

CITY COUNCIL MEETING
SEPTEMBER 22ND, 2015, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

The meeting was called to order at 6:02 pm by Mayor Alice A. Lucero

B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/ INVOCATION

Mayor Lucero asked Chief Richard Gallegos to lead the pledge of Allegiance. Councilor John Hernandez led the moment of Mediation/Invocation. He further acknowledged Pope Francis' visit to the U.S. and reserved a moment of silence/invocation for his safety.

C. ROLL CALL/ DETERMINATION OF QUORUM

The following in Attendance:

- Mayor: Alice A. Lucero
- Mayor Pro-Tem: Pedro Valdez
- Councilors: Michelle R. Martinez
- Peggy Sue Martinez
- Adrianna Ortiz
- John Hernandez
- Tania Sanchez

- Absent: Cory Lewis
- Dennis Tim Salazar

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

D. APPROVAL OF AGENDA

Agenda as Presented:

- Begin -

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

PLEASE SIGN IN: *Print First Name and Last, including Affiliation and/or Address if Applicable. Please Keep Comments to a three (3) Minute Time Frame. Public Comment Log Sheet Located upon South East Entry near the City Clerk. Thank You.*

- F. COUNCILOR COMMENTS/ ANNOUNCEMENTS
- G. MATTERS FROM THE MAYOR
- H. BUSINESS WITH VISITORS
 - 1. Non Profit M.P.I. Community Survey City of Española
- Presented by Singh Sahib Gurubachan Singh Khalsa
- I. CONSENT AGENDA
 - 2. Joint Work Session Meeting Minutes 08-19-15
 - 3. City Council Meeting Minutes 08-25-15

J. CITY MANAGER REPORT

4. Report by City Manager Kelly Duran

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

5. Consideration of Co-Sponsorship of the Annual Electric Light Parade and Christmas on the Plaza
-Community Services Director Mark Trujillo & D.A.T.E. Representative Christine "Teeny" Bustos
6. Consideration of Sponsorship for Red Ribbon Week – Public Safety Member Councilor Peggy Sue Martinez
-Department of Public Safety Director Richard Gallegos & Deputy Chief Miguel Maez.
7. Consideration of Decommissioning & Adoption of EPD Canine (K-9) Safety Officer "Gabana"
-Department of Public Safety Director Richard Gallegos & Deputy Chief Miguel Maez

L. EXECUTIVE SESSION**MATTERS FROM THE CITY ATTORNEY**

8. In accordance with the New Mexico Open Meetings Act Section 10-15-1 (H) (7) NMSA 1978, Discussion of Personnel Matters Pertaining to Planning Director Position - City Attorney Frank Coppler
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. **NOTE:** New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

M. ADJOURNMENT

The Governing Body may revise the order of the agenda items considered at this Open Meeting. If you are an individual with a disability who is in need of an amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 747-6019 at least three days prior to the meeting.

- End -

Mayor Alice A. Lucero stated that the City Council Meeting Minutes of 8.25.15 Item No. 3 under Consent Agenda would be moved to the next City Council Meeting. Councilor Peggy Sue Martinez questioned if the Joint Work Session Meeting Minutes of 8.19.15 Item No. 2 under Consent Agenda Motion could be reviewed prior to approval as to address requested changes. Mayor Lucero concurred. Motion to approve the agenda as amended by Mayor Pro-Tem Pedro Valdez; 2nd by Councilor Peggy Sue Martinez

Motion Carried 6-0

E. PUBLIC COMMENTS

-None-

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Mayor Pro-Tem Pedro Valdez announced that the clean-up day initiative, entitled "Day of Action", would be held October 3rd, 2015. He further stated that Del Norte Credit Union would be taking the lead by initiating the "Making A Difference within Our Community Program". Mayor Pro-Tem Valdez reminded the City Council that they had recently adopted Valdez Park in an effort to provide restoration and clean-up of the park.

Councilor Adrianna Ortiz announced that on September 26, 2015, Deputy Chief Miguel Maez and Cpl. Daniel Espinoza would conduct a prescription return program entitled the "Take Back Program" at Wal-Mart from 10am until 2pm. She further sighted a number of contact: 505-692-5498

Councilor Ortiz further announced that the Española Public Library would be hosting an event entitled; "Stuffy Sleepover" to be held September 24th, 2015. She further explained that Children & Adults were encouraged to

drop-off a favorite stuffed animal at the library on Thursday, September 24th between 3-6 pm, as the toy would then “sleepover” at the library. Councilor Ortiz further stated that the stuffed animal could be picked-up on Friday, September 25th between 3-5 pm along with a photo of your stuffy participating in activities.

Councilor Michelle R. Martinez acknowledged the Española Public Library & staff of the continuous efforts to be creative and promote fun and new ideas to the youth as well as adults.

Councilor Peggy Sue Martinez announced that the Espanola Fire Department was once again selling t-shirts to raise monies and awareness to aid the fight against breast cancer as the month of October was observed as Breast Cancer Awareness Month. She further announced that the 2015 Annual Breast Cancer Walk & Gold Tournament will be taking place October 10th at the Black Mesa Gold Club to help benefit NORTHERN STRIDES, a non-profit organization who sought to aid the fight against breast cancer.

Mayor Alice A. Lucero thanked City Manager Kelly Duran and the City of Española Department Directors for hosting an end-of-summer picnic for all City employees. She further sighted September 18th, 2015 as the day of the employee appreciation day picnic.

Councilor Tania Sanchez announced that the 30th Annual Española Valley Arts Festival would be taking place September 26th-27th, 2015 at the Plaza de Española. She further stated that entertainment for this year’s arts festival included Simon Balkey and the Honky Tonk Crew, Encanto, Dave Maestas Band, Heartless, The Cavaliers, Justin Sanchez, Gary Vigil, Stealing Hearts, Eddie Herrera Y Vengancia and Balli Illuson.

G. MATTERS FROM THE MAYOR

Mayor Alice A. Lucero stated that she had no items to present under Matters from the Mayor.

H. BUSINESS WITH VISITORS

1. Non Profit M.P.I. Community Survey City of Española - Presented by Singh Sahib Gurubachan Singh Khalsa

Singh Sahib Gurubachan Singh Khalsa stated his name for the record, he announced that on Saturday, November 7th 2015, the 13th Annual Lord of Miracles Tour in Honor of Guru Ram Das would be hosted for the first time at the Plaza de Española at the Mision. He further stated that the event would be livestreamed to several counties as residents from Española, Española Sikh community, Taos, Santa Fe, Los Alamos, Albuquerque and surrounding areas would gather at the Plaza de Española to participate in BREATHE.

Singh Sahib Gurubachan Singh Khalsa explained that BREATHE was “discovering your joy and vitality”. He further stated that the exercise was originally led by Singh Sahib Gurubachan Singh Khalsa and the teaching and sharing of three simple nondenominational meditations and breathing techniques based on Kunadlini Yoga would be exercised. Gurubachan Singh Khalsa further stated that Singh Sahib Gurubachan Singh Khalsa noted that Yogi Bhajan could have chosen anywhere in the world to live, but he loved Española so much that he chose to call this beautiful place his home.

Singh Sahib Gurubachan Singh Khalsa conducted a seven (7) minute presentation on BREATHE. Mayor Alice A. Lucero graciously thanked Gurubachan Singh Khalsa for his presentation and encouraged all to attend the event on November 7th 2015. Sentiments were echoed by Councilor Tania Sanchez, Councilor Michelle R. Martinez, Councilor Peggy Sue Martinez and Councilor John Hernandez.

I. CONSENT AGENDA

2. Joint Work Session Meeting Minutes 08-19-15
3. ~~City Council Meeting Minutes 08-25-15~~; Minutes tabled for review until the next City Council Meeting.

Councilor Peggy Sue Martinez stated that she was fine with the Joint Work Session Meeting Minutes 08-19-15. She asked if her comments during that meeting could be included as she felt they were important for the discussion which took place during the 08-19-15 Joint Work Session Meeting. She sighted the following language to be included; *Councilor Peggy Sue Martinez stated that she understood that funds collected from the Emergency 911 tax had been invested. She further stated that the amount exceeded half a million dollars and was close to \$600,000 dollars. Councilor Peggy Sue Martinez questioned why some of the funds couldn't be used to cover the deficit.*

Motion to approve consent agenda to include the language requested by Councilor Peggy Sue Martinez made by Councilor John Hernandez; 2nd by Mayor Pro-Tem Pedro Valdez

Motion Carried 6-0

J. CITY MANAGER REPORT

4. Report by City Manager Kelly Duran

Councilor Michelle R. Martinez sighted page eight (8) item No. six (6) within the City Managers Report. She stated that the terminology referring to *termination* should reflect as *resignation* for the following: Michael Marquez, Code Enforcement Officer, Stephanie Martinez, HR Analyst, Marcella Maestas, RACE Coordinator and Jeff Martinez, SGT Police Dept., as all personnel were sighted within the report as resigning.

City Manager Kelly Duran clarified his written statement within the City Managers Report, sighting that it was a legal military term when an employee resigns, as it is referred to as a *self-termination*.

Councilor Michelle R. Martinez stated that she has not yet been proved the written report by previous contractor Dr. Barry Cooney. She sighted that she had been asking for the document for several weeks and notably during other Council Meetings. Councilor Michelle R. Martinez sighted page eight (8) item No. seven (7) within the City Managers Report. She questioned the reference to "open positions" and the interviews for the Planning Director, previously held September 16th, 2015. Councilor Michelle R. Martinez referenced the phrase under smaller case letter (i) "*City Manager will review and possibly hold a second round interview*". She then questioned if that was the reason for Executive Session. City Manager Kelly Duran replied in the affirmative.

Councilor Michelle R. Martinez questioned City Manager K. Duran of the possibility of providing an Audit Update. City Manager K. Duran replied in the affirmative stating that the City will no longer have a disclaimer notice and received at least one (1) non-qualified opinion for FY12.

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

5. Consideration of Co-Sponsorship of the Annual Electric Light Parade and Christmas on the Plaza -Community Services Director Mark Trujillo & D.A.T.E. Representative Christine "Teeny" Bustos

Ms. Christine "Teeny" Bustos stated that she had participated in the Electric Light Parade for nineteen (19) years. Ms. Bustos stated that the parade was scheduled to take place Saturday, December 12, 2015. She further explained that in years past the City's Co-Sponsorship was indicative of the actual event taking place as the City provided police presence, street operations, road closures and traffic control, all to insure the safety and

welfare of the community members participating and enjoying the event. She further sighted that the event had been drawing in larger numbers from neighboring communities as well as out of state.

City Manager Kelly Duran stated that he had discussed the definition of "City Co-Sponsorship" when pertaining to events with City Directors. He stated that one main factor was the impact of hours accumulated outside the normal business day. He further stated, for future fiscal responsibility, he asked Public Safety, Streets/General Services and Community Services Department Directors to quantify the time spent on any "City Co-Sponsorship" to ensure a better calculation of accumulated time spent to aid with events as events may differ.

Motion by Councilor Peggy Sue Martinez to approve the co-sponsorship of the 20th Annual Electric Light Parade; seconded by Councilor Michelle R. Martinez.

Councilor Peggy Sue Martinez expressed that Century Bank may consider sponsoring the event as well. She thanked Ms. Christine "Teeny" Bustos for her years of servitude to the community. Mayor Alice A. Lucero and Councilor Adrianna Ortiz echoed similar comments.

Motion carried 6-0.

6. Consideration of Sponsorship for Red Ribbon Week – Public Safety Member Councilor Peggy Sue Martinez -Department of Public Safety Director Richard Gallegos & Deputy Chief Miguel Maez.

Director of Public Safety Richard Gallegos stated that the Española Department of Public Safety and Municipal Court had come together for numerous years to support the Española Public Schools initiative to raise awareness through education about the harmful effects of illegal drug and alcohol consumption for the National Red Ribbon Campaign.

Councilor Peggy Sue Martinez stated that she had worked very hard on the concept of providing students with a pledge card sighting the pledge of self-respect and abstaining from illegal drug and alcohol consumption. She sighted provided examples within the packet materials. Mayor Alice A. Lucero stated that she liked the concept; she then questioned Councilor Peggy Sue Martinez of Council's agreed participation of funding the initiative and supporting the collaborative.

Councilor Michelle R. Martinez requested that the Holy Cross Catholic School as well as McCurdy Charter School be involved with the initiative as they were both schools within the City limits. Similar supportive comments were echoed by Councilor Tania Sanchez and Mayor Pro-Tem Pedro Valdez.

Councilor Michelle R. Martinez stated that traditional dates of Red Ribbon week fell between October 23rd 2015 and October 31st. She stated that she had requested a proclamation in observance of the week as it was first addressed as a Public Safety Committee Meeting Agenda Item and passed for Full Council consideration.

Motion by Mayor Pro-Tem Pedro Valdez to approve the Governing Body and City Department collaborative sponsorship to include; pledge cards, a proclamation and presentations observing Red Ribbon Week as to include Santa Cruz Elementary School and McCurdy Charter School; 2nd motion by Councilor Tania Sanchez.

Motion Carried 6-0

7. Consideration of Decommissioning & Adoption of EPD Canine (K-9) Safety Officer "Gabana"
-Department of Public Safety Director Richard Gallegos & Deputy Chief Miguel Maez

Chief Richard Gallegos stated that the City of Española K-9 Officer must first be decommissioned prior to the consideration of adoption.

Deputy Chief Miguel Maez stated that K9's were used to track human scent and were frequently used in a traditional way to track persons evading Officers, lost and missing people and investigating suspicious activities. He further stated that once a Canine (K-9) Safety Officer was decommissioned they were not to be considered typical domesticated animals.

CM Kelly Duran stated that by allowing for the decommissioning of the K9 Unit would then allow for the hiring of a needed Police Officer within the department.

City Manager K. Duran further stated that the *Canine Adoption Contract* would allow EPD Officer Jeremy A. Apodaca of 2822 Vereda Poniente, Santa Fe, NM 87507 to adopt the canine, namely *Gabana*, from the City of Española (COE), applicable terms must be agreed upon in writing. He further sighted that Officer Jeremy A. Apodaca had been the original handler of the (K-9) Safety Officer and was also certified. City Manager K. Duran explained that EPD Officer Jeremy A. Apodaca stated that he would agree that the animal is the City of Española property and had been entrusted to him and should in turn never be sold, adopted, or given away to another party.

Councilor John Hernandez questioned if the *Canine Adoption Contract* posed any liability to the City once executed. Similar concerns were addressed by Councilor Peggy Sue Martinez.

City Manager Kelly Duran replied in the negative and stated that "if" it was determined that Officer Jeremy A. Apodaca was unable to keep the animal or give it proper care, he would then return the animal to the City of Española.

Motion to decommission Canine (K-9) Safety Officer "Gabana" & allow for the adoption by EPD Officer Jeremy A. Apodaca as to be kept in his care at the residence of 2822 Vereda Poniente, Santa Fe, NM 87507; Motion made by Councilor Adrianna Ortiz; 2nd by Mayor Pro-Tem Pedro Valdez.

Motion Carried 6-0

L. EXECUTIVE SESSION

**8. In accordance with the New Mexico Open Meetings Act Section 10-15-1 (H) (7) NMSA 1978,
 Discussion of Personnel Matter Pertaining to Planning Director Position- City Attorney Frank Coppler**

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. NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

Motion to enter into Executive Session made by Councilor Peggy Sue Martinez and 2nd by Mayor Pro-Tem Pedro Valdez

Roll Call Vote:

Mayor Pro-Tem:	<i>Pedro Valdez</i>	<i>in Favor</i>
Councilors:	<i>Tania Sanchez</i>	<i>in Favor</i>
	<i>Michelle R. Martinez</i>	<i>in Favor</i>
	<i>Adrianna Ortiz</i>	<i>in Favor</i>
	<i>Peggy Sue Martinez</i>	<i>in Favor</i>
	<i>John Hernandez</i>	<i>in Favor</i>

Motion Carried 6-0

The Governing Body entered into Executive Session at 7:45 pm

Councilor Peggy Sue Martinez made a motion to come out of Executive Session, Motion 2nd by Councilor Michelle R. Martinez

Roll Call Vote:

Mayor Pro-Tem:	<i>Pedro Valdez</i>	<i>in Favor</i>
Councilors:	<i>Tania Sanchez</i>	<i>in Favor</i>
	<i>Michelle R. Martinez</i>	<i>in Favor</i>
	<i>Adrianna Ortiz</i>	<i>in Favor</i>
	<i>Peggy Sue Martinez</i>	<i>in Favor</i>
	<i>John Hernandez</i>	<i>in Favor</i>

Motion Carried 6-0

The Governing Body came out of Executive Session at 8:31 pm.

Mayor Alice A. Lucero stated that in accordance with the New Mexico Open Meetings Act Section 10-15-1 (H) (7) NMSA 1978, Discussion of Personnel Matter Pertaining to Planning Director Position there was no action taken in Executive Session, only discussion.

M. ADJOURNMENT

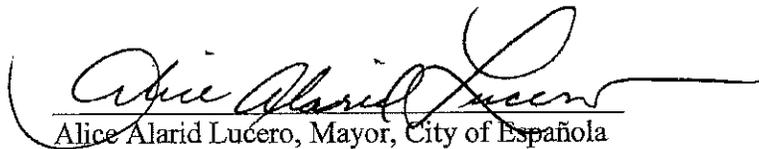
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Motion to Adjourn made by Mayor Pro-Tem Pedro Valdez and 2nd by Councilor Adrianna Ortiz

Motion Carried 6-0;

Meeting adjourned at 8:34 pm

ADOPTED AND APPROVED by the Governing Body of the City of Española this 24th day of November 2015.


Alice Alarid Lucero, Mayor, City of Española

ATTEST:


Anna Squires, City Clerk

