



CITY COUNCIL MEETING
OCTOBER 22, 2013, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

Mayor Alice A. Lucero called the meeting to order at 6:00pm.

B. PLEDGE OF ALLEGIANCE MOMENT OF MEDITATION/ INVOCATION

Councilor Pedro Valdez led the Moment of Meditation/Invocation.

C. ROLL CALL/ DETERMINATION OF QUORUM

The following Governing Body Members were in attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Dennis Tim Salazar
Councilors:	Elaine Herrera
	Eric Radosevich
	Cory Lewis
	John Hernandez
	Peggy Sue Martinez
	Pedro Valdez
	Robert Seeds

D. APPROVAL OF AGENDA

Mayor Lucero presented the agenda as follows:

--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

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

G. MATTERS FROM THE MAYOR

1. Proclamation Honoring E.V.H.S. 2013 Student Council
2. Recognition of Performance Maintenance Incorporated (PMI)

H. REPORTS

3. **Council Committees** (Public Works, Public Safety, Community Services)
4. **Reports**

I. CONSENT AGENDA

5. 9.23.13 City Council Work Session Minutes

J. 9.24.13 City Council Meeting Minutes

ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS/ACTION ITEMS

6. Lease Agreement between City of Española and Ealasad
7. Memorandum of Understanding (MOU) between City of Española and Española Public School regarding Teen Court
8. Request for Approval of Cinco de Mayo Carshow, Andres Valdez
9. Request for Out of State Travel for Officer David W. Luginbuhl, Española Police Department

10. Purchase of Polycarts Discussed by Public Works Chairman Pedro Valdez
11. Resolution 2013-22: Declaring the eligibility and intent of the City of Española Recreational Fields and Walking Trail System of the City of Española to submit an application to the New Mexico Department of Transportation for Federal Fiscal Year 2014/2015 Transportation Alternatives Program funds.

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.

L. ADJOURNMENT

---END---

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

Councilor Seeds asked Interim City Manager Joe Duran about the status of the baseball fields. Mayor Lucero clarified that the agenda was the only matter under discussion.

Motion carried 8-0.

E. PUBLIC COMMENTS

Judge Stephen Salazar informed the Governing Body that Mothers Against Drunk Driving (MADD) was honoring two (2) heroes from the City of Española- Community Services Coordinator Richard Marquez and Director of Public Safety Eric Garcia. He stated that they would be honored on Saturday, November 2nd in Albuquerque and anyone who wished to purchase tickets could contact him. Mayor Lucero stated that this was great for the city as a whole.

Mr. Diego Guillen inquired about the status of the Prince Ranch. Councilor Seeds stated that there was a lease agreement on table. Mr. Guillen stated that he was looking to bring a company to Española and out of the blue, his legs were cut out from under him. Mayor Lucero informed Mr. Guillen that she had sent him a text informing him of the status of the new project. She stated that they had discussed his venture for over 3 ½ years before and he had been unable to come up with investors. She stated that the City could no longer wait. Mr. Guillen stated that Mayor Lucero could have had the courtesy to inform him as he had given her a commitment to not talk to Puerto Rico or the Virgin Islands.

Mayor Lucero asked Mr. Guillen about the status of his project. Mr. Guillen stated that he had contacted the Mayor a week prior to ask her about the status of the property. He stated that he wanted to make it known that if the City could not wait, he would have preferred that he be informed. Mayor Lucero explained that when Mr. Guillen called her, she had been unsure about whether the current agreement would be on the agenda. She stated that the terms had been agreed upon the previous Friday. She added that she had called and had been unable to reach him so she had sent a text message.

Mayor Lucero stated that Mr. Guillen had given her the same story over the past three (3) years and the City had not proceeded with anything on the property hoping that his project would come to fruition. She explained that the City needed to proceed to make use of that property. She added that she did not know how the City Council would vote on the project. Mr. Guillen stated that he did not have a missed call and she should have informed him that she could not wait. Mayor Lucero stated that it was not her intention to surprise Mr. Guillen; however, it was not decided that the measure would be on the agenda until the previous Friday. She stated that she had called and there was a message stating that he was unavailable.

Councilor Valdez asked if it was a possibility for Mr. Guillen to utilize property on Industrial Park Road. Mr. Guillen said Española was out of the question at this point and he would do business with the County or with Taos.

Councilor Martinez asked what business Mr. Guillen was talking about. He stated that he had created a process that retrained the mind to communicate with the body. He stated that he had published two (2) papers and was dealing with one (1) of four (4) patent agreement issues. He added that Española was to be their international headquarters and they were looking for over one hundred (100) acres.

Mayor Lucero stated that Mr. Guillen had announced the project seven (7) years prior. Councilor Martinez stated that she felt as though this was the first she heard of this situation. She said she would hate to see him pull out completely and would look to the City and County doing some business with him. She stated that this may be a situation where the City could pull something together and work with him. Councilor Martinez added that she was unsure whether the lease agreement would pass and would not like to see Mr. Guillen turn the switch completely off.

Mayor Pro-Tem Salazar stated that it was disappointing that many Councilors were left in the dark about this and other issues. He stated that the Governing Body needed to know this information when it affected the possibility of jobs coming to Española Valley and encouraged Mr. Guillen to keep in contact with them.

Councilor Hernandez stated that he was new on the Council and asked if Mr. Guillen had ever formally submitted a project document to the City, whether it be Mayor Lucero or the previous Mayor. Mr. Guillen stated that he had met with the Mayor and State officials with the understanding that when the funds got released, they would move to Española. He stated that documents had been prepared but had not been given to the City. Mr. Guillen stated that he would be able to provide at least 500 jobs and Quebec, Canada and the Philippines had contacted him. Councilor Hernandez stated that he would have recommended that Mr. Guillen submit even on an informal proposal. Mr. Guillen replied that he had provided information to Mayor Lucero. Mayor Lucero stated that was incorrect. Mr. Guillen stated that he did not play politics. He demanded to know why he was not given the courtesy of being informed that the City could not wait.

Councilor Lewis thanked Mr. Guillen for attending the meeting.

Councilor Radosevich asked Mr. Guillen to let the Council see the plan and asked when he would receive backing. Mr. Guillen said he would receive the funding in the next thirty (30) days. He stated that the amount would be approximately \$7 billion dollars.

Mayor Lucero stated that approximately two and half (2 ½) to three (3) years prior, she had discussed the measure in Executive Session. She stated that it had been announced that there was a proposal; however, there was nothing in writing and no terms were ever discussed. She explained that she and Mr. Guillen used to meet almost monthly and finally stopped meeting because she was not shown any progress and nothing concrete ever materialized. She explained that the current agreement had come to fruition and in the best interest of the City, they could not continue to hold a piece of land for one (1) employer.

Mr. Guillen stated that Mayor Lucero had stated that it had been discussed seven (7) years prior and then two and a half (2 ½) to three (3) years and he had never received a text and never received a call.

Mayor Lucero clarified that the project had been announced seven (7) years prior, but she had only been involved in conversations for the past three and a half (3 ½) years. She added that the Rio Grande Sun had printed an article on the subject.

Councilor Seeds stated that the property was bought with taxpayer money for a recreation facility. He stated that he believed that the proper thing to do would be for the Governing Body to meet with the Mayor to decide

what they were going to do with the property. He continued that if something should be done, they should put it out to the public to decide. Councilor Seeds recalled that the Council had discussed access to the property and egressing it from US Highway 84/285. He stated that the City had a prime piece of property and needed to let the general public know the intent. He affirmed that a long term lease was on the agenda and everyone needed to keep an open mind on what the City needed to do with the property. Councilor Seeds added that people needed an equal opportunity to bid on the process.

Mr. Ben Sandoval advised the Council about the fundraising event that the YMCA Center would host on October 26th with Rio Arriba County and the City of Española. He stated that it would take place at the Rural Events Center and he was still selling tickets. He added that he would like for the Governing Body to be present as it was the YMCA's first ever fundraising event.

Councilor Martinez asked Mr. Sandoval to describe the event. Mr. Sandoval stated that it was called Boots, Band and BBQ. He announced that there would be roping competitions, soft wine and spirits for the first two (2) hours and then it would become an event where students would provide live presentations. Mr. Sandoval announced that the caterer was Mr. Brian Berry and Ms. Vickie Markley and tickets were \$75. He added that businesses could purchase full tables for \$500 for up to eight (8) people.

Councilor Lewis asked Mr. Sandoval to email him some information as his company may be willing to purchase a table.

Mr. Sandoval commented that the YMCA would host the 3rd Annual Harvest Festival Parade on October 31st. He stated that the YMCA Teen Center would adopt one of the local communities to provide essential Christmas gifts for the youth and kids. Mayor Lucero stated that she hoped to attend both events.

Councilor Seeds exited at 6:29pm.

Mayor Pro-Tem Salazar thanked Mr. Sandoval for his hard work and dedication.

Councilor Seeds re-entered at 6:30pm.

Mayor Pro-Tem Salazar stated that the work done by the YMCA Teen Center was very important and crucial for the Española Valley. He stated that there were several agencies that worked for the youth; however, Valle del Sol had laid off some employees that day.

Councilor Radosevich exited at 6:32pm.

Mr. Sandoval stated that they were serving forty-five (45) youth per day. He stated that in 2012, there were 10,161 total visits. He added that they were practicing and in communication with Roborave. Mr. Sandoval stated that they had just received an additional \$5,000 grant for a welding program.

Mr. Eric Vasquez invited the Governing Body members to the Economic Development Training Program October 30th. He announced that the trainings would be conducted throughout the Northern New Mexico region, free of charge and for elected officials.

Councilor Radosevich re-entered at 6:34pm.

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Councilor Valdez stated that Clean-Up Day had taken place on October 12th and had gone well. He added that the Española Toy Run had gone well. Councilor Valdez announced that Northern New Mexico Regional Arts

Center (NNMRAC) Harvest Day was on October 19th and the Española Valley Children's Choir and Española Valley High School (EVHS) choir had performed.

He added that there had been a dedication at the Plaza for C.L. Hunter. He stated that the public had been invited to participate in all of these functions and it was sad that sometimes the community did not respond.

Councilor Seeds asked Interim City Manager Duran about the scope of the softball fields project. Interim City Manager Duran stated that work was being done on the electrical. Planning & Zoning (P&Z) Director Naranjo stated that there had been a couple of modifications to expand the fields and as a result, the City was moving some earth and creating pads. He stated that the Request for Proposals (RFP) would be sent out in the following weeks for the turf. He explained that once that was done, the bids would be examined to see if turf was a viable option.

P&Z Director Naranjo stated that the walking trail system would be discussed later in the evening. He announced that it had been funded in the amount of \$290,000. He stated that City Clerk Mascareñas had been instrumental in the acquisition of the grant and the City was examining the possibility of a rotarized surface. He added that the project had been fully funded and the City would be getting more than half of the money in 2014 and the remainder in 2015.

Councilor Seeds asked P&Z Director Naranjo if the RFP would include sod, seeding, etc. P&Z Director Naranjo stated that the turf option would be the first RFP and the process would proceed depending on the outcome. Councilor Seeds stated that RFPs should be sent out jointly. P&Z Director Naranjo stated that if it were allowable to submit two (2) RFPs, he would not have a problem with it.

Mayor Pro-Tem Salazar stated that he knew the EVHS Student Council would be honored that evening; however, he wanted to touch base with Councilor Valdez. He stated that he was not sure whether anyone had listened to the Española Valley High School Choir, but they were amazing. He stated that the Governing Body needed to recognize them. Mayor Pro-Tem Salazar expressed disappointment that 102.5 had misled the Choir about a contest to open up for Foreigner. He stated that the EVHS Choir had beaten the second place contestants by more than 500 votes, but the station had chosen the runner up choir. Mayor Pro-Tem Salazar stated that he felt the Choir would rise and be able to move forward because the people of the Española Valley stood together and stood strong. He thanked the EVHS Choir for representing the Valley well.

Councilor Radosevich asked P&Z Director Naranjo if he had gotten any information regarding financing turf. P&Z Director Naranjo replied that two (2) packets had been mailed over. Councilor Radosevich stated that the Council had agreed to send out an RFP for turf. P&Z Director Naranjo stated that an RFP was being created so that he could provide actual detail. Councilor Radosevich stated that the City had been without any type of complex for so long, he would rather delay it one (1) year and complete the project correctly than to rush into anything.

Councilor Martinez asked P&Z Director Naranjo to forward the information to the Council. She stated that she would like to see the scope of work in her email before it went out so she could verify that they were comparing "apples to apples." She stated that the Council should concern themselves with the feasibility of the finance issue.

Councilor Seeds asked Interim City Manager Duran that status of Pacheco Lane. Interim City Manager Duran stated that the City had not received any other easements.

Councilor Lewis asked if all departments had been given a copy of their finances. Interim City Manager Duran replied in the affirmative. Councilor Lewis asked City Clerk Mascareñas to email him a copy of the full budget.

Mayor Lucero announced that it was Deputy City Clerk Anna Squires' birthday and November 2nd would be City Clerk Mascareñas' birthday.

G. MATTERS FROM THE MAYOR

1. Proclamation Honoring E.V.H.S. 2013 Student Council

Mayor Pro-Tem Salazar read the proclamation.

2. Recognition of Performance Maintenance Incorporated (PMI)

Mayor Lucero presented the certificate of recognition to Eric Quintana of PMI.

H. REPORTS

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

Councilor Valdez passed out the agenda from the previous week. He stated that the North Central Solid Waste Authority (NCSWA) Memorandum and Joint Powers Agreement (JPA) had both been tabled and the purchase of polycarts would be discussed later in the meeting. He reported that the Utility Ordinance had been tabled. He stated that Councilor Lewis had requested that the welcome signs be discussed.

Councilor Seeds stated that the City had kept the people of Pacheco Lane waiting for twenty (20) years and would like a status update on the project. Interim City Manager Duran stated that he would like to provide a positive answer on Pacheco Lane. Councilor Radosevich stated that the Council had allowed the citizens thirty (30) days to offer easements and it had been beyond that. Interim City Manager Duran agreed. Councilor Valdez reminded everyone that the agreement had been made to pave the road as it was if those easements were not provided. Councilor Seeds stated that he understood that if they waited, the City would not be able to purchase the asphalt. He expressed the belief that the City should make improvements in the meantime. Councilor Lewis requested that a status update for Pacheco Lane be placed on the agenda for the next Public Works meeting.

Public Safety

Mayor Pro-Tem Salazar stated that the committee had been unable to hold a meeting but the next scheduled meeting would take place on Monday, November 6th.

Community Services

Councilor Seeds stated that the committee had discussed the annual light parade. He announced that the event would be held on Saturday, December 14th and would run from Industrial Park Road to the Oñate Bridge. Ms. Christine Bustos reported that the theme would be "Christmas Miracle on Mainstreet." She stated that she would file the NMDOT document which approved the parade with the City the following day. She expressed hope that there would be more activities at the Plaza and announced that Mr. John Ramon Vigil had lined up two (2) to three (3) groups for music. She stated that they had not yet chosen a Grand Marshal.

Councilor Martinez stated that she would not mind seeing Mr. Richard Garcia from KDCE be recognized. She stated that he embellished what the City's culture was like through music. She continued that he was an unsung hero and recommended that he be considered for Grand Marshal.

Mayor Lucero commented that Española had the best light parade in New Mexico.

Councilor Seeds explained that the item had not been placed on that night's agenda because the meeting had only taken place the night before. Mayor Lucero stated that it could be placed on the agenda for the next

meeting and the Downtown Action Team could meet with Interim City Manager Duran regarding insurance in the meantime.

4. Reports

Interim City Manager Duran thanked the Council for their communications following the deaths of his brother and father.

Interim City Manager Duran reported that the Ranchitos Pool had been winterized. He stated that Spañalooza, Española Valley Arts Festival and the Española Toy Run had all been successful.

I. CONSENT AGENDA

5. 9.23.13 City Council Work Session Minutes
6. 9.24.13 City Council Meeting Minutes

Motion by Councilor Valdez to approve the Consent Agenda; seconded by Councilor Radosevich.

Councilor Martinez commented that the minutes were precise.

Motion carried 8-0.

J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS/ACTION ITEMS

7. Lease Agreement between City of Española and Ealasisd

Mayor Lucero stated that the Council had a proposed lease agreement before them and asked Mr. Eric Vasquez, of the Regional Development Corporation (RDC), to discuss the measure. Mayor Lucero stated that it had been suggested that the City gain input from the community when she initially spoke with the Council on the issue; therefore, a Community Meeting was held. She stated that Councilor Martinez had attended the meeting and the project had been well received by the community.

Mr. Vasquez explained that the RDC acted as an economic development initiative with focus on the creation of a viable, strong economy. He stated that they had tried to bring in industry that matched the community and the current project had been brought to their attention. He continued that in Los Alamos, the New Mexico Consortium (a partnership between LANL, UNM, NMSU and NM Tech) created new industries to feed the local economy. Mr. Vasquez stated that the NM Consortium had experienced a major win when they acquired the expertise of Dr. Richard Sayre- one of the top five (5) researchers internationally for improving algae as a feedstock for biofuels.

Mr. Vasquez stated that individuals in several different fields were interested in moving to the area to work with Dr. Sayre. Mr. Vasquez explained that Ealasisd was one such company and was currently based out of Washington. He continued that the first product that this company wished to introduce was oil that smelled like roses. Mr. Vasquez stated that Ealasisd had developed technology that trained a poplar tree to complete the process. He indicated that the essence was very valuable and was used in a variety of different things like Snapple, deodorant, shampoo, etc. Mr. Vasquez added that there was a large market for the product and the company needed approximately 100 acres in the area. He reported that Ealasisd had requested that RDC locate the property and they had discovered that the Prince/Carter Ranch met all of the requirements.

Mr. Vasquez continued that the poplar trees would not be grown to maturity. He specified that each would grow for one (1) year as opposed to seven (7) which was full maturity. He added that the trees had thin, woody branches which the oil grew inside of. Mr. Vasquez stated that the company would use an industrial-size mower to chop the branches and place them into a still. He stated that the product was then taken out in bottles. He affirmed that the impact to the area would be minimal and there would be nominal traffic. Mr. Vasquez stated that fences would be put up and the area would be made agricultural. He explained that for the first two

(2) years, the root system would require water; thereafter, the roots would grow deep enough where access to water would not be needed.

Mr. Vasquez projected that the business would create a minimum of 3-5 jobs within the first five (5) years and Ealasisid would work with Santa Fe Community College to develop training programs. He stated that they would also hire seasonal employees and would utilize contractors from the Española area. Mr. Vasquez affirmed that the one (1) of the most useful things, that also excited him, was that he had grown up in the area and moved away because there were no jobs. He stated that his wife had convinced him to return home and this is the first time in his memory that a company from Los Alamos had moved a production facility to Española.

Motion by Councilor Valdez to approve Lease Agreement between City of Española and Ealasisid; seconded by Councilor Hernandez.

City Attorney Coppler stated that Page 3, Section 5 detailed the economic development requirements. He cited page 3, paragraph 4 which stated that the company would make all of the improvements free of charge to the city. He stated that the lease term could last as long as thirty (30) years because it had a base of ten (10) years and the company would have the opportunity to renew for an additional twenty (20) years. He explained that in the event the lease ran the entire thirty (30) years, revenue would total \$900,000. City Attorney Coppler specified that the company would only be required to pay one (1) dollar per year for the first two (2) years. He stated that with regard to water and water rights, the lessee's obligation was to finance all of the improvements necessary to bring water to the property and buy water. He added that additional requirements would be funded by the lessee, including the provision of any structures. He stated that they would also be required to obtain insurance that provided an indemnity to hold the City harmless. City Attorney Coppler stated that the City would hereby collect the rent, not be obligated to put any structure or improvements into the property and any structures on the property would revert back to the City. He specified that there was no option to purchase included in the lease.

City Attorney Coppler stated that there was a provision regarding the City's ability to terminate the lease that stated that if the lessee failed to abide by the commitments, the City had to allow them thirty (30) days to abate the issue and if they did not fix it, the City could declare a default. He specified that this was a standard provision in any lease agreement and there had been an exception made which required that the amount be paid at the beginning of the year.

Councilor Valdez stated that he had reviewed the lease in its entirety and the documents appeared to be in good condition. He stated that he had been aware of Mr. Guillen's situation many years prior and suggested that Mr. Guillen place his industry on Industrial Park.

Councilor Martinez asked if there were any other terms under which the City could vacate the lease. City Attorney Coppler stated that there would be an option after ten (10) years. He explained that the lease could not contain a clause allowing for termination without cause as the lessee would be making considerable investments. Mr. Eric Vasquez stated that the company was going through the approval process and their funding required that they have an extended lease.

City Attorney Coppler stated that this was the first step of leasing municipal property and the Council would also have to approve an ordinance.

Councilor Martinez thanked Mr. Vasquez for his efforts and asked about the rent of water rights. She mentioned the Salazar and Vigil ditch and asked if any of their members had been invited to speak. Mr. Vasquez replied that invitations to the first public meeting had been distributed door to door. He stated that initial efforts to meet with acequias were not successful; however, when the public meeting began, there was a lot of suspicion. Councilor Martinez stated that the City had a responsibility to maintain the ability for farmers to have the water to have their crops grow the way they were supposed to. She expressed concern that the water

would come from well #9, Salazar ditch and Vigil ditch. Mr. Vasquez stated that the company would have to work within the acequia system to qualify for the acquisition of water. He reported that Ealasisid had plans to utilize holding ponds on the property. He stated that well #9 had never been incorporated because it had a low flow rate; however was sufficient for Ealasisid's needs. He explained that the climate had been unusual and the ditches had been healthy. Mr. Vasquez stated that they could meet all of the water needs through well #9. Councilor Martinez stated that if there were a drastic drought situation, the City of Española must provide the sixty (60) acre feet of water per year.

City Attorney Coppler stated that language had been included that placed the burden on the lessee to arrange for the water. He stated that the City was committing to sell up to sixty (60) acre feet and it was up to Ealasisid to make arrangements with the acequia. Councilor Martinez stated that the Vigil ditch dam had been wiped out during the last storm and expressed concern that this company would come in and decide that the water was theirs first. She stated that she had gotten mixed messages about water leasing.

Councilor Martinez stated that her concern was that three to five (3-5) jobs would be provided and explained that she was interested in this because she wanted the community to grow. She stated that three to five (3-5) was not that many jobs, but it was something. She asked if it was feasible to request that a certain amount of jobs be provided by a certain date and if not, the City have the ability to pull the lease back. Councilor Martinez stated that the reason she was asking was because of the Nambe Mills lease as they did not follow through with the situation.

City Attorney Coppler reported that the subject had been broached during negotiations. Mr. Vasquez concurred and that the conversation had occurred and stated that Ealasisid had been reluctant to promise anything that they could not outright deliver. He reiterated that the call back clause had been discussed and one of the issues that company was facing was that they were looking for venture capital which tended to shy away from leases with such provisions. He explained that they would not like to be bound into something that would reduce their capital. Mr. Vasquez stated that New Mexico had strong acequia law so it was impossible for one (1) member to just run over the other members of the same system. He stated that the company would be required to enter into negotiations with the acequias.

Mayor Lucero commented that the well was not equipped and Ealasisid would have to pay to equip and outfit it.

Councilor Radosevich asked Mr. Diego Guillen if he had any type of guarantee about the funding. Mr. Guillen replied that he could show them the contract. Councilor Radosevich stated that there had been discussion for two and a half to seven (2 ½ to 7) years and he would rather see something happen rather than nothing. Mr. Guillen stated that business was business and it was fine if he lost to someone else. He stated that it would have been proper business protocol to let him know. He stated that he would not provide a guarantee; however, he was expecting the funding to arrive the next week. Mayor Lucero stated that she had been hearing "within the next week" for the last three and a half (3 ½) years.

Councilor Valdez stated that, with regard to the water, the property had been purchased so that the City could pump water from the Rio Grande. He stated that if water could not be obtained from the ditch, it could be taken from the Rio Grande.

Councilor Seeds thanked Mr. Vasquez for trying to bring economic development to the Valley. He stated that everyone wanted to do something with the Prince Ranch. He expressed the belief that because everyone had waited so long, the City should not be hasty. He disagreed with Councilor Valdez who stated that there was enough water. Councilor Seeds stated that water was a jewel and a privilege.

Councilor Martinez asked how the use of well #9 would affect the aquifers in the area. Interim City Manager Duran stated that there was a high water table in the area. Councilor Martinez stated that when driving down to Las Cruces, she had seen the Rio Grande come to a stop. She stated that the Governing Body did not know

what the future would bring. She stated that she thought the Salazar and Vigil Ditch Commissions deserved the respect of the Governing Body.

Mr. Vasquez explained that the company would not require a constant flow of water for the term of the lease once the plants grew deep enough, they would not require irrigation.

Councilor Hernandez thanked Mr. Vasquez for his work. He stated that during previous talks, Mr. Vasquez stated that up to fifty (50) employees could be hired eventually. He stated that he was curious about the types of qualifications that would be required of the initial three to five (3-5) employees. Mr. Vasquez stated that the company was anticipating, if everything went correctly, the employment of thirty to fifty (30-50) employees by the eighth year. He stated that this start-up was a company that everyone at the NM Consortium thought looked good and had some of the best minds in the world. He stated that they would require an office manager and a couple of people to work on the land.

Motion by Councilor Seeds to table the item until it could be discussed further; seconded by Councilor Martinez.

Mayor Pro Tem:	Dennis Tim Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	Against- Councilor Valdez pointed out that there were opportunities and they would take some time. He stated that the only way for there to be progress was to allow some of the projects to go through.
	Peggy Sue Martinez	In Favor- Councilor Martinez stated that she was in favor of economic development and would like to give the public the opportunity to weigh in on the situation at the next meeting.
	John Hernandez	Against- Councilor Hernandez stated that the community had been given the opportunity to voice their opinion and had responded favorably.
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

Motion carried 6-2.

Mr. Vasquez stated that Ealasad had been cooperative and would not try to force something. He stated that they were working with USDA to get approval so that they could go into the ground in the coming Spring. He explained that any approval would start the one hundred and twenty five (125) day period for the lease to go into effect. Councilor Hernandez asked if he had misunderstood that the company needed an answer within the next sixty (60) days.

Councilor Radosevich stated that he hoped to become more educated on the lease before he made a decision. Mayor Lucero stated that there would be one (1) Council meeting in November and agreed to place the measure on the next agenda.

Councilor Martinez exited at 8:11pm.

8. Memorandum of Understanding (MOU) between City of Española and Española Public School regarding Teen Court

Judge Salazar stated that he had worked with Dr. Trujillo, Superintendent on the Memorandum of Understanding. He added that it had been reviewed by the Mayor and the City Attorney.

Motion by Councilor Valdez to approve the Memorandum of Understanding (MOU) between the Española Public Schools and the City of Española; seconded by Mayor Pro-Tem Salazar.

Motion carried 7-0.

Councilor Martinez re-entered at 8:14pm.

9. Request for Approval of Cinco de Mayo Carshow, Andres Valdez

Mr. Andres Valdez stated that he had worked with Cultura Promotions to produce two (2) major car shows the last two (2) years. He stated that he wanted to get approval for a car show on May 3rd on Paseo de Oñate. He stated that there would not be a beer garden and there would be local vendors. Mr. Valdez reported that he had been in contact with the Police Department and Director of Public Safety Eric Garcia had agreed to provide 100% support. He reiterated that there would be local vendors and local bands and announced that a lower admission fee would be charged.

Motion by Councilor Valdez to approve request for May 3, 2014 car show; seconded by Councilor Radosevich.

Councilor Valdez asked Mr. Valdez to repeat the date of the event. He replied that it would be on May 3rd and explained that there would be a major car show the third week of April and one (1) in Denver during the month of June creating the perfect time frame.

Councilor Lewis asked if the request had gone to committee. Councilor Seeds stated that it had not and should have gone before both the Community Services Committee and the Finance Committee, but he supported the car show.

Mr. Valdez stated that they would provide their own insurance and would explore whether Lodger's Tax would consider an appropriation. He stated that they would also request that the City clean up the Mainstreet area.

Motion carried 8-0.

10. Request for Out of State Travel for Officer David W. Luginbuhl, Española Police Department

Director of Public Safety Garcia stated that Officer Luginbuhl would use this training to help develop the SWAT program. He stated that the City would only have to pay \$135 for per diem and \$205 for fuel and the City would receive \$190,000 under the terms of the grant.

Motion by Councilor Valdez to approve the out of state travel; seconded by Councilor Martinez and Councilor Radosevich.

Councilor Valdez asked whether the funding would come out of the Police Department budget or if it would require a Budget Adjustment Request (BAR). Director of Public Safety Garcia responded that it would be drawn from general operation funds.

Councilor Seeds asked what benefit the City would receive. Director of Public Safety Garcia stated that the SWAT commander would be trained. Councilor Seeds asked if the City of Española was a member of the Region III Taskforce. Director of Public Safety Garcia stated that he was facilitating that.

Councilor Radosevich asked the total out-of-pocket cost. Director of Public Safety Garcia stated that the grant was in the amount \$190,000 and the City would pay a total of \$340. Councilor Radosevich asked if two (2) officers could attend. Director of Public Safety Garcia replied in the negative. Mayor Lucero stated that the SWAT Commander would be able to train the officers that would work with him.

Motion carried 8-0.

11. Purchase of Polycarts Discussed by Public Works Chairman Pedro Valdez

Councilor Valdez stated that he would like the Council to approve an appropriation of \$60,000 to buy 1,200 polycarts. He explained that he wanted to do this because the cost of polycarts was steadily increasing and the City had the funds in place.

Motion by Councilor Valdez to approve the purchase of polycarts; seconded by Councilor Lewis.

Councilor Martinez stated that she had requested that North Central Solid Waste Authority (NCSWA) look at the property of her neighbor- Lorraine. She stated that she would like for people to keep their polycarts out of sight and suggested that if the Veteran's Commission were required to keep their polycarts behind a gate, less people would use them illegally.

Councilor Seeds stated that, with trash rates as high as they were, people deserved new polycarts.

Motion carried 8-0.

12. Resolution 2013-22: Declaring the eligibility and intent of the City of Española Recreational Fields and Walking Trail System of the City of Española to submit an application to the New Mexico Department of Transportation for Federal Fiscal Year 2014/2015 Transportation Alternatives Program funds.

Planning & Zoning Director Naranjo stated that the City had been chosen to fully fund a walking trail project in the amount of \$290,000. He explained that in order to fulfill the requirement criteria, a resolution needed to be adopted.

Motion by Councilor Radosevich to approve Resolution 2013-22; seconded by Councilor Lewis.

Councilor Valdez asked where the matching funds would come from. Planning & Zoning Director Naranjo replied that the grant did not require a match, but would reimburse the City for funds. Mayor Lucero stated that the Council could consider the initial funds to be used during the next budget year. Planning & Zoning Director Naranjo stated that he had been required to make a presentation and it had been awesome to be chosen.

Councilor Seeds asked if the audits would affect the funding. Planning & Zoning Director Naranjo stated that he had looked into the issue and because the grant was not Executive driven, it would be allowable.

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.

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

Roll Call Vote:

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

Mayor Lucero broke the tie and voted in favor of entering into Executive Session.

Motion carried 5-4.

The meeting entered into Executive Session at 8:31pm.

Councilor Seeds, Councilor Radosevich and Mayor Pro-Tem Salazar exited at 8:31pm.

Motion by Councilor Valdez to return from Executive Session; seconded by Councilor Herrera.

Roll Call Vote:

Councilors:	Elaine Herrera	In Favor
	Cory Lewis	In Favor
	John Hernandez	In Favor
	Peggy Sue Martinez	In Favor
	Pedro Valdez	In Favor

Motion carried 5-0.

No action was taken in Executive Session.

The meeting exited Executive Session at 8:40pm.

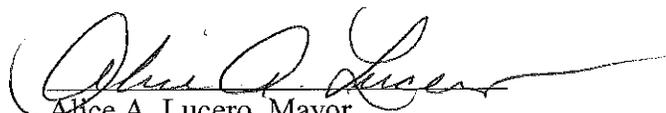
L. ADJOURNMENT

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

Motion carried 5-0.

The meeting was adjourned at 8:41pm.

PASSED, APPROVED and ADOPTED THIS 9th DAY OF DECEMBER 2013.


Alice A. Lucero, Mayor

Attest.



Tessa J. Mascarenas, City Clerk