



CITY COUNCIL MEETING
AUGUST 20, 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
	Cecilia Lujan
	Cory Lewis
	Eric Radosevich
	Elaine Herrera

E. APPROVAL OF AGENDA

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

Councilor Martinez asked if there were minutes for approval. City Clerk Mascareñas stated that that they were not yet complete. Mayor Lucero noted that the meeting was being held a week earlier than usual.

Motion carried 8-0.

F. PUBLIC COMMENTS

G. COUNCILOR COMMENTS

Councilor Valdez commented that the following night the Public Works committee would discuss the road exchange for Paseo de Oñate. He added that he had left each Councilor handouts in their mailbox regarding a meeting scheduled for September 11th.

Councilor Herrera asked for a moment of silence for Louis Lujan, a former City employee, who had passed away.

Councilor Seeds asked the location of the meeting on September 11th. Councilor Valdez replied that it would be at the Department of Transportation (DOT) office.

H. MATTERS FROM THE MAYOR

1. Proclamation- September as Alzheimer's Awareness Month

Mayor Lucero stated that there were many people in the community that had and continued to suffer from Alzheimer's disease. She stated that her sister-in-law had passed away and her brother Gilbert Alarid was in attendance to support the issuance of the proclamation. She added that the family of Betty Lou Norris was in attendance and dedicated the proclamation to Ms. Betty Lou Norris.

Mayor Lucero stated that Mayor Pro-Tem Salazar had sponsored the proclamation and asked him to read it. Mayor Pro-Tem Salazar read the proclamation.

Mayor Lucero announced that Ms. Kayla Norris would be working with City Clerk Mascareñas to plan a walk for next year.

2. Fiesta Council Presentation

Mayor Lucero thanked the 2012 Fiesta Council for all of their hard work. The Governing Body presented each fiesta council member with a Certificate of Appreciation. She stated that the 2012 Fiesta Del Valle de Española had been a family event with first class entertainment. She reported that it was one of the most highly attended fiestas ever.

Mayor Lucero stated that David Garcia, Vice-President of the 2012 Fiesta Council, had passed away.

a. David Garcia Memorial

Ms. Judy Martinez, Fiesta Council President, stated that she wished to speak about Mr. Garcia. She described the friendship they had over the years and discussed the contributions he had made to the Valley of Española.

Mayor Lucero thanked Ms. Martinez for her comments and called Richard Garcia, brother of David Garcia, forward on behalf of the Garcia family. Mayor Lucero read the Memorial Proclamation.

3. Cultura Promotions Presentation

Mayor Lucero stated that the First Annual Mainstreet Showdown had taken place on August 4th and had been the first car show produced by the City and Cultura Promotions. She explained that Cultura Promotions was made up of three (3) young, businessmen from the Española Valley who began the project in January.

Mayor Lucero stated that she had been told by the Lowrider Magazine judges that they had never seen such high quality cars. Mayor Lucero thanked all of the City employees who were involved with the project. She stated that there had been monthly meetings and, as the event drew closer, weekly meetings. She stated that it had affected almost every department in the City. Mayor Lucero reported that there had been 5,000-7,000 people in attendance. She requested that the four (4) members of Cultura Promotions come forward.

Mayor Lucero read the Certificates of Participation. She stated that the Mainstreet Showdown would become an annual event. Mr. Eppie Martinez thanked the Governing Body for their support and assured all in attendance that Lowrider Magazine would be present the next year and would sanction the show. Mayor Lucero noted that if it were Lowrider Magazine sanctioned show, there must be a minimum of 500 entries.

Mayor Lucero stated that Cultura Promotions had committed to using their funds to benefit the youth of the Española Valley. Mr. Tomas Martinez presented Ben Sandoval from the YMCA with a check for \$4,750.

Mr. Andres Valdez thanked everyone that contributed to the event and stated that he was looking forward to the next year. Mayor Lucero noted that there had been nearly 80 volunteers.

Ben Sandoval thanked Cultura Promotions for giving the YMCA the opportunity to be a participant and stated that he was proud to be a part of the community. Mr. Sandoval pledged that the money would be put to good use. He expressed his belief that the City was going in a much better direction.

4. American Cancer Society – Relay for Life Campaign- Angela Herrera

Ms. Herrera was not in attendance to present.

I. REPORTS

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

Chief Branch stated that there would be a bike run that Saturday. He announced that it was a 200-mile ride with the route from Pojoaque to Española to Taos, across the Gorge and across town.

Mayor Pro-Tem Salazar announced that the Public Safety Committee meeting originally scheduled for September 3rd had been postponed until September 6th due to the holiday.

Councilor Lujan stated that the Public Works Committee would be meeting the following day.

Councilor Seeds stated that the Community Services had not met as there was no need. He stated that in the future, they would be focusing on the softball fields.

City Attorney Coppler stated that the check from the Española Public Schools would be deposited despite the lack of response from DFA. Councilor Seeds reminded everyone that the check was for \$590,000 for land sold to schools to create a facility.

Councilor Lewis asked if the money could only be used for softball fields. Mayor Lucero replied that the resolution specified that the money was for recreation.

6. Council Appointed Liaison (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Beautification Committee)

Councilor Valdez stated that NCSWA had purchased some side loaders and Manager Gino Romero had been doing an excellent job with the auditor.

Councilor Lewis asked Interim City Manager Joe Duran if any action had been taken to alleviate the issues with potholes on Camino Miramontes. Interim City Manager Duran stated that the material had been ordered.

Mayor Pro-Tem Salazar stated that NCRTD had held a grand opening celebration on the 17th of August. He stated that Mayor Lucero, Councilor Seeds, Councilor Valdez and Councilor Martinez had been in attendance. He added that they the Board held their first meeting at the facility earlier in the month.

Mayor Pro-Tem Salazar stated that the E-911 Board had scheduled the next meeting for September 4th at 10am.

Councilor Valdez stated that the Beautification Committee was waiting for planters to be made.

Councilor Seeds asked where a list of islands available for adoption could be obtained. Interim City Manager Duran stated that the Planning Department maintained the list.

Councilor Martinez recognized the Downtown Action Committee and stated that Ms. Maryann Romero who had sewn costumes for the Fiesta Council for many years was recently diagnosed with cancer. She suggested the presentation of awards to the Downtown Action Team and Ms. Romero for the next agenda.

7. City Manager, including Finance Report and Staff Reports

Interim City Manager Duran stated that the Department Heads had submitted reports. He reported that the graffiti issue continued to be worked on. He stated that City employees were building a gate for 911 for security purposes. City Manager Duran stated that Parks employees were out working every day.

Chief Branch stated that to deal with the issue of needles and syringes, the Police Department was looking into placing locked boxes for that purpose. Mayor Lucero stated that there had been a discussion at the Anti-Drug Summit Implementation Team Meeting regarding the boxes as

many cities had begun using them. Mayor Lucero asked if the council would object to them being placed in the parks.

Chief Branch added that they were a part of the Take Back Drugs Program. He explained that as the population aged, leftover narcotics often remained in medicine cabinets and if they were thrown down the drain, the sewer would become contaminated. He stated that he had spoken with Hospital Administrator Brenda Romero regarding this issue. There would be scheduled days to take back narcotics and they would be sent to agencies that dispose of them.

Councilor Martinez asked Chief Branch if it was possible to make the process easier for seniors by making it mobile and taking it to senior centers throughout the county. Chief Branch replied that they would have to follow federal guidelines which would not allow the box to be mobile.

Chief Branch reported that the Police Department had apprehended a purse snatcher the previous week. He explained that the assailant had run into his house and the officers waited for a warrant. During their search, a 3-inch binder was found filled with pictures of his work in graffiti. Chief Branch announced that they would be working with the District Attorney to see that the injured parties be repaid.

Councilor Seeds asked why the Ordinance related to Oversize Load transports was not on the agenda. City Clerk Mascarenas stated that the law required that Public Hearings be publicized two (2) weeks prior to the meeting and there had not been enough time.

Mayor Lucero asked City Attorney Frank Coppler to comment on the status of the New Mexico Finance Authority and how their problems may affect the city. City Attorney Coppler stated that he had investigated the matter without charge to the City. He mentioned that NMFA had originally been set up as a governmental infrastructure bank. Prior to its inception, each municipality in the state would have to pay high interest rates. He explained that NMFA had been put together through the efforts of the New Mexico Municipal League (NMML) and the New Mexico Association of Counties (NMAC) as a central bank so money could be borrowed. City Attorney Coppler added that NMFA went out and borrowed a large amount of money each quarter. He stated that the Finance Authority consisted of a public project revolving fund and issued bonds and loans. He explained that unless they represented that they possessed sufficient revenues from water and sewer fees and Governmental GRTs to the lenders, they could not procure revenues.

City Attorney Coppler stated that the agency had issues in the past. He stated that when the state began experiencing issues with banks, the legislature went looking for money throughout state agencies to bring it into the general fund to balance the budget. He explained that no other agency could set its own budget. He reported that the State took \$41 million from NMFA and placed it in the General Fund. He specified that the money had not come from the Public Project Revolving Fund. He stated that in the near future, the structure of the board may change affecting smaller cities around the state. City Attorney Coppler stated that the Board was made up of all cabinet secretaries with the exception of the NMML Director and NMACO Director. He stated that those two (2) positions were critical for success.

City Attorney Coppler explained that nothing had been stolen, but the entire issue would come down to whether Greg Campbell falsified signatures on the audit. City Attorney Coppler reported that it was believed that Mr. Campbell had been unsure how to account for the \$41 million grab.

Councilor Herrera exited at 6:59pm.

Public Works Director Martinez stated that he and Grants Administrator Diahann Jacquez discussed the issue. Councilor Valdez asked if the City would lose any money. Public Works Director Martinez replied that as long as deadlines were met, the City would not lose anything.

Councilor Herrera re-entered at 7:02pm.

J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

8. Approval of Volunteer Waiver & Release Form

City Attorney Coppler stated that he had developed this form on behalf of another client and was sharing it at no cost. He explained that, under the tort claims act, volunteers in the scope of their authority that did anything negligently causing a third party injury were covered by insurance.

Councilor Lewis exited at 7:07pm.

City Attorney Coppler explained that this waiver would protect the City.

Motion by Councilor Valdez to approve the Volunteer Waiver & Release Form; seconded by Councilor Lujan.

Councilor Martinez asked what other safeguards were in place to deal with youth. She asked if background checks were run. She stated that she would like the Council to approve all volunteers.

Councilor Seeds added that a list of criteria should be determined as he had concerns about predators. City Attorney Coppler stated that under the SOPs in the Police Department, a vetting was required prior to bringing anyone on.

City Attorney Coppler volunteered to get the vetting policies and give them to the City Manager for his use in applying them.

Councilor Martinez exited at 7:11pm.

Councilor Seeds said that one should have already been in place.

Councilor Martinez re-entered at 7:12pm.

City Attorney Coppler stated that the form was for the purpose of the volunteer agreeing to not sue the City.

Councilor Martinez stated that the Public Schools were unable to turn down volunteers unless there was a large issue. She stated that it was very important to step up and create the policies before they allowed any volunteering to happen.

Motion by Councilor Martinez to table the issue until a volunteer vetting policy is prepared; seconded by Councilor Lewis.

Motion Tabled.

9. Lucero Center Break-In Update

Interim City Manager Duran stated that research was being done on surveillance cameras and alarm systems. Community Services Director Cata stated he had budgeted some money for a monitoring system similar to the Bond House. He explained that if it was placed on all doors and a barrier was broken, a loud alarm would sound. He stated that Interim City Manager Duran was waiting on bids.

Councilor Seeds stated that he had heard that placing cameras in public facilities was illegal.

Mayor Pro-Tem Salazar expressed his belief that a camera system may be beneficial for City Hall. Community Services Director Cata agreed.

Community Services Director Cata stated that numerous contractors had inspected the facilities in the past and provided them with quotes ranging from \$8,000 to \$30,000.

Councilor Martinez thanked Recreation Coordinator Andrew Herrera and Community Services Director Cata for their commitment to the youth for the free days at the Recreation Center and the pool. Community Services Director Cata stated that it had been a large success. He stated that the volunteer form would be used a lot if there were going to be free days.

10. FY 2012-2013 Budget Review

ASD Sandoval stated that some changes had been requested at the Finance Board meeting and was presenting them as requested. She cited page 3 of the budget and stated that the Municipal Court had been given \$10,000 to procure janitorial services. Councilor Seeds asked why a new line item was not placed there. ASD Sandoval stated that it was stipulated in the notations of the budget and would go under supplies or contractual services.

ASD Sandoval stated that the City Attorney budget line item for Attorney fees had been reduced from \$42,000 to \$29,000. Councilor Seeds specified that there should be a difference in line items as there are two (2) different City Attorneys. ASD Sandoval suggested placing all costs for City Attorney Coppler under the professional services line item of that budget. She clarified that Attorney's fees not only covered the costs of municipal court prosecutions, but also any attorney fees owed as a result of litigation.

Councilor Radosevich exited at 7:27pm.

ASD Sandoval stated that the professional services line item in the City Manager's budget had been increased by \$4,000 to contract for a grant writer. Councilor Seeds expressed concern over the items not being itemed properly. ASD Sandoval stated that she had used the line items stipulated by DFA. Councilor Seeds stated that he would hope she would do it correctly despite the recommendations. ASD Sandoval continued that the animal shelter payments line item in the City Manager's budget had been increased by \$30,000 and the promotional line item had been reduced to \$1,000.

ASD Sandoval stated that the vacant positions in the City Clerk's budget were to be held vacant for a period of (6) months. Councilor Martinez stated that only the City Clerk and Receptionist were being paid from the budget and stated that to her calculations, it should reflect \$111,455. ASD Sandoval stated that the numbers were increased as the previous year there had been furloughs. She added that she still had to account for a half year for the Deputy Clerk and Legal/Records Clerk positions.

Councilor Seeds stated that it would have been more convenient if they had the minutes so they could look at the language of the motion. He stated that he was under the impression that the position would be revisited in six (6) months. ASD Sandoval replied in the affirmative and stated that as such, she only left funding for a period of six (6) months as opposed to a year. Mayor Pro-Tem Salazar stated that the six (6) months should not be budgeted as expenditures.

Mayor Pro-Tem Salazar stated that the meetings needed to be recorded verbatim and suggested projecting the image on the wall so people would not have to go into ASD Sandoval's office when they had questions during meetings.

Councilor Martinez clarified that the City Clerk's budget included all positions except for six (6) months of the deputy and paralegal. Councilor Martinez stated that she was in agreement with Councilor Seeds. She stated that the way she understood it, the two (2) positions were held back for six (6) months and the other two (2) were funded for the entire year with the agreement being that the budget would be reviewed. She stated that the budget was not a true statement of the actions as it led her to believe that the positions were preapproved. Councilor Lewis stated that was his recollection as well. ASD Sandoval explained that she had only vacated the six (6) month period because that was the time stipulated. Councilor Lewis stated that he was frustrated that their decision had not remained.

Councilor Valdez stated that if there were no money, the Department Heads would not hire. He suggested waiting until there was money for the hires to discuss the issue. He stated that he could not see changing everything when the budget was a working tool.

Councilor Martinez agreed with Councilor Valdez that the budget was a working tool. She stated that she was working to improve it so it would reflect legitimate figures. Councilor Valdez disagreed. Councilor Lewis thanked Councilor Valdez for his many years of experience and stated that he agreed with Councilor Martinez.

Motion by Councilor Seeds to eliminate two (2) positions from City Clerk budget and reevaluate in six (6) months if there is money; seconded by Mayor Pro-Tem Salazar

Councilor Valdez stated that in a short time they would most likely be discussing issues with the audit if the positions were cut. He stated that they were very much needed. He commented on the importance of the audit.

Councilor Seeds stated that he had heard a lot about the audits regarding staff generating paperwork. He stated that nothing was getting done and proposed cutting as much money as possible. Mayor Lucero stated that an auditor was on board and staff was working with the auditor on FY 2010-2011. She stated the City had been behind four (4) years when she took over as Mayor and when former Mayor Maestas had taken over they had been five (5) years behind.

Mayor Lucero stated that the City Clerk's office had always had about four (4) employees, but had sacrificed one position the previous year to help balance the budget. She stated that during election year, help was contracted. She expressed the need for a Deputy Clerk in the absence of the City Clerk. She stated that the City Manager's assistant will be inundated and forced to take over other duties. Mayor Lucero added that records management was very important for audit purposes.

Mayor Lucero stated that the Governing Body had held a meeting the previous week. She continued that the completion of minutes took a long time and the City Clerk was not only doing that, but also responding to public requests and overseeing Human Resources. She stated that the City Clerk was overextended and for the Council to completely delete the positions was irresponsible. Mayor Lucero stated that the City Clerk's office dealt with all departments city-wide. She cited the Municipal Judges office with seven (7) administrative staff members and the Police Department with seven (7) administrative staff members. She stated that the City Clerk had just the Receptionist. Mayor Lucero stated that she had been forced to do a lot of the work herself such as Proclamations and Certificates. She asked the Council to be responsible to the constituents and to the City and to fill the positions that needed to be filled.

Councilor Martinez stated that it was not her intention to delete the positions entirely but rather for the adjustments to reflect the true budget. Mayor Lucero stated that they showed the positions for six (6) months.

Councilor Seeds asked why the City Clerk was overseeing Human Resources if she was so overwhelmed. Mayor Lucero stated that City Clerk Mascareñas had a Master's Degree in Public Administration and a Bachelor's Degree in psychology and political science. She stated that there had been a need for an additional person in HR at the time she was hired. Councilor Seeds stated that he recalled City Clerk Mascareñas being hired for the position of City Clerk, not HR. Councilor Seeds stated that sometimes things are controlled more than they should be. Mayor Lucero stated that City Clerk Mascareñas was overworked and when she was hired, those were part of the responsibilities.

Mayor Pro-Tem Salazar asked ASD Sandoval why the positions had not been filled previously. ASD Sandoval stated that it had been determined that they would not be filled to alleviate furloughs.

Councilor Seeds stated that he had a problem with ASD Sandoval including the two (2) positions.

Councilor Radosevich stated that he believed that ASD Sandoval had jumped the gun by adding the positions into the budget.

Roll Call:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Councilor Robert Seeds	In Favor
	Pedro Valdez	Against
	Peggy Sue Martinez	In Favor
	Cecilia Lujan	Against
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	Against

Motion carried 5-3.

ASD Sandoval stated that the Finance Department professional services line item had been reduced from \$15,000 to \$2,000.

She stated that she needed clarification regarding the \$5,000 to increase to the Streets Department budget. Councilor Martinez stated that it was to help solve the flooding problem on private property on Don Filigonio Street in District 1. She added that she had been out to the site that day and the problem was ongoing. Mayor Lucero clarified that improvements would be made to the roadway. Councilor Seeds added that the problems were generated by the city street and work to be done was to ensure running water did not hamper private property.

ASD Sandoval cited the Parks Department stating that the Equipment & Machinery line item had been increased by \$3,000.

Councilor Seeds clarified with Public Works Director Martinez that the problem on Don Filigonio Street required \$10,000 to repair. Public Works Director Martinez replied in the affirmative.

Motion by Councilor Seeds to increase the amount to \$10,000 for the flooding problem on the Westside; seconded by Councilor Martinez.

Motion carried 6-2, with Councilor Valdez and Councilor Lujan voting in the negative.

Councilor Seeds suggested removing funding from PERA in the City Clerk's budget. ASD Sandoval stated that the entire amount for the two (2) positions would be removed.

ASD Sandoval stated that in the previous meeting there had been a freeze to the Lieutenant position in the Police Department budget. She asked if they would like to remove that position as well. Councilor Martinez stated that she believed that it was the same type of situation and required removal.

Motion by Councilor Martinez to remove the full amount under the Lt. Position pending reevaluation of the budget in six (6) months; seconded by Mayor Pro-Tem Salazar.

Councilor Martinez stipulated that the reasoning behind this was to afford whatever Chief came into the position some leeway regarding the direction of the department.

Mayor Pro-Tem Salazar stated that KDCE was no longer broadcasting the meeting. KDCE General Manager Casey Gallegos stated that the contract only required that the meeting be broadcast for a period of two (2) hours.

City Clerk Mascareñas requested a brief recess so that she could place a recorder for the remainder of the meeting.

Meeting was recessed at 8:13.

Meeting was called back to order at 8:20pm.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Councilor Robert Seeds	In Favor
	Pedro Valdez	Against
	Peggy Sue Martinez	In Favor
	Cecilia Lujan	Against
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	Against

Motion carried 5-3.

Councilor Seeds requested that the KDCE contract be brought up and asked where it was paid from. ASD Sandoval stated that it was paid from the City Manager's budget. He stated that these costs should be listed as actual line items and if this was the way business was being done, it was shameful. Councilor Seeds stated that nothing could be fixed if it was not communicated. He added that the community was very active in listening to the meetings.

Councilor Martinez asked what KDCE was paid. ASD Sandoval stated that each session cost \$667.00 as it was an \$8,000 per year contract. Councilor Martinez stated that she felt it was

important for the public to know what was going on and stated that she would like to increase the amount of the contract. She added that, being that the council is the fiscal agent for the city, there should be notes regarding what is used from each line item. Mayor Lucero noted that recently the council had been provided with a list that reflected this. Councilor Martinez stated that she wished for it to be reflected on the budget. She thanked the Recreation Department for being the one department that did not have a contractual services line item.

Councilor Seeds stated that the old way of doing business was not working anymore and he would like to fine tune the budget so the new councilors could understand.

Motion by Councilor Seeds for the Administrative Services Director break down all line items in the budget and spell out which monies are spent under each line item; seconded by Councilor Martinez.

Mayor Lucero commented that this practice was unheard of. Councilor Martinez suggested solely a breakdown of contractual and professional services. Mayor Lucero replied that they had already received the documentation.

Councilor Valdez stated that they were micromanaging and expressed his sympathy for the employees that were required to gain approval from the City Council for purchases of \$15. Councilor Seeds stated that he felt they were holding Department Heads accountable.

Councilor Martinez stated that her purpose was not to micromanage any department and had not been at City Hall everyday micromanaging either. She stated that in the spirit of being accountable, it was important to understand the enormity of the duty. She stated that she was asking the tool to be refined in a way that was conducive for her to do a good job.

Councilor Radosevich stated that \$80,000 was a big enough sum to explain to people where it was going.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Councilor Robert Seeds	In Favor
	Pedro Valdez	Against
	Peggy Sue Martinez	In Favor
	Cecilia Lujan	Against
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

Motion carried 6-2.

ASD Sandoval stated that the council had chosen to fully fund the two (2) fire positions.

Councilor Herrera exited at 8:33pm.

Councilor Lewis stated that he wanted to ensure that there was no violation of the union contract. Councilor Martinez stated that it had been brought to her attention that there was a violation. She stated that by placing the third position on hold for six (6) months was a violation. Mayor Lucero mentioned that, as Councilor Lewis pointed out the previous meeting, all contracts were subject to budget availability. Councilor Lewis stated that he felt the position needed to be opened.

Councilor Seeds yielded the floor to Lieutenant Ron Padilla. Lt. Padilla stated that he had been Union President for the previous five (5) years and during that time, they had attempted to come up with ways to raise money. He stated that cutting the positions would be a violation of many rules by NAFPA and he did not wish to put his staff in harm's way. He stated that it was his understanding that money was available, but the positions were cut anyway.

Mayor Lucero explained that, following the departure of three (3) firefighters, \$28,605 in annual leave had to be paid that was not anticipated. She added that the department had applied for a new truck and they needed the amount for a match. Mayor Lucero stated that Chief Branch had confirmed there would not be an issue as there was money added to the overtime budget.

Councilor Seeds stated that he had no bad intentions and had made a mistake. He added that he and Chief Branch did not realize that there were union contracts that they were required to follow. He reported that he had experienced their services firsthand and they were professional and came through for him when he was hurt and dizzy.

Motion by Councilor Seeds to reinstate all positions in the Fire Department; seconded by Councilor Lewis.

Mayor Lucero asked ASD Sandoval if there was enough money to reinstate the positions. ASD Sandoval stated that it would cost approximately \$47,000.

Councilor Martinez stated that the contract required the fulfillment of positions within 114 days. She asked why there had been an increase in the interim detention budget under care of prisoners as it was her understanding that they would be saving money. Chief Branch stated that they were making a lot more arrests, approximately 30% more. Councilor Martinez asked how much he anticipated those costs to be. Chief Branch replied that it was dependent upon the jail time the Municipal Judge imposed.

Lt. Padilla stated that the positions would not be hired for another three (3) months allowing the money to be recovered. He added that if they had not paid to remove their furlough days, they would have had the money for the truck.

Councilor Martinez thanked Lt. Padilla for being in attendance and thanked the Fire Department for a job well done. She stated that she was requesting that the Council be equitable with the firemen and think of safety. Lt. Padilla stated that regardless of their decision, the Fire Department would provide the best possible professional services.

Mayor Pro-Tem Salazar thanked Lt. Padilla and stated that he is always welcome at City Council meetings. He stated that Department Heads across the board should have a place at the table and should be allowed to speak regarding their budgets.

Councilor Valdez asked Chief Branch if the approval of the measure would affect the purchase of the truck. Chief Branch stated that the money would have to come from another source. ASD Sandoval stated that there were funds available.

Motion carried 8-0.

ASD Sandoval stated that Central Administration had two changes. The first was to reduce postage costs by \$5,000 and the second was to reduce Natural Gas by \$15,000 and place the money in the line item for payment of electric costs.

Motion by Councilor Martinez to approve the budget; seconded by Mayor Pro-Tem Salazar.

Motion carried 6-2, with Councilor Valdez and Councilor Lujan voting in the negative.

11. Out of State Travel Approval- Annual Senior Trip

Community Services Director Cata stated that this was the annual request for a Senior Center field trip.

Motion by Councilor Lewis to approve Out of State Travel for the Annual Senior Center Trip; seconded Mayor Pro-Tem Salazar.

Motion carried 8-0.

12. Resolution 2012-08: Acceptance of New Mexico Department of Transportation STIP Award

Councilor Lewis yielded the floor to a citizen.

Mr. Juan Arellano stated that he had submitted his application to law enforcement and would like to introduce himself to the City Council.

Public Works Director Martinez stated that the purpose of this resolution was to accept the award.

Motion by Councilor Lujan to approve Resolution 2012-08; seconded by Councilor Valdez.

Councilor Valdez verified that the matching funds would come from the 124 fund. Public Works Director Martinez replied in the affirmative.

Motion carried 8-0.

13. Resolution 2012-09: Acceptance Of New Mexico Department Of Transportation Coop Award

Public Works Director Martinez stated that the purpose of this resolution was to accept the award.

Motion by Councilor Lujan to approve Resolution 2012-09; seconded by Councilor Valdez.

Motion carried 8-0.

K. 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.

City Attorney Coppler stated that there was a need to enter into Executive Session pursuant to pending litigation regarding City of Española vs Molzen Corbin.

Motion by Councilor Lewis to enter into Executive Session; seconded by Councilor Lujan.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Councilor Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	Cecilia Lujan	In Favor
	Cory Lewis	In Favor
	Eric Radosevich	Against
	Elaine Herrera	In Favor

Motion carried 7-1.

The Governing Body entered into Executive Session at 9:02pm.

Motion by Councilor Seeds to return from Executive Session; seconded by Councilor Radosevich. .

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Councilor Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	Cecilia Lujan	In Favor

Cory Lewis	In Favor
Eric Radosevich	In Favor
Elaine Herrera	In Favor

Motion carried 8-0.

No action was taken in executive session.

Motion by Councilor Martinez to approve a settlement with Molzen Corbin to pay \$150,000 for billings incurred prior to March of 2010; seconded by Councilor Radosevich.

Motion carried 8-0.

City Attorney Coppler stated that the Mr. Sowell from the Jemez Co-op stated to the PRC that Jemez was going broke and, in response, they approved the rate increase. He stated that he did not wish to appeal the ruling as the PRC had so much discretion over this issue and it may cost the City \$25,000-\$40,000.

L. ANNOUNCEMENTS

There were no announcements.

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.

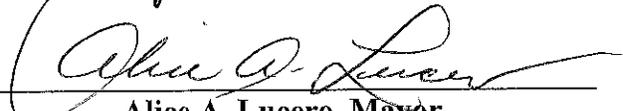
Motion by Councilor Lewis to adjourn; seconded by Councilor Radosevich.

Motion carried 8-0.

The meeting was adjourned at 9:24pm.

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

APPROVED AND ADOPTED THIS 25th DAY OF September, 2012.



Alice A. Lucero, Mayor

