CITY COUNCIL ORGANIZATIONAL MEETING
MARCH 20, 2014, 6PM
CITY HALL COUNCIL CHAMBERS
405 PASEO DE OÑATE, ESPAÑOLA, NM

I. CALL TO ORDER

The meeting was called to order at 6:00 pm by Mayor Alice A. Lucero.

II. PLEDGE OF ALLEGIANCE & MOMENT OF MEDITATION

Mayor Lucero led the Pledge of Allegiance & Moment of Meditation/Invocation.

III. ROLL CALL/DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

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

IV. APPROVAL OF AGENDA

Agenda as presented:

---Begin---

I. **CALL TO ORDER**
II. **PLEDGE OF ALLEGIANCE & MOMENT OF MEDITATION**
III. **ROLL CALL/ DETERMINATION OF QUORUM**
IV. **APPROVAL OF AGENDA**
V. **PUBLIC COMMENTS**
VI. **COUNCILOR COMMENTS/ ANNOUNCEMENTS**
VII. **MATTERS FROM THE MAYOR (ACTION ITEMS)**

1. Appointment of Interim City Manager
2. Appointment of City Attorney
   a.) General Legal Matters
   b.) Municipal Court Prosecutor
3. Appointment of Department of Public Safety Director
4. Appointment of City Clerk
5. Appointment of Public Works Committee Members and Chair
6. Appointment of Community Services Committee Members and Chair
7. Appointment of Public Safety Committee Members and Chair
8. Appointment of Finance Committee Members and Chair
9. Appointment of Planning & Zoning Commission Board Members
10. Appointment of Library Board Members

11. Appointment of E-911 Board Member
12. Appointment of Regional Transit District Board Member and Alternate
13. Appointment of North Central Solid Waste Authority Board Member and Alternate
14. Appointment of New Mexico Implementation Team Alternate
15. Appointment of Regional Coalition of LANL Communities Alternate
16. Appointment of Lodgers Tax Board Members
17. Election of Mayor Pro-Tem

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

18. Resolution 2014-05: Replacing 2013-17: Adoption of Open Meetings Act Resolution

IX. PUBLIC HEARING (ACTION ITEMS)

19. Ordinance Number 2014-03: Adopting a Municipal Hold Harmless Gross Receipts Tax (Removal from Table)

X. 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 stated that she would like to remove Item No. 16; Appointment of Lodgers Tax Board Members and place it on the next City Council Meeting agenda.

Motion by Councilor Radosevich to approve the agenda as amended; seconded by Mayor Pro-Tem Salazar.

Motion Carried 8-0.

V. PUBLIC COMMENT

2014 Fiesta Council President Antoinette Vigil announced that there would be an Anti-Bully Walk sponsored by the Española Fiesta Council and the Española Crisis Center on March 22, 2014. She reported that it would begin at the Santa Claran Hotel Casino Parking lot at 10:00am and end at the Plaza de Española. Ms. Vigil stated that registration for the walk would begin at 9:00am and guest speaker Tony Valdez would be in attendance. Ms. Vigil expressed gratitude to Councilor Ortiz for her donation towards the walk.

Ms. Vigil further announced that applications for the 2014 Española Fiesta Juan de Oñate and La Reina were being accepted and the deadline for the applicants would be April 5, 2014.

VI. COUNCILOR COMMENTS/ANNOUNCEMENTS

Councilor Martinez announced that the traveling Vietnam Veterans' Memorial would be in Santa Fe, NM at the Fort Marcy Ball Park from March 20, 2014 until March 24, 2014. She stated that the memorial was a replica wall that duplicated the Washington DC monument that bore the names of the soldiers lost in the Vietnam War. Councilor Martinez stated that the wall accounted for three hundred and ninety eight (398) New Mexican soldiers whose lives were sacrificed.

Interim City Manager Duran announced that there would be a Pancake Breakfast to support the Walk Against Drugs on March 23, 2014 from 8am until 1pm at the Beatrice Q. Martinez Senior Center. He

stated that tickets would be sold at the door and would cost five ($5) dollars for adults and three ($3) dollars for children.

Mayor Lucero stated that many complaints had been brought to her attention regarding the use of cell phones during City Council meetings. She stated that the majority of all City Council Meetings were broadcast via KDCE Radio and the engineers from KDCE had been encountering interference from cell phones causing delays during live City Council Meeting broadcasts. Mayor Lucero asked, as a courtesy to the audience, that everyone limit cell phone use and turn all audio settings to off. Mayor Lucero stressed that it was a violation of the Open Meetings Act if members of the Governing Body exercised the use of cell phones in an effort to exchange information with another Governing Body member during the course of an open meeting.

Mayor Lucero emphasized the importance of conducting oneself in a professional manner and the utilization of parliamentary procedure. She stressed the importance of respect towards one another and of the person who is designated to speak and asked that interruptions not occur as it does not translate nor represent the City in a professional manner. Mayor Lucero concluded her statement by encouraging all of the Governing Body to review the Ethics Ordinance and the Municipal Code of Conduct materials that the City Clerk had previously disseminated to all Council members. Mayor Lucero expressed hope that the Governing Body unit would rise to the challenge and act in a more unified manner in the best interest of all citizens.

VII. MATTERS FROM THE MAYOR (ACTION DISCUSSION ITEMS)

1. Appointment of Interim City Manager

Mayor Lucero stated that the City was in the process of advertising the position of City Manager and announced the appointment of Interim City Manager Joe Duran. Mayor Lucero stated that Joe Duran had been serving as Interim City Manager for close to two (2) years and had done a good job, especially considering that he was also the City's only certified Building Inspector.

Motion by Councilor Lewis to ratify the appointment of Interim City Manager Joe Duran; seconded by Councilor Valdez.

Councilor Martinez asked what the timeframe would be for hiring a permanent City Manager. Councilor Martinez also questioned what would become of the Interim City Manager once the City Manager position was filled. Mayor Lucero replied that the process of hiring a City Manager entailed advertising and interviews and stated that she would like to select a permanent City Manager by early May. Mayor Lucero stated that once the City Manager had been hired, Joe Duran would then return to his Building Inspector position on a full-time or part time basis.

Councilor Chacon commended Interim City Manager Duran on his loyal and long-standing service to the City of Española. He stated that he had witnessed only good things from the Interim City Manager during his short time as a City Councilor.

Motion Carried 8-0.

2. Appointment of City Attorney
A) General Legal Matters

Mayor Lucero stated that the City Attorney would handle all general legal matters concerning the City including advisory during the majority of all City Council meetings and legal contracts. Mayor Lucero appointed the Coppler Law Firm- Municipal Attorney Frank Coppler as City Attorney. She stated that Mr. Frank Coppler had over forty (40) years of experience as a Municipal Attorney and had served as the Executive Director of the New Mexico Municipal League. Mayor Lucero expressed her gratitude toward City Attorney Frank Coppler and his firm.

Motion by Councilor Radosevich to ratify the appointment of Frank Coppler and the Coppler Law Firm as City Attorney for all general legal matters; seconded by Councilor Lewis.

Motion Carried 8-0.

B) Municipal Court Prosecutor
Mayor Lucero stated that the Municipal Court Prosecutor would handle all Municipal Court prosecutions. She announced the appointment of Attorney A.J. Salazar as Municipal Court Prosecutor. Mayor Lucero further stated that Attorney A.J. Salazar had served as City Municipal Court Prosecutor since 2010 and during that time had successfully resolved approximately eight hundred and ninety-two (892) court cases for the City. Mayor Lucero expressed her gratitude on behalf of the City and commended Attorney A.J. Salazar on a job well done.

Motion by Councilor Martinez to ratify the appointment of A.J. Salazar as Municipal Court Prosecutor; seconded by Councilor Valdez.

Motion Carried 8-0.

3. Appointment of Department of Public Safety Director
Mayor Lucero stated that the current Director of Public Safety was Eric Garcia. She stated that during Director of Public Safety Garcia's appointment, he had shown commendable experience and potential. She stated that she believed Director of Public Safety Garcia had learned a considerable amount within a years' time and had the potential to accomplish good things for the City in years to come. Mayor Lucero explained that the Department of Public Safety encompassed Police, Fire, Detention, and Animal Control Departments.

Motion by Councilor Radosevich to ratify the appointment of Eric Garcia as Director of Public Safety; seconded by Councilor Martinez.

Councilor Phillip Chacon stated that he would abstain from voting due to a pending legal matter which involved the Española Department of Public Safety.

Motion Carried 7-0, with Councilor Philip Chacon abstaining from voting.

4. Appointment of City Clerk
Mayor Lucero stated that she had worked closely with City Clerk Tessa Jo Mascareñas throughout the majority of her term in office. Mayor Lucero stated that given the level of degrees which were obtained by Ms. Mascareñas, as well as expertise in the Municipal process, she would like to re-appoint her as City Clerk for another four year term. Mayor Lucero clarified that the City Clerk's position was not to be mistaken for a secretarial position but was an managerial position. Mayor Lucero expressed gratitude for the public service and dedication shown by City Clerk Mascareñas.

Motion by Councilor Radosevich to ratify the appointment of Tessa Jo Mascareñas as City Clerk; seconded by Councilor Lewis.

Motion Carried 8-0.

Judge Stephen Salazar administered the Oath of Office for the following appointed and ratified officials: Interim City Manager Joe Duran, City Attorney Frank Coppler, Municipal Court Prosecutor A.J. Salazar, Director of Public Safety Eric Garcia and City Clerk Tessa Jo Mascareñas. Mayor Lucero stated that she was very pleased with the work of all the individuals who had chosen to continue their service with the City and introduced them as the *Executive Team.*

5. Appointment of Public Works Committee Members and Chair

Mayor Lucero stated that she had previously met with all Councilors individually to discuss concerns and ideas regarding appointed officials and City Council committees. Mayor Lucero explained that she respectfully appointed chair positions and supporting committee members who possessed the greatest strengths within each committee. Mayor Lucero clarified that every district was represented in each committee. She explained that each committee consisted of no more than four (4) councilors so as to avoid a quorum. Mayor Lucero stated that if for any reason a Councilor outside of the Committee wished to attend a committee meeting, he/she may do so but could not engage in any type of voting. She explained that this would result in a violation of the Open Meetings Act.

Mayor Lucero appointed the Public Works Committee in the following order: Chairman Councilor Pedro Valdez, District 1; Councilor Phillip Chacon, District 2; Councilor John Hernandez, District 3; Councilor Adrianna Ortiz, District 4.

Motion by Councilor Radosevich to ratify the appointment of the Public Works Committee Chair and Members; seconded by Councilor Martinez.

Motion carried 8-0.

6. Appointment of Community Services Committee Members and Chair
Mayor Lucero appointed the Community Services Committee Members in the following order: Chair Councilor Eric Radosevich, District 3; Councilor Cory Lewis, District 4; Councilor Peggy Sue Martinez, District 2; Mayor Pro-Tem Dennis Tim Salazar, District 1.

Motion by Councilor Hernandez to ratify the appointment of the Community Services Committee Chair and Members; seconded by Councilor Chacon.

Motion carried 8-0.

7. Appointment of Public Safety Committee Members and Chair
Mayor Lucero appointed the Public Safety Committee Members in the following order: Chair Councilor Cory Lewis, District 4; Councilor Peggy Sue Martinez, District 2; Mayor Pro-Tem Dennis Tim Salazar, District 1; Councilor Eric Radosevich, District 3.

Motion to ratify the appointment of the Public Safety Committee Chair and Members by Councilor Radosevich; seconded by Councilor Martinez.

Motion carried 8-0.

8. Appointment of Finance Committee Members and Chair
Mayor Lucero appointed the Finance Committee Members in the following order: Chair Councilor John Hernandez, District 3; Councilor Adrianna Ortiz, District 4; Councilor Phillip Chacon, District 2; Councilor Pedro Valdez, District 1.

Motion by Councilor Radosevich to ratify the appointment of the Finance Committee Chair and Members; seconded by Councilor Martinez.

Motion carried 8-0.

9. Appointment of Planning & Zoning Commission Board Members
Mayor Lucero appointed the Planning & Zoning Commission as follows:

Mr. Richard Beaudoin	One (1) year appointment
Mr. Amrit Khalsa	One (1) year appointment
Ms. Audrey Garduño	Two (2) year appointment
Ms. Anissa Martinez	Two (1) year appointment
Mr. John Ricci	Two (2) year appointment
Mr. Erle Wright	One (1) year appointment
Mr. Clyde Vigil	Two (2) year appointment

Mayor Lucero stated that a longtime member of the Planning & Zoning (P&Z) Commission, Mrs. Julie Atencio, would not be returning to the P& Z Commission due to her decision to retire this year. Mayor Lucero thanked all appointed Board Members of the Planning and Zoning Commission and stated that Ms. Audrey Garduño would be replacing Mrs. Atencio on the Commission.

Motion to ratify the appointment of Planning & Zoning Commission Board Members by Councilor Lewis; seconded by Councilor Martinez.

Motion carried 8-0.

Mayor Lucero thanked all Planning & Zoning Commission Members for their willingness to

serve.

10. Appointment of Library Board Members
Mayor Lucero appointed the following Library Board Members:

Library Board Chairman:	Mr. Daniel Roybal
Members:	Mr. David Limblom
	Ms. Olivama Martinez
	Ms. Elizabeth Romero
	Ms. Maria Elena Salazar
	Ms. Beaulah Sandoval
	Mr. John Ramon Vigil

Mayor Lucero thanked all members for their willingness to serve.

Library Board Chairman Daniel Roybal stated that he was grateful to serve his community in that capacity. He reported that many of the appointed members of the Library Board could not be present due to prior commitments. Mr. Roybal stated that he was grateful to the entire Governing Body for having been chosen to serve as Library Board Chairman. He expressed special gratitude toward Librarian Sherry Aragon for her abilities and willingness to tackle a variety of obstacles and overcome adversity. Mr. Roybal also thanked IT Manager Joaquin Maestas for technical contributions to the Library.

Motion by Councilor Lewis to ratify the appointment of Library Board Members; seconded by Councilor Martinez.

Motion carried 8-0.

11. Appointment of E-911 Board Members
Mayor Lucero stated that there were two (2) vacancies on the E-911 Board. She stated that she felt it was important to have two (2) leaders from the City on the Board. Mayor Lucero appointed the Interim City Manager Joe Duran and Director of Public Safety Eric Garcia to E-911 Board.

Motion by Councilor Valdez to ratify the appointment of Interim City Manager Joe Duran and Director of Public Safety Eric Garcia to the E-911 Board; seconded by Councilor Martinez.

Motion carried 8-0.

Councilor Martinez stated that having Interim City Manager Duran on the E-911 Board would enable him to make executive decisions first hand, if need be.

Motion carried 8-0.

12. Appointment of North Central Regional Transit District (NCRTD) Board Member and Alternate

Mayor Lucero appointed Mayor-Pro Tem Dennis Tim Salazar and Alternate Member Councilor John Hernandez to the NCRTD Board. Mayor Lucero stated that Mayor Pro-Tem Salazar had served on the NCRTD Board and established a solid professional rapport with the other Board Members. Mayor Lucero encouraged the efforts of both Mayor Pro-Tem Salazar and Councilor Hernandez.

Motion by Councilor Lewis to ratify the appointment of Mayor Pro-Tem Salazar as the NCRTD Board Member and Councilor Hernandez NCRTD Board Alternate; seconded by Councilor Hernandez.

Motion carried 8-0.

13. Appointment of North Central Solid Waste Authority Board Member and Alternate
Mayor Lucero appointed Councilor Valdez to the North Central Solid Waste Authority (NCSWA) Board. She commended him for his willingness to serve and professional communication. Mayor Lucero stated that the Alternate Member would be Interim City Manager Duran.

Motion by Councilor Lewis to ratify the appointment of Councilor Valdez as North Central Solid Waste Authority Board Member and Interim City Manager Duran and the Board Alternate; seconded by Councilor Martinez.

Motion carried 8-0.

14. Appointment of New Mexico Implementation Team Alternate
Mayor Lucero stated that she would appoint herself to the Northern New Mexico Implementation Team as she was a co-Founder of the group. Mayor Lucero appointed Mayor Pro-Tem Salazar as the alternate member.

Motion by Councilor Radosevich to ratify the appointment of Mayor Lucero to the Northern New Mexico Implementation Team and Mayor Pro-Tem Salazar as Alternate; seconded by Councilor Martinez.

Motion carried 8-0.

15. Appointment of Regional Coalition of LANL Communities Alternate
Mayor Lucero stated that she was a current Member of the Regional Coalition of LANL Communities Board. Mayor Lucero further stated that her decision to choose an alternate for the board was not an easy one. Mayor Lucero stressed that the person who was chosen must obtain a lot of information that not only pertained to the City of Española but the community that encompassed Los Alamos, Taos, Santa Fe and the surrounding areas. Mayor Lucero stated that she believed the best candidate for alternate would be Councilor Radosevich because of his honest communication and ability to ask critical questions.

Motion by Councilor Lewis to ratify the appointment of Councilor Radosevich as Regional Coalition of LANL Communities Alternate; seconded by Councilor Martinez.

Motion carried 8-0.

17. Election of Mayor Pro-Tem

Mayor Lucero stated that the role of Mayor Pro-Tem was to serve as Mayor if any unforeseeable occurrence happened where the Mayor was not able to serve in the full, official capacity. Mayor Lucero yielded the floor to City Council members and asked if there were any nominations for the position.

Mayor Pro-Tem Salazar stated that he had served as Mayor Pro-Tem for the past two (2) years. He stated that although he was truly honored to be elected into the position, he felt that he had his time and would like to see Councilor Pedro Valdez serve in the capacity of Mayor Pro- Tem. Mayor Pro-Tem Salazar stated that he would not accept a nomination for Mayor Pro-Tem. He expressed his utmost respect and nominated Councilor Valdez for his service to the community.

Mayor Lucero stated that she felt that the nomination of Councilor Pedro Valdez was just. She stated that for as long as she could remember, Councilor Valdez had served the community and been a part of City Government in some form or another. Mayor Lucero endorsed the nomination set forth by Mayor Pro-Tem Dennis Salazar.

Motion by Mayor Pro-Tem Salazar to approve Councilor Valdez; seconded by Councilor Radosevich.

Motion carried 8-0.

Mayor Lucero commended Mayor Pro-Tem Salazar for his good work during his term as Mayor Pro-Tem. She stated that he had done an excellent job during a difficult time in the City.

Mayor Pro-Tem Valdez stated that he was honored to be elected and that there was much work to accomplish. He endorsed the efforts of Mayor Lucero and stated that he supported the administration and would continue to support the City to the best of his ability.

VIII. ITEMS PROPOSED FOR COUNCIL CONSIDERATION
DISCUSSION ITEMS (ACTION ITEMS)

18. Resolution 2014-05: Replacing 2013-17: Adoption of Open Meetings Act Resolution

Mayor Lucero stated that she would like to discuss and finalize meeting dates. She stated that the City Clerk's Department was obligated to abide by the Open Meetings Act and must meet all of the necessary time frames in order to post notices of public meetings. Mayor Lucero stressed that it was up to the Chairs to abide by and understand the Open Meetings Act requirements. She stated that packet materials should be delivered to all committee members no later than seventy two (72) hours prior to the meeting. Mayor Lucero stated that not abiding by the process and preparing accordingly placed the City Clerk's Department in a very stressful situation.

The following days were determined by the Governing Body for committee meetings:

- Public Works Committee meetings would be conducted the first Tuesday of the month;
- Public Safety Committee meetings would be conducted the first Wednesday of the month;
- Community Services Committee meetings would be conducted the third Wednesday of the month;
- Finance Committee meetings would be conducted the third Thursday of the month; and
- City Council Meetings would be conducted on the second and fourth Tuesdays of the month.

All meetings would commence at 6:00pm.

Councilor Adrianna Ortiz asked for clarification regarding the posting of public meetings and the locations of the postings. City Clerk Mascareñas stated that public meeting notices were posted at City Hall, the Beatrice Q. Martinez Senior Center, the Lucero Center, the Española Public Library, the Fairview Post Office and Center Market Grocery Store, as well as on the City Website.

Councilor Radosevich asked if the public meeting notice could be placed at Wal-Mart. Councilor Martinez stated that she would like to have the public meeting notice posted at the Española Post Office. City Clerk Mascareñas replied in the affirmative.

Motion by Mayor Pro-Tem Valdez to adopt Resolution 2014-05 as amended: seconded by Councilor Ortiz.

Motion Carried 8-0.

IX. PUBLIC HEARING (ACTION ITEMS)
19. Ordinance Number 2014-03: Adopting a Municipal Hold Harmless Gross Receipts Tax (Removal from Table)

Mayor Lucero stated that during the course of the City Council Meeting on February 25, 2014, a Public Hearing for Ordinance Number 2014-03 was tabled. She stated that Councilor Martinez had qualified her vote by stating that the Municipal Ordinance 2014-03 was extremely important to the citizens of the community and should be discussed at a determined date. Mayor Lucero stated that she wanted to open the public hearing for Council discussion.

Motion by Councilor Lewis to approve Ordinance Number 2014-03, with any foreseeable funds earmarked towards Public Safety.

Mayor Lucero stated that she wanted to caution Councilor Lewis and further explained that the departments that would not be affected by Hold Harmless would be the Police, Fire, Wastewater and Water. Mayor Lucero further explained that City employees may be facing furloughs in the year to

come as a result of Hold Harmless legislation.

Councilor Lewis withdrew his motion to earmark funds towards the Department of Public Safety.

Councilor Ortiz identified a point of order and stated that the item must be removed from the table prior to any vote. Mayor Lucero thanked Councilor Ortiz for the correction.

Motion by Councilor Radosevich to remove Ordinance 2014-03 from the table; seconded by Councilor Valdez.

Motion carried 8-0.

Councilor Salazar stated that the administration and all other departments such as Streets, Fleet, Senior Center, City Clerk's Department, HR Department etc., were the backbone of the workforce of the City. He stated that he was in favor of passing Ordinance 2014-03 in an effort to protect City employees who may have to take furloughs. Councilor John Hernandez echoed the comments made by Councilor Salazar.

Motion by Councilor Lewis to adopt Ordinance Number 2014-03 and earmark the fund toward the General Fund; seconded by Councilor Martinez.

Roll Call Vote:

Mayor Pro-Tem:	***Pedro Valdez***	***In Favor***
Councilors:	***Eric Radosevich***	***In Favor***
	Cory Lewis	***In Favor***
	Dennis T. Salazar	***In Favor***
	John Hernandez	***In Favor***
	Peggy Sue Martinez	***In Favor***
	Adrianna Ortiz	***In Favor***
	Phillip Chacon	***In Favor***

Motion Carried 8-0.

ADJOURNMENT

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

Motion Carried 8-0.

The meeting was adjourned at 7:30pm.

PASSED, APPROVED and ADOPTED this 8th day of April, 2014.

Alice A. Lucero
Mayor

Attest:

Tessa Lo Mascareñas
City Clerk