



CITY COUNCIL MEETING  
NOVEMBER 13, 2012, 6PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM

**A. CALL TO ORDER**

Mayor Lucero called the meeting to order at 6:02pm.

**B. PLEDGE OF ALLEGIANCE**

Mayor Lucero led the Pledge of Allegiance.

**C. MOMENT OF MEDITATION/ INVOCATION**

Councilor 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:    | Robert Seeds       |
|                | Pedro Valdez       |
|                | Peggy Sue Martinez |
|                | Cory Lewis         |
|                | Eric Radosevich    |
|                | Elaine Herrera     |

**E. APPROVAL OF AGENDA**

Mayor Pro-Tem Salazar requested that item #15 be discussed following Executive Session. Councilor Valdez expressed his belief that the item dealt with personnel and should be discussed during Executive Session. City Attorney Coppler explained that he believed that Mayor Pro-Tem Salazar wished to discuss the matter during Executive Session. He stated that the Council could go into Executive Session at that time. Mayor Pro-Tem Salazar stated that he would go along with whatever worked best.

Councilor Seeds asked New Mexico Municipal League General Counsel Randy Van Vleck how long his presentation would last and suggested a special work session. Mr. Van Vleck stated that his presentation lasted between 2 to 6 hours. Mayor Lucero stated that she had understood that it would take 15-20 minutes.

Councilor Seeds requested that the item be removed from the agenda. Mayor Lucero stated that they would have a special meeting for this purpose. Councilor Lewis thanked Mr. Van Vleck. He stated that he had called the New Mexico Municipal League many times for information.

*Motion by Councilor Valdez to approve the agenda as amended; seconded by Councilor Martinez.*

Mayor Lucero requested that Item #11 be moved under Matters from the Mayor because there was a gentleman from Deming in attendance that had flown into the Española airport. She also requested that Item #14 be deleted from the agenda as the people concerned could not be present.

*Motion carried 6-0.*

#### **F. PUBLIC COMMENTS**

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

#### **G. COUNCILOR COMMENTS**

Councilor Valdez stated that there would be a Toy Run on Saturday November 17<sup>th</sup> at noon.

Councilor Seeds stated that a bonus for employees had been discussed and he would hope that it would be brought before them.

Councilor Martinez announced that there would be an informational meeting concerning the extension of dates for individuals making a claim regarding LANL associated illnesses. She stated that meeting was set for 2pm on December 4<sup>th</sup> at the Ohkay Owingeh Convention Center.

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

##### **1. Announcement of City Councilor Resignation**

Mayor Lucero stated that she would like to make an announcement. She explained that Councilor Cecilia Lujan had taken out an ad in the previous week's newspaper announcing that she would be resigning from the City Council. Mayor Lucero read the letter of resignation.

Mayor Lucero stated that the resignation of Councilor Lujan left a big void in the City Council. She explained that Councilor Lujan had been very active regarding Public Safety and instrumental in getting flashing lights in school zones. She added that Councilor Lujan had been very involved with finance and had worked to get the Adopt-a-Median program back on track. Mayor Lucero stated that the public appreciated the many years of service to the City of Española. She announced that she would appoint a replacement and requested that any interested parties contact her. She explained that the individual must reside in District 3 and be registered to vote.

##### **2. Proclamation for the McCurdy High School Football Team**

Mayor Lucero thanked the team and parents for being in attendance. She invited the public to attend a pep rally that Friday and announced that the State Semi-finals game would take place on Saturday, November 17<sup>th</sup> at 1pm.

Mayor Lucero read proclamation.

##### **3. Appointments**

###### **a. Police Chief/Director of Public Safety Selection Committee (action item)**

Mayor Lucero stated that interviews would be held within the next couple of weeks. She stated that Councilor Herrera remained on the committee and she would like to appoint Councilor Lewis and Councilor Martinez. She explained that Mayor Pro-Tem Salazar and Councilor Radosevich had asked to be replaced.

Mayor Pro-Tem Salazar stated that he was fine with the appointment and explained that he did not specifically step down from the committee. He stated that Fridays were his busiest days at work and he would be unable to attend interviews as scheduled.

***Motion by Mayor Pro-Tem Salazar to approve the recommendation; seconded by Councilor Valdez.***

Mayor Lucero stated that it may be possible for the entire council to participate in interviews for the final two (2) candidates. Councilor Martinez stated that she would be in agreement as she believed it was important that they all be involved.

Councilor Seeds asked City Attorney Coppler if that would be possible. City Attorney Coppler stated that he did not believe that there would be an issue as long as notice of the meeting was published and there was an agenda. He suggested that it be done in Executive Session.

Mayor Lucero stated that if it were permitted by the Open Meetings Act, initial interviews would be conducted and the entire Council would sit in on second interviews.

***Motion carried 6-0.***

b. Committee Appointments (action item)

Mayor Lucero stated that she would like to make an appointment in light of the resignation of Councilor Lujan. She stated that the Finance Committee was too important to leave without a Councilor. She stated that she would like to appoint Councilor Herrera. She stated that her appointment to Finance would leave a vacancy on the Community Services Committee.

***Motion by Councilor Valdez to ratify the appointment; seconded by Councilor Lewis.***

Councilor Seeds stated that it had been discussed that the Council would form a committee that all the Council members would be on since they were all responsible. He stated that nothing had been done on that. Mayor Lucero replied that there were Finance Board meetings at least quarterly. She stated that smaller issues would go through the Finance Committee. Councilor Seeds stated that he did not believe that any financial question was a small item.

Councilor Valdez stated that he disagreed with Councilor Seeds and he would like to reduce the amount of Councilors on the committee because there was often no quorum present. He explained that there had been times where he was alone with only one other Councilor so the meeting had to be held for informational purposes. He stated that he was disappointed that Councilors were not showing up to Finance Committee or Public Works Committee Meetings.

Councilor Martinez stated that she appeared at each and every committee meeting that she had and she sat on the Public Safety and Community Services Committee. She stated that she was present at Finance Committee meetings and Public Works Committee meetings as a spectator.

Councilor Seeds stated that he would like to direct staff to place the creation of a finance board consisting of the full Governing Body and eliminating the Finance Committee on the agenda. Mayor Lucero stated that by state law the Council was the Finance Board. Councilor Seeds stated that to get a handle on the finances, the Council needed to oversee all finances.

Councilor Valdez invited everyone to the next Finance Committee Meeting for discussion on the issue. He stated that they could make recommendations to the full Council.

Mayor Pro-Tem Salazar asked what the status of the Public Works Committee was. Mayor Lucero stated that she would leave it vacant.

**Roll Call Vote:**

|                       |                           |                 |
|-----------------------|---------------------------|-----------------|
| <b>Mayor Pro-Tem:</b> | <b>Dennis Tim Salazar</b> | <b>In Favor</b> |
| <b>Councilors:</b>    | <b>Robert Seeds</b>       | <b>Against</b>  |
|                       | <b>Pedro Valdez</b>       | <b>In Favor</b> |
|                       | <b>Peggy Sue Martinez</b> | <b>Against</b>  |
|                       | <b>Cory Lewis</b>         | <b>In Favor</b> |
|                       | <b>Elaine Herrera</b>     | <b>In Favor</b> |

***Motion carried 4-2.***

4. Presentation of Employee of the Month- Sherri Aragon

Mayor Lucero stated that this item would be moved to next Council meeting.

Mayor Lucero announced that the City of Española had received an award at the New Mexico Infrastructure Conference. She explained that it was a very prestigious award and thanked Public Works Director Martinez for his hard work.

***Resolution 2012-14: Declaring Natural Gas Pumps as Surplus and transferring to the City of Deming***

Public Works Director Martinez introduced Deming Project Manager Wes Hooper. He explained that they were requesting the declaration of natural gas tanks as surplus. He added that the associated costs would be incurred by the City of Deming.

Mayor Lucero explained that the City of Española had acquired the tanks from the Environment Department for the RTD buses. She stated that now that RTD had moved on, the Environment Department had given the City of Española permission to declare them surplus.

Mr. Hooper thanked the Council for considering this. He explained that the City of Deming was looking at purchasing natural gas vehicles and their grant required that they have a place to fill them. He stated that the Environment Department had put him in touch with the City of Española.

***Motion by Councilor Valdez to approve Resolution 2012-14; seconded by Councilor Seeds.***

Councilor Seeds asked how the measure had come to this point and asked if it had been advertised. Mayor Lucero explained that the City of Deming had gone to the State Environment Department who advised them that the City of Española had the tanks and was not using them. She stated that , by state law, they must be declared surplus prior to being transferred to another agency.

Councilor Lewis verified that the City would not need any of these items. Interim City Manager Duran explained that they were purchased in 2006 and before RTD left, they stopped using them as they no longer had natural gas vehicles. He stated that there was difficulty with those vehicles due to the climate. Councilor Lewis stated that if we were not utilizing them, he did not mind helping out neighbors.

*Motion carried 6-0.*

**I. REPORTS**

**1. Council Committees (Public Safety, Public Works)**

Mayor Pro-Tem Salazar stated that the Public Safety Committee had discussed the status of the Police Department and hiring. He explained that there were some applicants awaiting the completion of their background checks. He stated that they had requested schedules and coverage and gotten a monthly statistic report about the holding facility. He announced that concerns from the officers would be discussed during Executive Session.

Councilor Martinez reminded Interim City Manager Duran to meet with Chief Branch regarding Neighborhood Watch programs.

Councilor Valdez stated that he had filled in for Councilor Lujan as Chairman of the Public Works Committee. He stated that Items 9 and 10 on the agenda had been passed by the committee.

**2. Council Appointed Liaison (NCSWA, NCRTD, E911, Fiesta Council, Beautification Committee, Veteran's Commission, Redi-Net)**

Mayor Pro-Tem Salazar stated that the Town of Edgewood was new to NCRTD and were voting members. He stated that there had been discussion regarding transportation to the Teen Center as well. He stated that they would be contacting the City Clerk regarding appearance before the Governing Body.

Councilor Lewis asked Interim City Manager Duran whether the fencing issues with NCSWA had been resolved. Interim City Manager Duran replied that the material had been given to them and they would provide the manpower following the purchase of a few minor items.

Interim City Manager Duran stated that E-911 would hold a meeting in December.

Councilor Martinez stated that the Beautification Committee was still looking for sponsors. She thanked City Attorney Coppler for the sponsorship of half a planter. She stated that they were discussing the Governing Body sponsoring the other half.

Interim City Manager Duran stated that the Veterans' Wall Commission had a gathering the previous weekend. He stated that in spite of the cold temperatures, many people had attended. Councilor Martinez asked why she had not been notified. She stated that she had been disappointed that she was not informed as she had thought it would go on Monday, November 12<sup>th</sup>. Mayor Lucero stated that she was not aware that the Council had not been notified but informed them for future reference that the ceremony was always held at 11am on November 11<sup>th</sup>.

IS Manager Joaquin Maestas stated that everything was being completed by Redi-Net. He explained that they had been testing the City's connections for about a month. He stated that he had submitted a service level agreement to City Attorney Coppler and a meeting would be set up to finalize the agreement the following week. He added that technologically, they were prepared to begin and the completion of the project would allow for better connectivity for email and phone.

Mayor Lucero asked how the testing process had gone. IS Manager Maestas replied that initially it was not as fast as it needed to be, but speeds had increased.

**J. CONSENT AGENDA**

3. Minutes

- a. September 19, 2012 City Council Work Session Minutes

***Motion by Councilor Seeds to table the minutes until he brought them back; seconded by Councilor Lewis.***

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

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

4. Calle Delfina and Odelia Lane water and sewer line project (Change Order)

Public Works Director Martinez stated that residents from Calle Delfina and Calle Odelia were in attendance. He stated that he was requesting the approval of a change order. He explained that the amount of the request was \$285,000 to RMCI and added that there was already a line item in the budget. Mayor Lucero asked if there were some savings from the project. Public Works Director Martinez replied in the affirmative and explained that the savings would be used toward the change order.

***Motion to approve the change order by Councilor Valdez; seconded by Councilor Seeds.***

Councilor Seeds stated that he was glad this change order would be approved as the residents of that area had waited too long for improvements. Councilor Martinez stated that she was happy that the promised was being fulfilled and reminded everyone that her constituents on North Prince Drive were still waiting on sewer service.

***Motion carried 6-0.***

5. Decommission on Tank 1A (Change Order)

Public Works Director Martinez explained that the request was to demolish and commission tank 1A. He stated that EPA would not cover the decommission of the tank.

***Motion by Councilor Valdez to use monies to remove the tank; seconded by Councilor Seeds.***

Councilor Martinez asked where the money was coming from and how it would be budgeted. Public Works Director Martinez replied that there was funding in the Water Operations fund.

Councilor Valdez stated that it was about time that the tank was being torn down and expressed his hope that more tanks would be installed in the area in years to come.

Public Works Director Martinez added that he and Councilor Martinez had gone out to the tank and counted at least 50 bullet holes. He stated that the tank was a liability.

***Motion carried 6-0.***

6. Approval of Lease Agreement and Professional Services Agreement with Española Chamber of Commerce- term ending April 2014

Mayor Lucero thanked the members of the Chamber of Commerce for being in attendance. She stated that there had been a request for a ten-year contract. She explained that a deadline had been set because she did not wish to commit another council to such a long term. She stated that the current term ended in March of 2014.

Chamber of Commerce President Kelly Duran thanked the Council for taking the time to hear the matter. He stated that it was his understanding that the lease agreement expired in September and they were operating off of a month to month tenancy. He announced that a Chamber of Commerce newsletter would be distributed as an employee by the name of Jenelle Gomez had been hired.

Councilor Seeds asked City Attorney Coppler why the Council was limited to the end of the term and it could not be exceeded. City Attorney Coppler stated that they could exceed the term as long as it was not considered a long term lease. He explained that State Statute required that others have the opportunity to rent the space. Councilor Seeds asked what was defined as long term. City Attorney Coppler replied that there was no clear line. Councilor Seeds asked if 10 years was long term. City Attorney Coppler replied that he believed so. He added that traditionally the lease has gone through each administration.

Councilor Seeds stated that the Chamber needed stability. He stated that, in order to have stability, he did not think that the year was going to do it. He added that he would be okay with a 5 year lease which would give them enough time to define a location. City Attorney Coppler suggested a 5 year lease with a clause stating that it would be terminable upon action of the City Council.

Mr. Duran interjected that Councilor Seeds was correct regarding the sustainability of the organization. He explained that, within the provisions of the lease, there was a disclaimer that it could be vacated upon 30 day notice.

Mayor Lucero expressed her belief that the having the Chamber of Commerce in the current location was mutually beneficial.

***Councilor Martinez exited at 7:08pm.***

Councilor Valdez suggested that the lease be approved until 2014, at which time the Council could approve a lease for the full four year term.

***Councilor Martinez re-entered at 7:10pm.***

Mr. Duran stated that the previous lease had been for 5 years and the Chamber of Commerce was operating on a long term vision.

Councilor Lewis yielded to Councilor Martinez. Councilor Martinez asked if anything had changed on the lease. Mr. Duran replied that the 5 year language had been changed to 10 years. Councilor Martinez stated that she believed it was important for the City of Española and the Chamber of Commerce to strategize via good communication.

Mr. Duran stated that the Chamber valued every member and exceeded expectations with growth beyond 90%. He stated that the City of Española had been provided with a courtesy membership.

***Motion by Councilor Lewis to approve the lease agreement for a period of 5 years; seconded by Councilor Seeds.***

***Motion carried 6-0.***

7. Española Chamber of Commerce Request for Sublease Approval

Mr. Duran stated that sublease of the premises was allowed by contract with the approval of the City Council.

***Motion by Councilor Martinez to approve the sublease for a one (1) year period; seconded by Councilor Valdez.***

Councilor Valdez asked if the Chamber would charge the same amount they were being charged. Mr. Duran replied that they would charge \$500 not including utilities which would include maintenance and the \$150 per month lease to the City of Española.

Councilor Seeds asked if the City owned the property and the Chamber owned the building. Mayor Lucero replied in the affirmative. Councilor Seeds stated that they discussed the chamber buying the land. Mayor Lucero replied in the affirmative and stated that the Chamber had been unable to purchase the land at that time. Councilor Seeds stated that he did not agree with allowing the Chamber to sublease the property as he had seen all of the Obama signs and he did not approve of that. He added that other people in the community had believed that it was in poor taste. He stated that there needed to be a place and time to say enough was enough. He explained that he would do anything he could to support the Chamber but the sublease was something that he did not believe in.

Mr. Duran stated that the Chamber did not support any candidacy; however, the business transaction had been a short term sublease agreement within the provisions of the lease agreement. He stated that they would note the experience and avoid doing so in the future. He reported that there had been an offer for the purchase of the building.

Councilor Martinez stated that she believed Councilor Seeds brought up a viable point and asked if the interested party was the Fiber Arts Center. Mr. Duran replied that it was a different entity. Mayor Lucero asked if the building would be removed. Mr. Duran replied in the affirmative.

Councilor Valdez stated that the approval of the measure provided \$150 to the City of Española and provided the Chamber with \$500 to keep up the building and make improvements to the office at the Convento. Mayor Lucero stated that the Chamber would need operating costs. Mr. Duran added that much of the old debt had been settled and they were current with the City of Española. He stated that it would not have been possible without the support of the Governing Body.

Councilor Martinez asked how long the sublease was intended for. Mr. Duran replied that it was a tentative 1-year contract. He added that the individuals from the Fiber Arts Center were prepared in the event that the offer to sell was accepted.

***Motion carried 6-0.***

8. Current Police Chief position and overall status of the Police Department- requested by Mayor Pro-Tem Dennis Tim Salazar

**L. EXECUTIVE SESSION**

***Motion by Councilor Seeds to enter into Executive Session; seconded by Councilor Valdez.***

**Roll Call Vote:**

|                       |                           |                 |
|-----------------------|---------------------------|-----------------|
| <b>Mayor Pro-Tem:</b> | <b>Dennis Tim Salazar</b> | <b>In Favor</b> |
| <b>Councilors:</b>    | <b>Robert Seeds</b>       | <b>In Favor</b> |
|                       | <b>Pedro Valdez</b>       | <b>In Favor</b> |
|                       | <b>Peggy Sue Martinez</b> | <b>In Favor</b> |
|                       | <b>Cory Lewis</b>         | <b>In Favor</b> |
|                       | <b>Elaine Herrera</b>     | <b>In Favor</b> |

*Motion carried 6-0.*

*The Governing Body entered into Executive Session at 7:25pm.*

*Motion by Councilor Lewis to exit Executive Session; seconded by Councilor Martinez.*

*Councilor Seeds exited at 8:08pm.*

**Roll Call Vote:**

|                       |                           |                 |
|-----------------------|---------------------------|-----------------|
| <b>Mayor Pro-Tem:</b> | <b>Dennis Tim Salazar</b> | <b>In Favor</b> |
| <b>Councilors:</b>    | <b>Pedro Valdez</b>       | <b>In Favor</b> |
|                       | <b>Peggy Sue Martinez</b> | <b>In Favor</b> |
|                       | <b>Cory Lewis</b>         | <b>In Favor</b> |
|                       | <b>Elaine Herrera</b>     | <b>In Favor</b> |

*Motion carried 5-0.*

*The Governing Body exited Executive Session at 8:09pm.*

*Councilor Martinez exited at 8:09pm.*

*Councilor Seeds re-entered at 8:09pm.*

*Councilor Martinez re-entered at 8:10pm.*

*Motion by Councilor Seeds that the Acting Police Chief be returned the Fire Chief position only; seconded by Councilor Lewis.*

Councilor Seeds thanked Chief Branch for serving the Police Department and expressed his belief that the combination of the two (2) positions was too much for any person to accomplish. He stated that he wished Chief Branch all the luck in the world.

Councilor Martinez stated that the entire Council echoed the sentiments of Councilor Seeds. She stated that Chief Branch had done the City a service and she appreciated his work.

*Motion carried 5-1, with Councilor Valdez voting in negative.*

Mayor Lucero stated that, because the Police Department needed leadership, she would like to appoint Sgt. Miguel Maez as Acting Police Chief effective immediately. She stated that this did not require a motion as it was not on the agenda. She asked Interim City Manager Duran to advise employees of the new status.

Councilor Seeds requested that City Manager Duran meet with the Police Department and explain the efforts of the Governing Body to help the Police Officers as much as they can.

M. ANNOUNCEMENTS

N. ADJOURNMENT

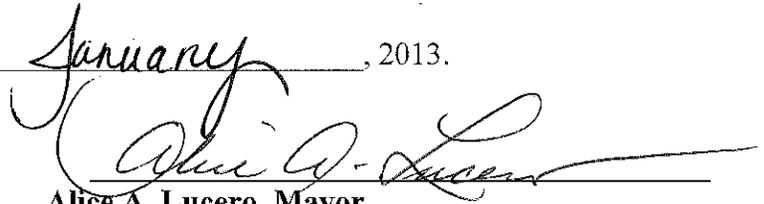
*Motion by Councilor Lewis to adjourn; seconded by Councilor Martinez.*

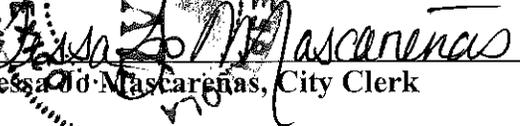
*Motion carried 6-0.*

*The meeting was adjourned at 8:13pm.*

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

APPROVED AND ADOPTED THIS 14<sup>th</sup> DAY OF January, 2013.

  
Alice A. Lucero, Mayor

  
ATTEST:   
Tessa Jo Mascarenas, City Clerk