



CITY COUNCIL MEETING
OCTOBER 23, 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 6:04pm.

B. PLEDGE OF ALLEGIANCE

Mayor Lucero led the Pledge of Allegiance.

C. MOMENT OF MEDITATION/ INVOCATION

Councilor Pedro 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 L. Herrera

E. APPROVAL OF AGENDA

Councilor Seeds stated that they had been handed a supplemental agenda and asked if it had been posted five (5) days prior. Mayor Lucero clarified that the law required the agenda be made available 24 hours prior. Councilor Seeds stated that he believed it was like misleading the public and asked how it could be changed to 5 days prior. City Attorney Coppler stated that if they wished to make the change, it would need to be placed on a future agenda. Mayor Lucero stated that the resolution was already on the agenda for the evening. Councilor Valdez stated that he believed it was okay the way it was. Councilor Seeds stated that he was not aware of what would be discussed and was concerned with the items they were going to act on. He stated that, when changed 24 hours in advance, it gave the public the feeling that something was trying to be snuck through.

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

Motion carried 7-1, Councilor Seeds voting in the negative.

F. PUBLIC COMMENTS

Mr. Efred Sanchez stated that he was in attendance to challenge each and every one of the Councilors to do the mini-walk on Saturday. He expressed his belief that the leaders of the community should be out there. He stated that the Valley had a problem with drugs and it was time for the leaders to get involved. He invited everyone to join the walk at 8am in the morning at the Bank of America parking lot. He stated that the walk would begin at 9am. He reported that there would be a group from Arizona and many organizations that were hoping to bring awareness to the problem. Mr. Sanchez thanked the City for co-sponsoring the event.

Councilor Martinez thanked Mr. Sanchez for being in attendance. She clarified that the walk was to bring awareness against drugs. Mr. Sanchez stated that there would be a shuttle available for people who would be parking at Valdez Park. He stated that 19 bikes had been donated.

Mr. Alex Valdez stated that he had been charged for sewer services for the previous 13 years and had been hooked up to a septic tank. He stated that he had spoken with Interim City Manager Duran regarding the issue but it had taken too long. He explained that Interim City Manager Duran stated that he would be reimbursed for one year. Mr. Valdez stated that he did not believe that was enough and expressed his belief that he should be reimbursed for the full 11 years. He explained that he was currently in the process of losing his home and the money would help. He stated that credit would not help and he had discussed the issue on three occasions.

Councilor Radosevich asked what the amount was. Mr. Valdez replied that it was \$3,500. He stated that the finance committee had not met the month prior and he felt November was too long to wait.

Councilor Lewis yielded the floor to Interim City Manager Duran. Interim City Manager Duran explained that an adjustment could only be done for one year as that was for the current fiscal year. He stated that, in order to go further, the remaining amount would have to be identified and taken to the Finance Committee then to the council for approval.

Councilor Martinez asked how much he was billed for sewer service each month. Interim City Manager Duran stated that it varied each year. She asked if she could pull a complete history. Interim City Manager stated that he would provide one. Councilor Martinez stated that she would like to see the issue handled quickly and amicably. She stated that she thought it was the responsibility of the City to pay what Mr. Valdez was owed as soon as possible.

Councilor Seeds requested City Attorney Coppler's input. City Attorney Coppler stated that the council could not take action that evening because the issue was not on the agenda. Councilor Seeds asked if a motion was needed. City Attorney Coppler stated that they should direct the City Manager to handle the issue.

Mr. Valdez asked how long the records had gone back. Interim City Manager Duran stated that it was for 11 years. Councilor Valdez stated that he believed the issue should be taken to Finance Committee.

Councilor Radosevich stated that he believed they had adequate paperwork to figure out what was owed to Mr. Valdez. He expressed his hope that something could be done. Mayor Lucero stated that she would like to direct Interim City Manager Duran to meet with Mr. Valdez, come to a consensus and make sure that he was reimbursed. Mayor Lucero apologized to Mr. Valdez and stated that she was glad the issue would be made right.

Councilor Seeds reiterated Mayor Lucero comments and asked that he come back and let them know if he is not satisfied with the resolution.

Councilor Martinez commented that in an optimum situation, things went through committees, but there were times when they needed to deal with the general public and that superseded the committee process. She stated that she believed it was their duty to listen open-mindedly, not necessary making motions, but taking action.

Councilor Valdez stated that he believed that this was commensurate with taking action.

Ms. Brenda Romero of Presbyterian Hospital Administration stated that they would be holding a grand opening for their new patient wing on Saturday from 11am-3pm. She stated that it was their hope that everyone would go from the mini-walk to the event at the hospital. She explained that there would be a ceremony at noon for 30 minutes. Ms. Romero reported that they would provide free flu vaccines and be giving tours of the new wing prior to the move in of patients.

Ms. Romero thanked everyone for helping them get to this point. She stated that it was a beautiful place and patients deserved it. Ms. Romero requested that the mill levy be supported on November 6th. She explained that even though it was a tax, it had been in place for many years and would be more like a continuation.

Councilor Martinez stated that the mill levy question was the last question on the first page of the ballot.

Councilor Lewis thanked Ms. Romero for her hard work.

Councilor Seeds stated that he wished to thank Ms. Romero for taking care of Laura Seeds.

Ms. Yvonne Trujillo stated that she belonged to Relay for Life. She explained that they had begun fundraising. She stated that she was requesting that the information be posted on the marquee regarding a volleyball tournament. City Clerk Mascareñas stated that she would place that on the marquee and requested that Ms. Trujillo provide what she would like the message to say in writing to ensure accuracy.

G. COUNCILOR COMMENTS

Councilor Seeds said that something had been brought to his attention. He stated that he had been informed that a lady had anticipated being able to place a residence on her property. He stated that a meter had been placed on the property, but the house was not there yet. He stated that she was told that once the meter was up, one was automatically billed. Councilor Seeds stated that these were the types of things that there needed to be a handle on.

He stated that he had spoken with employees who told him it was the citizen's responsibility to pay at City Hall and then go to NCSWA regarding the delivery of a polycart.

Interim City Manager Duran stated that he would look into the issue. He stated that, as far as the polycart, the employees were correct because the customer would have to sign documents at NCSWA. Councilor Seeds stated that this may be a reason to come up with a policy to improve. Interim City Manager Duran stated that he would bring the issue to the NCSWA Board. Councilor Valdez stated that he believed the issue should be brought before the Public Works Committee.

Councilor Valdez stated that he had placed information regarding the Oñate DOT Project in each councilor's mailbox. He stated that he had also left information regarding the NCSWA meeting.

Councilor Seeds stated that he hoped everyone understood that the Governing Body was the final policy maker and set policy regarding how everything was done.

Councilor Lujan stated that she had received some positive comments regarding the use of the sweeper by the Street Department. She thanked Public Works Director Martinez and the Public Works staff.

Councilor Martinez stated that she would like to remind everyone that early voting had begun. She added that the City was co-sponsoring a flu vaccine clinic on October 31st.

Councilor Martinez commended Interim Judge Lorenzo Atencio for the job he had done so far and stated that things had gone smoothly.

Councilor Seeds stated that he had received some complaints stating that when trucks damaged the polycarts, the burden fell on the renter or citizen to repair them. He stated that he would hope that they would look into the policy of NCSWA regarding the repair. Interim City Manager Duran stated that it was being reviewed by the NCSWA Board. Councilor Seeds stated he would like to discuss the Fairview Lane extension and requested that it be placed on the appropriate agenda. Mayor Lucero requested that the item be heard by the Public Works Committee.

H. MATTERS FROM THE MAYOR

1. Presentation To Performance Maintenance, Inc. (PMI)

Ms. Kathy Keith thanked the Governing Body for allowing her to be in attendance. She stated that the RDC had kicked off a campaign to recognize and support local business as well as promote them. Mayor Lucero thanked Ms. Keith for joining her in the nomination of PMI. Mayor Lucero stated that PMI had increased their business so much that they had to relocate and were relocating within the City of Española. Mayor Lucero presented the certificate.

Councilor Valdez stated that he believed that Ms. Keith should make a presentation regarding the assistance the DOT Road Exchange would provide to businesses downtown. He directed City Clerk Mascareñas to follow up on that possibility.

Councilor Martinez asked Mr. Eric Quintana where his business would be located. He replied that there were two (2) locations in San Pedro. He stated that he wished to bring something to that side of town. He added that they were also looking at adding a restaurant.

2. Proclamation Declaring November 17, 2012 Española Valley Toy Run Day

Mr. Mark Montoya stated that preparations were underway for the Annual Toy Run. He announced that it would take place on November 17th. He stated that they would have a large group of motorcycles bringing toys to kids and would be generating revenues for food baskets for people in the community. Mayor Lucero stated that Councilor Valdez usually rode for the event. She asked that he present the proclamation.

Councilor Valdez read the proclamation.

3. Appointment of City Manager

Mayor Lucero stated that there was currently an Interim City Manager. She stated that Joe Duran had done an excellent job and commended him for his efforts. She stated that the selection committee had interviewed 3 applicants. She stated that 3 of the 4 members of the committee felt that Mr. Nick Vigil was the best applicant. She stated that he had experience through State Economic Development and with banking and management positions. Mayor Lucero appointed Mr. Nick Vigil as the City Manager. She noted that his financial background would serve to provide additional checks and balances.

Motion by Councilor Valdez to ratify the appointment; seconded by Councilor Lujan.

Councilor Valdez stated that this was a mayoral appointment.

Councilor Seeds stated that he did not grade the current appointee. Mayor Lucero stated that Councilor Seeds did not participate in the interview. Councilor Seeds requested the tally sheets. He asked how they would know that they were accurate. She stated that the other people that interviewed filled out the tally sheets and it was a matter of opinion so she was not sure that it was public record.

Councilor Martinez commented on Councilor Valdez' statement. She stated that the interesting part for her was that the reason there was a council was because it provided checks and balance to the system. She expressed her belief that it was important that when the Mayor made an appointment, it was responsible to respect it but also to vote in the best interest of the citizens. Mayor Lucero stated that as Mayor it was her main objective to choose someone who would work in the best interests of the City.

Councilor Seeds stated that he had missed the interview because he was attending a funeral. He asked City Attorney Coppler if he could see the copies of the grading sheets. City Attorney Coppler stated that they were confidential but the Council could review them. Councilor Seeds stated that it was his intention to pay respect to the Governing Body by seeing how the applicants scored as the Mayor had stated that she made her appointment based on the scores. Councilor Seeds stated that he was curious about who had come in second and third. He stated that he believed that the City Clerk could go and get them now as the meeting was being recorded. He stated that if the majority of the council saw fit, the minutes could be done verbatim from the tape. Mayor Lucero stated that she did not remember a time when minutes were done verbatim because it could become a legal issue.

Roll Call Vote:

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

Councilor Lujan disclosed that Mr. Vigil was her cousin.

Motion failed 6-1, with Councilor Valdez voting in favor and Councilor Lujan abstaining.

Mayor Lucero thanked Mr. Vigil for his time and apologized that her appointment was not ratified.

Councilor Radosevich commented that his vote was nothing against the candidate but he would like to see an applicant that was not someone's cousin.

Councilor Martinez stated that she had missed an opportunity during Councilor Comments to recognize Mary Ann Romero. She stated that Ms Romero had sewn the costumes for Fiesta Council for the last 25 years and had been recognized by many other cities.

Mayor Pro-Tem Salazar read the Certificate of Recognition.

Councilor Lewis thanked Ms. Romero and stated that he had served on Fiesta Council in 2006 and his uniforms were perfect. Mayor Pro-Tem Salazar stated that he had known Mary Ann Romero for years and she was a jewel to this community.

I. BUSINESS WITH VISITORS

4. Presentation from Ricky Serna, Northern New Mexico Community College regarding Bond C

Mr. Ricky Serna, Vice President for Advancement at Northern New Mexico College, thanked those who were able to attend the luncheon they hosted for City Council and stated that they were glad to have the opportunity to show them the happenings at Northern. He stated that Bond C reappropriated \$2 million dollars which would be used to upgrade safety and would not result in a tax increase. He stated that, thus far, the College had done a phenomenal job of increasing security. He announced that they were hosting events from art exhibits to theatrical performance and galas. He added that the College had a nationally accredited daycare center.

Councilor Martinez stated that safety should be the utmost concern of any institution. She expressed her belief that with current events, this was probably one of the most important things on the ballot. She implored everyone to support the issue. She stated that it was the last issue on the ballot. She added that the institution was responsible for bringing \$250,000 of revenue to the City each year. Mr. Serna stated that they would seek \$400,000 for capital infrastructure as they hoped to finish the Joseph Montoya building. He added that they would be requesting nearly \$1 million dollars for IT infrastructure.

5. A request by residents of Corlett Road, City Council District 1, expressing sincere concern in regards to the "Ol' Mel Patch" Community Art space graffiti/ blight

Ms. Barbara Ricci thanked the council for the opportunity to speak to them. She stated that she and Louanna Hauck were before them as concerned citizens requesting action on a public nuisance. She explained that it was visible to all travel on Highway 68 with more than 700 vehicles traveling each day in and out through the entrance including buses to and from school. She stated that, unfortunately, as time passed the issue only became worse. She explained that large vehicles parked near the building as they spray painted. Ms Ricci stated the building had been planned as a community art space, but had become an abandoned building, public nuisance, and public safety issue. She stated that she would like for the ordinance to be enforced. She cited numerous occasions, where residents called the graffiti hotline and the answer they got was that the owner had allowed it. She read a section of the ordinance. Ms. Ricci displayed pictures of the tagging and warned that they would see profanities.

She stated that concrete had begun to fall from the structure creating safety issues.

Councilor Seeds exited at 7:26pm.

Ms. Ricci asked that the City Council take action for the removal of trash, graffiti and the maintenance of a clean building. She stated that if repair was not deemed to be feasible, the building should be removed.

Ms. Louanna Hauck stated that, as an educator and contractor who worked with children, the structure was falling apart. She stated that she had witnessed children getting off the school bus every day in front of a building tagged with foul language. She stated that a local resident had told her children to walk down the middle of the road instead of the side for fear of one of them being punctured by a hypodermic needle. She stated that the building faced Riverside Drive and she could not believe that for the last decade, the leadership and citizens had placed a blind eye.

Ms. Hauck stated that the last time she had seen anyone enter the building was 5-6 months prior. She stated that she had parked in the front of the building and gotten down. However, when she attempted to enter the front door, she saw trash and salvage material. She explained that the door had been left open to alleviate the musty smell that permeated the building. Ms. Hauck stated that a gentleman had asked her to not step in the front door for fear it would collapse. She stated that as she went around the building and realized that should there be an emergency call, City personnel would be at risk. Ms. Hauck stated that, based on what she saw, it was a perfect breeding ground for insects and rodents and was in close proximity to 3 restaurants. She stated that several business owners were not in attendance for fear of retaliation.

She cited an older man of the area who stated that whenever he passed the abandoned, tagged buildings, he was saddened that everyone had lost respect for one another and for each other's property. He told Ms. Hauck that it was a shame that the residents of the valley had lost their pride and questioned what would become of the youth. He told Ms. Hauck that he felt so sorry for the generations to come. Ms. Hauck stated that after hearing the concerns, she could not help but think of past generations who had worked so hard to make the Valley beautiful. She stated that they were respectfully requesting the Council and Mayor's help.

Mayor Lucero thanked them for their comments.

Councilor Lujan apologized to the residents for not stepping up. She stated she would like to make a motion requesting that Interim City Manager Duran take action to find out who was responsible and make it known that the building should be demolished. Mayor Lucero cautioned that this was not an action item.

Councilor Martinez noted that were makeshift wrought iron bars which were not feasible for fire safety.

Councilor Seeds apologized and stated that people pass by and accept it. He explained that he ate next door regularly and it was regrettable. Councilor Seeds recommended that staff cite the violations and follow up. He expressed his belief that if this had been done in the past, it would not have gotten this bad. He stated that there were residents that had received letters regarding weeds.

Interim City Manager Duran stated that he lived there and had been in arguments with some of the kids. He explained that the people doing this were 20-30 year olds. He stated that in the past, this had been an attempt to try and alleviate the graffiti problem. He stated that he had spoken with the owner and the individual who leased the building.

Mayor Lucero asked City Attorney Coppler for advice. She stated that she would like a letter sent giving the property owner a set number of days to abate the issue.

City Attorney Coppler stated that the City did have the authority to do so at a Public Hearing where the ladies making the presentation would be welcome. He explained that a finding would have to be made declaring the building rubbish. He stated that if the nuisance was not fixed or called off, the City Council could approve a resolution directing the City staff to hire a contractor to haul it off. He stated that the cost of that would cause a lien on the property.

Councilor Seeds suggested that the City condemn and buy the property if it became a safety issue. He added that it was a horrible place to drive through and any occupants would be forced to infringe on neighbors for parking.

City Attorney Coppler stated that the City did have the power to do so; however, an appraisal would have to be done. He stated that an offer would have to be made to the owner for the appraised cost. He continued that the

owner could then sell property for the amount of the appraisal or decline. Councilor Seeds expressed his belief that it would be an issue for anyone to bring the building back up to par.

Councilor Martinez asked which of the phase 3 options from DOT did away with the Ol' Mel Patch. Councilor Valdez replied that none of them did. She stated that if the city purchased it, the cost of abatement needed to be considered as she was sure the inside was as bad as the outside. She cautioned the Council about what the City took ownership of.

Planning & Zoning Director Naranjo stated that he resided in that neighborhood and the building was creating an unfortunate situation. He curbed his remarks by stating that the issue was not a result of a lack of enforcement. He stated that the areas of the ordinance that were quoted by Ms. Ricci did pertain to the issue; however, there were other portions that stated that graffiti was allowable if an owner permitted the situation.

Planning & Zoning Director Naranjo explained that the lessee had wanted to allow individuals to go and express themselves and dedicated the wall for that purpose. He stated that the hope had been to eliminate graffiti in other places in town. He stated that for a while it served the purpose. Planning & Zoning Director Naranjo stated that the teeth in the ordinance were not strong enough for this situation. He explained that the Graffiti Officer covered 4,000-5,000 square feet of graffiti each month. He stated that he would like discuss some of his ideas with City Attorney Coppler regarding amendments to the ordinance. Planning & Zoning Director Naranjo stated that in dealing with the specific issue, he had been in contact with the lessee, but not the owner. He stated that Mr. Parraglio had agreed that the situation had gotten away from him and felt bad. He stated that Mr. Perraglio had agreed to provide paint, scaffolding, and some manpower to fix the issue. He stated that the City police would need to do some courtesy drive-bys and post signs stating that tagging would not be allowed.

Planning & Zoning Director Naranjo stated that the road was littered with potholes and suggested a proper traffic analysis. He stated that while this was a band-aid approach, he agreed with Councilor Seeds that a study should be conducted.

Mayor Lucero requested that the painting be expedited as it was vulgar, ugly and negative. She stated that the trash also needed to be picked up. Planning & Zoning Director Naranjo stated that he had been assured that the coverage would be completed by the following Friday. Mayor Lucero thanked the residents of the area for being in attendance and for their presentation.

Councilor Valdez stated that the issue should be heard by the Public Works Committee for a discussion with more detail. Councilor Martinez thanked Ms. Ricci and Ms. Hauck for their involvement and stated that she would hope that the Council would look to amend the ordinance so it would have the power needed for enforcement across the community.

6. Presentation of Firm Qualifications & Debt Report- Leo Valdez, Hutchinson Shockey Erley & Co

Mr. Leo Valdez requested that Mayor Lucero inform him when his five (5) minutes were up. He stated that he understood there was a long agenda that they still needed to proceed with. He stated that he worked for several entities including Rio Arriba County and had worked for the City of Española in the past. He stated that he had done some refinancing and had gotten the \$2 million to do the sewer plant. He added that he had refinanced some leases to get them off the books. Mr. Valdez continued that he had worked with former City Manager Gus Cordova to prepare a debt report as a tool so that anyone reviewing debt did not have to look at 20 pages of documentation.

Mayor Pro-Tem Salazar exited at 8:04pm.

Mr. Valdez stated that his firm would only get paid if they delivered the services contracted. He stated that the City would identify the projects and there would be no other forms of compensation.

Mayor Pro-Tem Salazar exited at 8:05pm.

Councilor Seeds informed Mr. Valdez that some of the City's audits had not been completed and asked if his firm had the ability to assist in getting current so that money could be borrowed. Mr. Valdez stated that it depended upon where the money came from. He cited MFA as an example that did not require audits for funding. He stated that it was his understanding that the audits would be brought up to date soon.

Councilor Seeds asked if there was a standard percentage that Mr. Valdez' firm charged once services were rendered. Mr. Valdez stated that, typically, the compensation was a percentage not to exceed professional services limitations.

Mr. Valdez stated that, according to the recent census, the City still qualified for several programs. He stated that libraries and jails could be funded. He cited a newspaper article regarding Council priorities.

Councilor Seeds asked if there was a fee charged to the City to get rated. Mr. Valdez stated that he did do services other than gaining funding and for those he charged a fee. Councilor Seeds asked what the fee was. Mr. Valdez replied that the amount was approximately \$20,000 as it was not an inexpensive process. He cautioned that if the City had serious findings, it was most likely not a candidate to get rated. Mayor Lucero stated that the audits would be up to date within the next year.

Mayor Lucero stated that she realized a lot of the funding that he was referencing was loans. She stated that if the audits were not completed, the interest rates would be a lot higher. Mr. Valdez stated that there were some grant programs that did not require completed audits and suggested getting in line sooner rather than later.

Mayor Lucero stated that there were some analysts from Los Alamos that were looking into USDA grants free of charge.

Councilor Radosevich clarified that Mr. Valdez would only get money if he brought money to the City. Councilor Seeds stated that he had talked about this subject quite often and the best way to motivate someone was to require that if they did not make money, they would not get paid.

Councilor Seeds asked City Attorney Coppler what would have to be done to accrue such services. City Attorney Coppler replied that a Request for Proposals (RFP) would have to be put out. Councilor Seeds stated that he would like to direct staff to put out an RFP. City Attorney Coppler stated that he believed that the Procurement Code would require an advertisement for 10 days and a set of qualifications would have to be put together.

City Attorney Coppler stated that, based on Mr. Valdez presentation, he believed the Council may be seeking a Financial Consultant. Councilor Seeds asked if City Attorney Coppler could draft the RFP. City Attorney Coppler replied in the affirmative and stated that he would set forth in the RFP an amount of time for the provider to make the proposal. He stated that Mayor Lucero would appoint a committee to look at the proposals and make a recommendation to the council.

Councilor Valdez pointed out that it was not a good idea to get involved with refinancing until the New Year or until after elections. He reported that things were going on with the stock market and cited the broader world issues. Councilor Valdez suggested doing this at a later time and cautioned that this was not free money.

Councilor Lewis yielded the floor to Chief Branch. Chief Branch stated that the market had gone down in the last month from 13.5 to 13.1.

The meeting was recessed at 8:17pm.

The meeting was called back to order at 8:32pm.

7. Presentation by AVANYU Pertaining to Energy Program

Mr. Mateo Peixinho stated that he had met with Interim City Manager Duran and Public Works Director Martinez. He introduced Michael Cabral and Jim Malloy from Siemens. He explained that they had met with the Public Works Committee weeks prior and would like to present more information.

Mr. Malloy stated that they were teaming with firms like AVANYU to get energy processes going in rural areas. He stated that they would be a prime contractor if they were to win the competitive process. He reported that they did a lot of things for the City regarding the water district. He stated that 49 states in the US had statutes that allowed towns to do energy saving contracts. He stated that the County of Bernailio had already done so. He stated that they could save the City approximately \$100,000 per year.

Mr. Malloy explained that the process had been going on since 1985. He explained that he had developed the standard for Arizona. He stated that the City would direct the Company to look at City facilities and examine potential energy savings. He stated that an RFP could be issued and at the end of the assessment process they would do a site survey and review.

Councilor Martinez asked if there would be a financial commitment if ANAYU conducted an audit of City buildings. Mr. Malloy replied that the only cost would be the time of Interim City Manager Duran or Public Work Director Martinez.

Mayor Lucero urged them to continue working with staff and to bring their findings before committee. Councilor Seeds thanked the presenters for being in attendance.

8. Presentation by Donna Casados, Energy Employees Compensation Resource Center with US Department of Labor regarding LANL Law Change

Ms. Donna Casados stated that she had provided everyone with a packet of information that discussed the program. She explained that she was a caseworker with the Energy Employees Compensation Resource Center that began in 2000. She stated that there were 2 parts to the program. Ms. Casados announced that, to date, there had been \$8 billion dollars paid out nationwide to employees of DOE facilities and \$324 million dollars paid to LANL employees. She stated that they would also finance anything that the patient may require medically.

Councilor Seeds asked that they explain what reason an individual would have to go and file an application. Ms. Casados stated that there were 11 resource centers nationwide where individuals could get assistance with for medical and travel reimbursement.

Councilor Martinez stated that the office offered support to the community and was located at 412 Paseo de Onate Suite D, next to Eye Associates. Ms. Casados stated that there had been a change in the law that expanded the dates for LANL. She stated that there were 22 specified cancers that employees may have had if

they worked at LANL during a particular time frame. She stated that the timeframe was now from January 1, 1943 through December 31, 1995.

Councilor Martinez thanked Ms. Casados for taking the time to present.

Councilor Radosevich exited at 8:57pm.

Councilor Martinez asked if the measure changing the timeframe had to go to Congress or if became law after the 90 days. Ms. Casados stated that it was currently on the desk of the Secretary of Energy. If it remained there, it would become law after 90 days. Ms. Casados requested that the City provide assistance with getting information to the public through a flyer in the utility billings or ads on the marquee.

Councilor Lewis exited at 8:58pm.

Councilor Martinez expressed her belief that the issue was very important public information and would like to invite Ms. Casados back after the measure extending the time passed. Mayor Lucero asked Ms. Casados if they would be willing to go on the Coffee Break program on KDCE. Ms. Casados stated that they could not formally go on a radio station. Mayor Lucero asked if there would be a problem with the City going on and announcing. Ms. Casados stated that the City would be permitted.

J. PUBLIC HEARINGS

9. ORDINANCE 2012-09: An Ordinance Provided For The Compensation Of The Municipal Judge Of The City Of Española; Amending Ordinance No. 394

Mayor Lucero stated that this amendment would clear up a technicality and asked City Attorney Coppler to explain how this came about. City Attorney Coppler stated that the Rio Grande Sun had filed a complaint with the Judicial Standards Commission regarding Judge Salazar with respect to timesheets.

Councilor Lewis re-entered at 9:01pm.

City Attorney Coppler explained that there had been questions raised regarding the Judge campaigning and submitting a timesheet for the same day stating that he had worked 8 hours. City Attorney Coppler stated that, in defense of Judge Salazar, he was doing as directed by Finance staff so he could get paid salary. He stated that the Rio Grande Sun had made the argument that this was somehow a violation of judicial standards.

City Attorney Coppler stated that this wording clarified that Judge Salazar had acted properly. He stated that he had spoken to ASD Sandoval about the issue and she had given advice with respect to how to do so correctly. City Attorney Coppler announced that the Judicial Standards Commission had dismissed the complaint so this was matter of getting paperwork in order.

Mayor Lucero opened the Public Hearing at 9:03pm.

There was no one in attendance wishing to comment.

Mayor Lucero closed the Public Hearing at 9:03pm.

Motion to approve Ordinance 2012-09 by Councilor Valdez; seconded by Mayor Pro-Tem Salazar.

Councilor Seeds asked if all employees punched a time card. Mayor Lucero replied in the negative. He asked why Judge Salazar was expected to. City Attorney Coppler specified that he would not have to submit a time card but a timesheet so that there would be an audit trail.

Councilor Radosevich re-entered at 9:05pm.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
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.

K. REPORTS

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

Mayor Pro-Tem Salazar stated that the Public Safety Committee would meet on November 5th.

Councilor Valdez stated that there had been no action with the Public Works Committee. He explained that there had only been presentations that were referred to the council.

Councilor Seeds stated that the Community Services Committee would be having a meeting the following week. Mayor Lucero asked the status of the ball fields. Councilor Seeds stated that he had been informed by Public Works Director Martinez that the dirt work would be done in late November. He stated that he had hoped that the sod would be in place before late winter so it could settle.

11. Council Appointed Liaison (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Beautification Committee, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)

Councilor Valdez stated that he had provided information to each councilor regarding the North Central Solid Waste Authority polycarts.

Mayor Pro-Tem Salazar stated that the NCRTD Director had been out at the beginning of October so the meeting was canceled and rescheduled for November 2nd.

Councilor Lewis stated that there were 2 councilors on the Hands Across Cultures Board and he would like to be removed as Councilor Herrera had been very involved. Mayor Lucero stated that the issue would be placed on the next agenda.

Councilor Martinez stated that the Beautification Committee had planters created and donated and they were sitting at the Cook's Transit Mix yard. She stated that they were being cured and would be placed soon.

Interim City Manager Duran stated that the Veteran's Wall Commission had submitted bylaws for review by the Community Services committee.

Mayor Lucero stated that the LANL Regional Communities Coalition would be taking a tour of WIPP that Friday; however, because of her cold, she would be unable to attend.

Councilor Martinez stated that she had sat in on the meeting for NCSWA. She stated that she would like to let the public know that they were considering limiting City residents trash cards from 4 dumps to 2 dumps. She stated she, along with Interim City Manager Duran and Councilor Valdez, had spoke in favor of trying to maintain the amount. She announced that it had been agreed that the City residents would continue to be allowed 4 dumps for the next year. She stated that, due to the lack of funding that NCSWA had, they felt it was important for the City to consider donating additional EGRT.

12. City Manager, including Finance Report and Staff Reports

Interim City Manager Duran stated that the General Fund was in the black as was Water and Wastewater. He stated that the Planning & Zoning Commission had just met regarding a case that would most likely be appealed to the Council. He announced that the pools were being winterized. He stated that the Senior Center had scheduled a flu vaccine event for November 26th. Interim City Manager Duran continued that the library had about 1,400 check outs and computer uses were up to 1000. He reported that animal control had approximately 105 complaints.

Mayor Pro-Tem Salazar exited at 9:15pm.

Mayor Lucero stated that it was good that revenues are coming in at a higher rate than the previous year. She stated that she had asked ASD Sandoval to come with some figures for a one-time cost of living increase and send the options to the Finance Committee.

ASD Sandoval cited page 4 of 6 and stated that GRT was trending at 11% of the previous year's total. She expressed her opinion that this trend would most likely not hold up, but the City would experience a better outcome. Councilor Valdez estimated that the final amount would be approximately 5%.

Councilor Seeds asked if revenues normally decreased in October. ASD Sandoval stated that the activity that they received was from 2 months prior. She explained that holiday shopping would cause an increase in January or February.

L. CONSENT AGENDA

13. Minutes

- a. July 17, 2012 Finance Board Meeting Minutes
- b. July 23, 2012 Finance Board Meeting Minutes
- c. July 26, 2012 City Council Meeting Minutes
- d. August 14, 2012 Finance Board Meeting Minutes
- e. August 20, 2012 City Council Meeting Minutes
- f. September 7, 2012 Special City Council Meeting Minutes

14. Resolution 2012-12: Declaring Identified Weapons Surplus

City Clerk Mascareñas requested that July 26th be pulled from the agenda as some Governing Body members had requested additional review.

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

Motion carried 6-2, with Councilors Seeds and Councilor Martinez voting in the negative.

M. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

15. Resolution 2012-13: Open Meetings Act (Remove from table-Councilor Peggy Sue Martinez)

Councilor Martinez requested that the item be removed from the table.

Motion to remove Open Meetings Act resolution from the table; seconded by Councilor Seeds.

Motion carried 8-0.

Mayor Lucero stated that there was an existing resolution. She explained that the intent of the schedule had been to conduct committee meetings prior to the work session and have as much discussion as possible at the work session.

Councilor Seeds stated that he felt it was important that there be 2 committee meetings and then a council meeting to act on those items. He stated that they had received a list of weapons with a list of serial numbers that they did not know whether they were accurate. Councilor Seeds asked the Interim Police Chief Branch to verify. Interim Police Chief Branch replied that the list was correct.

Councilor Seeds asked City Attorney Coppler to restructure the council meetings proposing the conduct of a council meeting during the second week of the month.

Councilor Radosevich stated that he would not commit to an additional meeting and asked if there would be a work session every month. Councilor Martinez stated that it was optimal to have 2 committee meetings and a council meeting and then 2 committee and a council meeting. She described the schedule as follows:

1 st Monday of the month-	Public Safety Committee
1 st Tuesday of the month-	Public Works Committee
2 nd Monday of the month-	City Council Meeting
3 rd Monday of the month-	Community Services Committee
3 rd Tuesday of the month-	Finance Committee
4 th Monday of the month-	City Council Meeting

Motion to adopt Resolution as amended by Councilor Seeds; seconded by Councilor Martinez.

Motion carried 8-0.

16. Proposed KDCE Contract (Remove from table-Councilor Peggy Sue Martinez)

Mayor Lucero stated that the contract included 2 council meetings per month. She stated that the amount had been negotiated and due to the increase of meetings would go from \$666 per month to \$1250 per month. Mayor Lucero stated that they had negotiated an overall amount of \$15,000 as there may be a time when there was no meeting.

Mayor Lucero stated that Richard Garcia had proposed the addition of an agreement that would involve video streaming. She stated that KDCE was hoping to begin video streaming in November and had agreed to use

Council meetings as a testing model. She stated that they would be webcast on the internet and the public channel.

Motion by to remove KDCE Contract from the table by Councilor Martinez; seconded by Councilor Seeds.

Councilor Martinez asked if the meetings would be broadcast in their entirety because they did not want the public half informed.

Motion carried 8-0.

Motion to approve KDCE contract by Councilor Martinez; seconded by Councilor Radosevich.

Councilor Seeds asked ASD Sandoval if there was money to pay for the contract. ASD Sandoval stated that there would have to be a budget adjustment, but the General Fund was \$327,000 in the black.

Mayor Lucero suggested removing the end time from the contract.

Motion to approve KDCE contract as amended by Councilor Martinez; seconded by Councilor Radosevich.

Motion carried 8-0.

17. Budget Adjustment Resolution Reinstating Funding for Deputy City Clerk Position

City Clerk Mascareñas stated that Councilor Valdez and Councilor Radosevich had requested that this item be brought before the Council once more. She stated that her department had been cut by 50% and there were many things that could not be done for the City due to the lack of staffing.

Councilor Seeds stated that he felt that it was disrespectful that City Clerk Mascareñas brought the item before the Council after they had stated that it would be reviewed at mid-year. City Clerk Mascareñas stated that she had not requested the item be placed on the agenda, rather Councilor Valdez and Councilor Raodsevich had.

Councilor Radosevich stated that he believed the position was necessary and requested that the hiring process be followed specifically. City Clerk Mascareñas gave Councilor Radosevich her word that the employee would be hired in accordance with the policies and procedures in place.

Motion to approve the Budget Adjustment Resolution Reinstating Funding for Deputy City Clerk Position by Councilor Valdez; seconded by Councilor Radosevich.

Motion carried 5-3, with Mayor Pro-Tem Salazar, Councilor Seeds, and Councilor Lewis voting in the negative.

N. EXECUTIVE SESSION

There was no need to enter into Executive Session.

O. ANNOUNCEMENTS

P. ADJOURNMENT

Mayor Pro-Tem Salazar exited at 10:05pm.

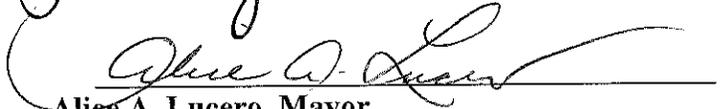
Motion to adjourn by Councilor Valdez; seconded by Councilor Seeds.

Motion carried 7-0.

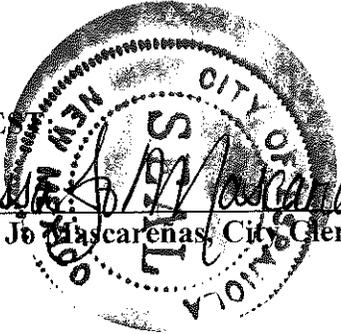
Meeting was adjourned at 10:06pm.

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

APPROVED AND ADOPTED THIS 14th DAY OF January, 2013.



Alice A. Lucero, Mayor

ATTEST



Tessa Jo Mascareñas, City Clerk