center Fee Adjustments

–Community Services Director Mark Trujillo

Community Services Director Mark Trujillo proposed the new rates for the Lucero Center at \$30.00 per month new membership for the weight room use only, \$25.00 per month for gym/weight room, and \$3.25 per day for the use of the weight room only.

Councilor Adrianna Ortiz asked CSD Trujillo when the fees, if adopted, would be in effect, CSD Trujillo stated that “if” approved, the new rates would be in effect immediately.

Councilor Cory Lewis cited that the Española Hospital gym and pool facilities were inclusively \$30.00 per month.

Motion by Councilor Adrianna Ortiz to approve Consideration of City of Española, Lucero Center Fee Adjustments (schedule B rates); 2nd by Councilor Peggy Sue Martinez

Motion Carried 6-0

L. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION –*City Attorney Frank Coppler*

A.) Discussion of a Personnel Matter Involving an Individual City Employee 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.

Motion to enter into Executive Session made by Mayor Pro-Tem Pedro Valdez; 2nd by Councilor Adrianna Ortiz

Roll Call Vote:

Mayor Pro-Tem:	Pedro Valdez	in favor
Councilors	Cory Lewis	in favor
	Dennis Tim Salazar	in favor
	Adrianna Ortiz	in favor
	Peggy Sue Martinez	not in favor
	John Hernandez	in favor

Motion Carried 5-1

The Governing Body entered into Executive Session at 8:10 pm

Councilor Peggy Sue Martinez made a motion to come out of Executive Session, 2nd by Councilor Adrianna Ortiz

Roll Call Vote:

Mayor Pro-Tem:	<i>Pedro Valdez</i>	<i>in favor</i>
Councilors	<i>Cory Lewis</i>	<i>in favor</i>
	<i>Dennis Tim Salazar</i>	<i>in favor</i>
	<i>Adrianna Ortiz</i>	<i>in favor</i>
	<i>Peggy Sue Martinez</i>	<i>in favor</i>
	<i>John Hernandez</i>	<i>in favor</i>

Motion Carried 6-0

The Governing Body came out of Executive Session at 9:58 pm.

Mayor Alice A. Lucero stated that in accordance with the New Mexico Open Meetings Act Section 10-15-1 (H) (7) NMSA 1978, Discussion of Involving an Individual City Employee 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, there was no action taken in Executive Session, only discussion.

M. 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

Motion to Adjourn made by Councilor Cory Lewis and 2nd by Councilor Peggy Sue Martinez

Motion Carried 6-0

Meeting adjourned at 10:00 pm

ADOPTED AND APPROVED by the Governing Body of the City of Española this 9th day of February 2016.



Alice Alarid Lucero, Mayor, City of Española

ATTEST:


Anna Squires, City Clerk

