

**CITY COUNCIL MEETING  
FEBRUARY 24TH, 2015, 6PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM**

**A. CALL TO ORDER**

The meeting was called to order at 6:05 by Mayor Alice A. Lucero

**B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/INVOCATION**

Mayor-Pro Tem Pedro Valdez led the Pledge of Allegiance. Councilor Adrianna Ortiz led the Moment of Meditation/Invocation.

**C. ROLL CALL/DETERMINATION OF QUORUM**

The following in attendance:

Mayor	Alice A. Lucero
Mayor Pro-Tem	Pedro Valdez
Councilors:	Michelle R. Martinez ( <i>via teleconference</i> )
	Dennis Tim Salazar
	Adrianna Ortiz
	Peggy Sue Martinez
	John Hernandez ( <i>via teleconference</i> )
	Cory Lewis ( <i>arrived at 6:09pm</i> )

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**

1. Please Help Don't Give Initiative – Informational Materials

**G. MATTERS FROM THE MAYOR (ACTION ITEMS)**

2. Proclamation Honoring Oral Health Month - Joann V. Salazar, MSW, Rudy Blea, Director, DOH Office Of Oral Health, Dr. Ron Romero, DDS, Lorraine Lucero

3. Appointment of (RCOLC) Regional Coalition of LANL Communities Alternate

**H. CONSENT AGENDA**

4. 01-13-15 City Council Meeting Minutes

5. 01-27-15 City Council Meeting Minutes

6. 02-10-15 City Council Meeting Minutes

7. Request for Budget Adjustment increase pertaining to Capital Appropriation No.13-L-1744 in the amount of \$300,000 for the purpose of planning, designing and constructing-remodeling the former court and jail buildings to expand City Hall.

8. Request for Budget Adjustment increase pertaining to Capital Appropriation No. 14-L-1745 in the amount of \$100,000 for the purpose of renovating the La Joya Fire Station.

9. Request for Budget Adjustment increase pertaining to Capital Appropriation No. 14-L-1746 in the amount of \$100,000 for the purpose of designing and construction of storm drainage improvements at the Veterans Memorial Wall.

10. Request for Budget Adjustment increase pertaining to Aging & Long Term Services Funding 2013-1166 in the amount of \$21,000 awarded to purchase kitchen equipment for the Beatrice Martinez Senior Center.
11. Request for Budget Adjustment increase pertaining to Aging & Long Term Services Funding 2013-1166 in the amount of \$9,360 awarded to purchase equipment/technology for the Beatrice Martinez Senior Center.
12. Request for Budget Adjustment increase pertaining to Aging & Long Term Services Funding 2013-1165 in the amount of \$250,000 awarded to make building improvements/roof repairs for the Beatrice Martinez Senior Center.

#### I. CITY MANAGER REPORT

13. a. Non-Metro Area Agency on Aging Public Hearing Update

b. Staff Reports

- *City Manager Kelly Duran*

#### J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)

14. **City of Española Resolution 2015-04**; A Resolution Authorizing the City of Española to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Juvenile Adjudication Program.

- *Municipal Court Judge Stephen Salazar*

15. **City of Española Resolution 2015-05**; A Resolution Affirming the City of Española's Commitment to Civil Rights and Equal Access to all City Services Including Public Safety Protection Regardless of Immigration Status and Urging Congress to Enact Comprehensive Immigration Reform. - *Elsa Lopez - Community Organizer Somos Un Pueblo Unido*

16. Consideration of City of Española Police Department Policy Amendment of Independent Contractor Agreement Wrecker Companies. - *EPD Chief Richard Gallegos*

17. Request for Co-Sponsorship "Northern New Mexico Youth Against Drug"- *Richard Marquez, Municipal Court-Outreach Coordinator*

18. Request of Co-Sponsorship for 6 P.A.C. and 12 P.A.C.C.C. Conferences. - *Nicolas Montoya - Prevention Specialist & Vanessa Gonzales - JCC Case Manager*

19. Request of Co-Sponsorship for the 2015 Little League Season- Presentation by *Mr. Joe Ortega & CSD Mark Trujillo*

20. Request of a twenty percent (20%) Co-Sponsorship for the use of Industrial Park Softball Fields for Softball Tournament.- *Nathan Velasquez & CSD Mark Trujillo*

21. Approval for purchase of tractor for the Parks Department - *CSD Mark Trujillo*

#### K. PUBLIC HEARING

22. **Ordinance 2015-02**; An Ordinance of the City of Española, New Mexico; Amending Ordinance 2010-09 Chapter 272-4 of the Code of the City of Española; Relating to Peddling and Soliciting; Prohibiting Panhandling at One Location Longer Than Two (2) Hours; Prohibiting Panhandling Within One Hundred Fifty Feet (150') Of School Property.

23. **Ordinance 2015-01**; An Ordinance of the City of Española, An Ordinance Establishing A Penalty Assessment Program Under the New Mexico Uniform Traffic Ordinance; Defining Penalty Assessment Misdemeanors; Establishing Listed Schedule of Penalty Assessments; And Repealing All Ordinances Or Parts of Ordinances in Conflict Thereof.

#### L. 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.

#### 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--

*Councilor Cory Lewis in at 6:09pm*

*Councilor Peggy Sue Martinez stated that she would like to remove item number #16; Consideration of City of Española Police Department Policy Amendment of Independent Contractor Agreement Wrecker Companies from the agenda and have the item discussed further at the next Public Safety Committee Meeting. Mayor Pro-Tem Valdez stated that he would like to accommodate agenda item number(s) #17, #18, #19 and #20 prior to agenda item number #13 City Manager Report. Motion made by Mayor Pro-Tem Valdez to approve the 2-24-15 CCM Agenda as amended, motion 2<sup>nd</sup> by Councilor Peggy Sue Martinez.*

*Motion Carried 7-0*

## E. PUBLIC COMMENTS

Co-Owner and Operator of Torrez Towing & Recovery, LLC Leonard Torrez stated his name and affiliation for the record. He stated that he had made recent attempts to contract with the City in an effort to potentially being adopted upon the Española Department of Public Safety Wrecker Rotation List. Mr. Torrez further stated that his honest attempts were not met with great consideration and would like the City of Española PD to re-consider his request because he was not only an honest local business man who paid into gross receipt taxes of the community but he also possessed proper documentation which included all criteria, bonds, insurances, licensed permits, City and County business licenses associated with vehicle towing and recovery. Mr. Torrez stated that his company currently held a contract with the N.M. State Police local office. Mr. Torrez stated that his company's response time for a towing scenario was within an eleven (11) minute time-frame.

Founder of the community outreach organization entitled "It Takes a Valley" Tania Sanchez stated her name and affiliation for the record. Mrs. Sanchez stated that the organization which included volunteer efforts from E.V.H. S. Athletic Director Eric Vigil had begun initial footwork in collaboration with nine (9) partners of Santa Fe to start a girls running program entitled *Girls on the Run Española*. Mrs. Sanchez further explained that the female running program would be a ten (10) week curriculum based initiative for age groups beginning from third (3<sup>rd</sup>) through fifth (5<sup>th</sup>) grade students. She further explained that the running program promoted confidence and healthy development for young females. Mrs. Sanchez stated that developers were looking for coaches, schools, and volunteers to help propel the program within the schools as funding was scarce and/or limited for extracurricular activities.

## F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

### 1. Please Help Don't Give Initiative – Councilor Peggy Sue Martinez

Councilor Peggy Sue Martinez stated that in the latter part of the City Council Agenda a Public Hearing would take place addressing an Ordinance of the City of Española, New Mexico; Amending Chapter 272-4 of the Code of the City of Española; Relating to Peddling and Soliciting; Prohibiting Panhandling at One Location Longer Than Two (2) Hours; Prohibiting Panhandling Within One Hundred Fifty Feet (150') Of School Property. Councilor Peggy Sue Martinez stated that the issue was plaguing the community and it was of great concern to her as well as to her constituents and the community at large. She referenced the provided packet materials.

Councilor P.S. Martinez explained that giving to panhandlers was a "lose-lose situation" because they often use your money to support addictions to alcohol and drugs, continuing destructive behaviors. She further urged the public to call for police assistance "if" aggressive panhandlers were intimidating, otherwise respond politely by saying "no," "sorry," or "if you dial 2-1-1, they can help you. Councilor P.S. Martinez stated that "if" the general public wanted to offer something, consider a bottle of water or food gift certificates instead of cash. She further explained that help was available to anyone that could dial 2-1-1 to find out how to get counseling, food, clothing and shelter. Councilor P.S. Martinez stated that local organizations in Española offer shelter, services and meals.

Councilor P.S. Martinez stated that the San Martin de Porres Soup Kitchen located at Apple Valley Senior Center, 171 Jonathan Street, Española, New Mexico had been in existence since 1992 and begun as a small community outreach effort developing a community kitchen open 5 days a week. Councilor P.S. Martinez stated that SMSK had been active in serving the needs of the hungry in the Northern New Mexico communities and was funded by donations received from different parishes and congregations as well as other community organizations. Councilor P.S. Martinez stated that SMSK's mission includes serving a hot lunch to an average of 50-80 patrons per day and provided food baskets on a weekly basis to other needy families in Northern New Mexico who were referred by a church group or state agency. Councilor P.S. Martinez explained that in co-operation with the City of Española and the local HUD program, SMSK operates out of the Apple Valley Senior Center. She cited contact numbers, email address and website for the record. Contact: Registered Agent: Suzan Roybal or Phone: 505-753-4956 email: [smpdsoupkitchen@yahoo.com](mailto:smpdsoupkitchen@yahoo.com) website: <http://www.smdpsoupkitchen.com>

Councilor P.S. Martinez further endorsed the Crisis Center of Northern New Mexico located at; 577 El Llano Road Espanola, NM 87532. She stated that the center was making a difference in the community by donating and supporting programming that helped people make choices for healthy families and violence-free environments. The Crisis Center of Northern New Mexico (CCNNM) had been serving the northern New Mexico community since 1992. She cited contact numbers, email address and website for the record. Contact: Carol Merriweather, CCNNM Advocate: Jeff Atencio 505-920-3735 or dial toll free 1-800-206-1656. Councilor P.S. Martinez further endorsed The Española YMCA Teen Center as well as the Española Valley Humane Society as they were also local non-profit agencies supported by the City of Española.

City Councilor Dennis Tim Salazar yielded the floor to City Clerk A. Squires asking her to recognize the newly hired Deputy City Clerk. City Clerk A. Squires introduced Deputy City Clerk Jeanne Helen Bustos to the Governing Body as well as the listening audience. She further stated that Ms. Bustos had been employed with the City for eight (8) years and had previously worked as a Municipal Court Clerk. City Clerk A. Squires expressed gratitude for the hire of the Deputy City Clerk and endorsed DCC Bustos proven efforts and abilities.

Councilor Arianna Ortiz announced that the 8<sup>th</sup> Annual Chili Bowl Cook-off would be taken place March 28<sup>th</sup> 2015, at the Santa Claran Hotel Casino - Special Events Center. She further cited a contact # for the record; 505-470-2208.

Mayor Alice A. Lucero announced that "Municipal Day at the Legislature" would be taking place February 25<sup>th</sup>, 2015. She further announced that department heads of the Municipal Office would be in attendance as well as City Council Members Mayor Pro-Tem Valdez, Councilor Peggy Sue Martinez, Councilor Michelle R. Martinez, and Councilor Adriana Ortiz.

#### **24. MATTERS FROM THE MAYOR (ACTION ITEMS)**

##### **2. Proclamation Honoring Children's Oral Health Month - Joann V. Salazar, MSW, Rudy Blea, Director, DOH Office of Oral Health, Dr. Ron Romero, DDS, Lorraine Lucero**

Volunteer for the N.M. Department of Oral Health Joann V. Salazar stated her name and affiliation for the record. She further explained that the New Mexico Department of Health supports and endorses the dental community and collaborates with local schools, health providers, state and local government entities to promote education and outreach to the residents of New Mexico as to improve oral health for both children and adults. Ms. Joann V. Salazar stated that untreated tooth decay is the most common chronic disease of children, which can lead to a lifetime of poor dental health. She further explained that oral disease may unnecessarily impact a child's performance in school, speech development, nutrition, self-esteem, and sleep.

Joann V. Salazar stated that children living in poverty face the greatest oral health challenges despite increased awareness about the importance of oral health. She explained that oral disease is preventable through various oral health strategies such as good oral health practices, access to care, and preventative and treatment services and, having a dental home, nutrition and eating healthy also contribute to the overall wellness of a child. She concluded her statement further explaining that there was a need to provide increased opportunities for parental involvement considering children's oral health. She stated that the State Office of Oral Health and health care providers were working to increase awareness of the importance of oral health by providing oral health education, outreach and services about the prevention and causes of oral disease, risk and reduction strategies.

Mayor Alice A. Lucero recited the proclamation honoring February 2015 as; Children's Oral Health Month within the City of Española and presented the proclamation to N.M. Department of Oral Health Volunteer Joann V. Salazar.

##### **3. Appointment of (RCOLC) Regional Coalition of LANL Communities Alternate**

Mayor Alice A. Lucero stated that she had proudly served as a board member of the Regional Coalition of LANL Communities and in doing so felt it was necessary to appoint an alternate in the event she was not able

to attend. She stated that her appointment for alternate of the Regional Coalition of LANL Communities was Councilor John Hernandez.

***Motion made by Councilor Cory Lewis in favor of the Appointment of (RCOLC) Regional Coalition of LANL Communities Alternate Councilor John Hernandez. Motion 2<sup>nd</sup> by Councilor Adrianna Ortiz.***

***Motion Carried 6-0***

*-Councilor John Hernandez withheld from making a motion in his own favor.*

## **25. CONSENT AGENDA**

4. 01-13-15 City Council Meeting Minutes
5. 01-27-15 City Council Meeting Minutes
6. 02-10-15 City Council Meeting Minutes
7. Request for Budget Adjustment increase pertaining to Capital Appropriation No.13-L-1744 in the amount of \$300,000 for the purpose of planning, designing and constructing-remodeling the former court and jail buildings to expand City Hall.
8. Request for Budget Adjustment increase pertaining to Capital Appropriation No. 14-L-1745 in the amount of \$100,000 for the purpose of renovating the La Joya Fire Station.
9. Request for Budget Adjustment increase pertaining to Capital Appropriation No. 14-L-1746 in the amount of \$100,000 for the purpose the purpose of designing and construction of storm drainage improvements at the Veterans Memorial Wall.
10. Request for Budget Adjustment increase pertaining to Aging & Long Term Services Funding 2013-1166 in the amount of \$21,000 awarded to purchase kitchen equipment for the Beatrice Martinez Senior Center.
11. Request for Budget Adjustment increase pertaining to Aging & Long Term Services Funding 2013-1166 in the amount of \$9,360 awarded to purchase equipment/technology for the Beatrice Martinez Senior Center.
12. Request for Budget Adjustment increase pertaining to Aging & Long Term Services Funding 2013-1165 in the amount of \$250,000 awarded to make building improvements/roof repairs for the Beatrice Martinez Senior Center.

***Motion made by Mayor Pro-Tem Pedro Valdez in favor of the Item H. Consent Agenda No's 4,5,6,7,8,9,10,11 and 12. Motion 2<sup>nd</sup> by Councilor Peggy Sue Martinez.***

***Motion Carried 7-0***

## **(J.) ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)**

16. ~~Consideration of City of Española Police Department Policy Amendment of Independent Contractor Agreement Wrecker Companies.—EPD Chief Richard Gallegos (removed from 2-24-15 CCM Agenda to be re-discussed at the next Public Safety Committee Meeting 2015)~~
17. **Request for Co-Sponsorship “Northern New Mexico Youth Against Drug”- Richard Marquez, Municipal Court- Outreach Coordinator**

Municipal Court- Outreach Coordinator and N.N.M.Y. & F. Vice President Richard Marquez stated his name and title(s) for the record. He then introduced N.N.M.Y. & F. President Efren Sanchez who also stated his name and title for the record. Mr. Marquez stated that the proposed Annual Northern New Mexico Youth and Families Against Drugs Walk was scheduled to occur April 11<sup>th</sup> 2015. He further explained that the *walk* was

anticipating being a 5.8 mile route beginning from San Juan Parish and will descend at Valdez Park. Mr. Marquez explained that the route had been changed to determine if impacts on the youth were more positive. He further expressed that there would be a Carnival type function at the Valdez Park at the duration of the walk.

N.N.M.Y. & F. President Efren Sanchez stated that the event was FREE for the youth and encouraged positive volunteer mentorships and support. He further stated that participating groups include six (6) community Churches, fourteen (14) Organizations and help from EPD, RAC Sherriff's Department and N.M. State Police Department. Efren Sanchez acknowledged N.N.M.Y. & F. Treasurer & Secretary Liz Martinez.

Supporting comments endorsing the annual event and the efforts conducted by N.N.M.Y. & F. President Efren Sanchez were made by Councilor Peggy Sue Martinez, Councilor Adrianna Ortiz and Councilor Dennis Tim Salazar.

Councilor Peggy Sue Martinez stated as appoint of clarification; Co-Sponsorship would include the use of the Valdez Park and time incurred by EPD Officers presence and escort and members of staff present from the Community Services Department.

***Motion made by Councilor Peggy Sue Martinez in favor of Co-Sponsorship "Northern New Mexico Youth Against Drugs" walk and youth festivities. Motion 2<sup>nd</sup> by Councilor Adrianna Ortiz.***

***Motion Carried 7-0***

**18. Request of Co-Sponsorship for 6 P.A.C. and 12 P.A.C.C.C. Conferences. – Nicolas Montoya – Prevention Specialist & Vanessa Gonzales - JCC Case Manager**

RAC S.T.O.P JCC Case Manager Vanessa Gonzales stated her name and affiliation for the record. Ms. Gonzalez stated that the 6 P.A.C. conferences stood for 6<sup>th</sup> graders promoting alternative choices and the 12 P.A.C.C.C. conference stood for 12<sup>th</sup> graders preparing for alternative choices, college and carrier. She explained that in year(s) prior a monetary donation was asked of the City to aid with the annual 6 P.A.C. and 12 P.A.C.C.C. conferences including various expenditures accrued. Ms. Gonzales stated that the program was also seeking the use of the Ranchitos Park to conduct a segment of the conferences. Ms. Gonzales stated that she believed the amount granted in FY 2014 was approximately \$3,000.00 dollars.

Councilor Peggy Sue Martinez stated that she inquired about the monetary donation given by the City and received from RAC S.T.O.P to endorse the annual conferences in FY 2014. She explained that it was determined by City staff, during that time, the City was only prepared to donate monetary funds of approximately \$1,500.00 dollars and record indicates the amount was dispersed. She expressed that in the year prior the RAC S.T.O.P. program helped and participated in the NNMIT Drug Summit and Youth Summit. Councilor Peggy Sue Martinez questioned the feasibility of adding with the 2015 NNMIT Drug Summit and/or Youth Summit.

RAC S.T.O.P JCC Case Manager Vanessa Gonzales replied in the affirmative, further stating that she would question Rio Arriba County (RAC) authorities about the future possibilities of collaboration and aid. She explained that she did not have the authorization to agree fully and would need clarification from County Officials.

Councilor Pedro Valdez stated that he would like the City Council to consider accommodating the \$3,000.00 dollars requested to endorse both educational youth conferences. City Manager Kelly Duran stated that the City would in the near future be faced with a budget deficit. He encouraged Council to be more frugal and accommodate the amount of \$1,500.00 dollars as the funding has not been budgeted.

Councilor Dennis Tim Salazar stated that he was in favor of supporting both youth conferences. He further commented that by engaging the youth through drug and alcohol prevention courses, addressed the problem at

an early stage. He further stated that the conferences stressed the harmful use, effects and ramifications of drug and alcohol abuse. Similar comments were echoed by Mayor Lucero, Councilor Peggy Sue Martinez, and Councilor Cory Lewis

***Motion made by Councilor Peggy Sue Martinez in favor of Co-Sponsorship for the 6 P.A.C. and 12 P.A.C.C.C. Conferences with a monetary donation of \$1,500.00 dollars and the use of Ranchitos Park. Motion 2<sup>nd</sup> by Mayor Pro-Tem Pedro Valdez.***

***Motion Carried 7-0***

**19. Request of Co-Sponsorship for the 2015 Little League Season- Presentation by Mr. Joe Ortega & CSD Mark Trujillo**

Community Services Director Mark Trujillo stated that Little League Season was underway and preparations were essential. He introduced Little League Coordinator & Coach Mr. Joe Ortega and stated that the 2015 Little League Season Co-Sponsorship would entail the use of; Valdez Park, Ranchitos Park, Lucero Center for pre-registration and registration and Community Services Parks & Recreational staff.

***Motion made by Councilor Lewis in favor of Co-Sponsorship for the 2015 Little League Season with the use of Valdez Park, Ranchitos Park, Lucero Center for pre-registration and registration and Community Services Parks & Recreational staff. Motion 2<sup>nd</sup> by Councilor Peggy Sue Martinez.***

Mayor Pro-Tem Pedro Valdez stated that in 2012 there was a light pole that fell over during Little League Season. He questioned if precautions were taken in light of heavy winds or other weather conditions. Little League Coordinator & Coach Mr. Joe Ortega responded in the affirmative stating that games would be cancelled if the winds were determined to be more than 40 MPH during the day of a game. Mr. Joe Ortega further stated that all light poles were inspected prior to the season and routinely checked. Mr. Joe Ortega stated that the program consisted of approximately one hundred and fifty volunteers who help sustain a successful season.

City Manager Kelly Duran and Councilor Peggy Sue Martinez commend Mr. Ortega on a successful season prior and applauded his community involvement through the Little League Program.

***Motion Carried 7-0***

**20. Request of a twenty percent (20%) Co-Sponsorship for the use of Industrial Park Softball Fields for Softball Tournament.-Nathan Velasquez & CSD Mark Trujillo**

Councilor Cory Lewis Stated that Mr. Nathan Velasquez could not be present for the Council Meeting due to an untimely death in his family. He asked that Community Services Director Mark Trujillo present on his behalf.

Community Services Director Mark Trujillo stated that Mr. Nathan Velasquez was father to Ms. Tanisha Velasquez of McCurdy High School. CSD Trujillo further stated that Ms. Tanisha Velasquez was asked to participate as a volleyball athlete in an international event entitled; Mountain Conference Volleyball that would be held during the summer of 2015. CSD Trujillo explained that Ms. Tanisha Velasquez of McCurdy High School would serve as an ambassador of not only the community and state, but also our country. He continued to explain that she would be representing the Mountain Conference Volleyball Team in the Down Under Sports Tournaments hosted on the Gold Coast of Australia.

***For the sake of discussion, City Councilor Cory Lewis made a motion in favor of a (20%) Co-Sponsorship for the use of Industrial Park Softball Fields to host a fundraiser Softball Tournament to sponsor Ms. Tanisha Velasquez of McCurdy High School who wished to participate as an athlete in the Mountain Conference Volleyball Team held in Australia. Motion 2<sup>nd</sup> by Mayor Pro-Tem Pedro Valdez.***

Community Services Director Mark Trujillo stated that the major source of funding came through voluntary contributions of family, friends, and business sponsors. He further stated that sponsorship from the City and/or County would be a very important part help fulfill this once-in-a-lifetime opportunity. CSD M. Trujillo stated that the family of Ms. Tanisha Velasquez is seeking co-sponsorship from the City by allowing the use of the Industrial Park Softball Fields for a Softball Tournament. CSD M. Trujillo further stated that the estimated use of the fields, manpower, lighting and bathroom facilities to host the three day tournament, at a 20% discounted rate, would cost the City an estimated \$2,400.00 dollars.

Mayor Alice A. Lucero questioned City Attorney Frank Coppler with regard to the City's anti-donation clause to allow a discounted rate on the fields. City Attorney Coppler stated that if a 20% percent discount was adopted by Council through the fee schedule and/or through the new Policies and Procedures Guide, it would not be a problem.

CSD M. Trujillo replied in the negative stating that the 20% discount for the use of the softball fields was discussed by the Governing Body at a Work Session but final developments did not move forward toward a regular City Council Meeting.

Councilor Peggy Sue Martinez stated that she would like the item to be re-addressed at the next Community Services Committee Meeting and finalized at a City Council meeting. Councilor Adrianna Ortiz echoed the sentiments made by Councilor Peggy Sue Martinez.

*Councilor Cory Lewis withdrew his 1st motion to approve the Co-Sponsorship and tabled the discussion to be revisited at the next Community Services Committee Meeting. He further added that after the committee reviewed and recommend amendments to the Policies and Procedures Guide for Councils consideration, it should then be addressed at full Council for immediate approval. Mayor Pro-Tem Pedro Valdez removed his 1<sup>st</sup> motion and 2<sup>nd</sup> to table.*

*Motion Carried 7-0*

## **(I.) CITY MANAGER REPORT**

### **13 a. Non-Metro Area Agency on Ageing Public Hearing Update - City Manager Kelly Duran**

City Manager Kelly Duran stated that the Non- Metro Area Agency on Aging Public Hearing took place at the Beatrice Martinez Senior Center January 14<sup>th</sup> 2015 at 10am to discuss the AAA Grant. CM K. Duran stated that the submittal materials for the grant did not meet all criteria deemed by AAA. He further stated that the next opportunity to apply for the grant would be April of 2016.

CM K. Duran stated that Rio Arriba County Senior Center applied for the same grant and also strived to meet criteria and (DRI) Dietary Reference Intake requirements deemed necessary by the AAA grant. He further stated that the process of a Public Hearing was a requirement of the AAA grant. CM K. Duran explained that the City would be working toward structuring meals at the Beatrice Martinez Senior Center and possibly an Adult Day Care Program in preparation of the following year as well as seek mentorship from the County. He stated that any guidance while applying for the AAA Grant would be appreciated and taken into serious consideration.

Mayor Lucero stated that she spoke with Rio Arriba County Thomas Campos regarding expanding the RAC Adult Day Care Program. She further stated that the City might want to consider leasing the Stroke Center to the County to collaborate on obtaining future grant funding for the City as well as exercise equitable real estate to further revenues

### **13 b. Staff Reports - City Manager Kelly Duran**

City Manager Kelly Duran stated that Department Heads had provided information for packet materials. He opened for any questions regarding Department submittals. CM K. Duran further stated that staff from Parks,

Water, Wastewater and Streets Department(s) teamed up to battle a major water leak at the Lucero Center roadway entrance. He commended the collaborative efforts shown by all departments which collectively identified and resolved the problem.

City Manager Kelly Duran stated that the General Services Department had completed work on the west side offices of City Hall. He further explained that two (2) offices were constructed for placement of the Deputy City Clerk Office and the Records Clerks Office. CM K. Duran expressed gratitude towards General Services Director Juanito Maez and his staff for their amazing work.

**(J.) ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)**

**14. City of Española Resolution 2015-04;** A Resolution Authorizing the City of Española to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Juvenile Adjudication Program. – *Municipal Court Judge Stephen Salazar*

Judge Stephen Salazar stated that juvenile adjudication fund grant program allowed for alternative procedures of adjudication for juveniles charged with traffic offenses and other misdemeanors. He further stated that concept of the juvenile adjudication fund was developed by assessing fees levied and collected by the City of Española.

Judge Stephen Salazar stated the City of Española Municipal Court along with participating agencies would collectively be a part of the application sent to the Department of Finance and Administration, Local Government Division. He then spoke in favor of adopting Resolution 2015-05; A Resolution Authorizing the City of Española to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Juvenile Adjudication Program.

*Councilor Cory Lewis made a motion in favor of adopting Resolution 2015-05; A Resolution Authorizing the City of Española to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Juvenile Adjudication Program. Motion 2nd by Councilor Peggy Sue Martinez.*

***Motion Carried 7-0***

**15. City of Española Resolution 2015-05;** A Resolution Affirming the City of Española's Commitment to Civil Rights and Equal Access to all City Services Including Public Safety Protection Regardless of Immigration Status and Urging Congress to Enact Comprehensive Immigration Reform. – *Elsa Lopez - Community Organizer Somos Un Pueblo Unido.*

Community Organizer Somos Un Pueblo Unido Elsa Lopez stated her name and affiliation for the record. She stated that immigrant residents contribute to the local economy, through their labor, entrepreneurship, purchase of goods and services and payment of taxes. She further stated that the Institute of Taxation and Economic Policy reported that in 2010 undocumented immigrants contributed \$86.7 million in sales, property and income taxes and portion of the gross receipts tax, property tax and fees for services which directly benefit Española. She further expressed that immigrants were twice as likely to start a business as U.S. born citizens.

Ms. Elsa Lopez spoke favorable about Resolution 2015-05 further urging the Governing Body to recognize that by requiring all drivers to be licensed, registered and insured regardless of immigration status was a good public policy that promoted public safety. She stated that Somos Un Pueblo Unido urged New Mexico State Legislature to safeguard the requirement that all drivers should be licensed, registered and insured regardless of immigration status.

Ms. Elsa Lopez stated that in an effort to keep mixed status families together, President Obama issued an executive order to implement the Deferred Action for Parent Accountability Program (DAPA) that would

provide three year work permits and relief from deportation to undocumented immigrants who have lived in the U.S. for more than five years and who have US citizen and Legal Permanent Resident Children and the City of Española welcomed the positive effect DAPA will have on the wellbeing of children and families as well as on the local economy.

Member of Somos Un Pueblo Unido Española Guadalupe Lopez stated her name for the record. (Community Organizer Somos Un Pueblo Unido Elsa Lopez interpreted and translated Ms. Lopez message from Spanish to English. Ms. Guadalupe Lopez then shared a touching story about how the lack of immigration reform had hurt her and affected her children's livelihood. She stated that the City of Española should recognize that DAPA was not a complete solution to the outdated and broken immigration system. She further stated that a comprehensive immigration reform with a path to citizenship is essential to full inclusion and integration of our new American communities. Similar comments were expressed by Member of Somos Un Pueblo Unido Española Aaron Sanchez.

***Councilor Dennis Tim Salazar made a motion in favor of adopting City of Española Resolution 2015-05; A Resolution Affirming the City of Española's Commitment to Civil Rights and Equal Access to all City Services Including Public Safety Protection Regardless of Immigration Status and Urging Congress to Enact Comprehensive Immigration Reform. Motion 2<sup>nd</sup> by Mayor Pro-Tem Pedro Valdez***

Councilor Dennis Tim Salazar stated that he was in favor of passing Resolution 2015-05. He further commented that Ms. Guadalupe Lopez was a wonderful mother and positive member of the community. He stated that she is an actively involved with her children's livelihood and education. He further stated that he hoped further immigration reform would help protect people such as herself. Similar comments were echoed by Mayor Lucero, Mayor Pro-Tem Valdez and Councilor Peggy Sue Martinez.

Councilor Michelle R. Martinez stated that she was a primary advocate of the organization Somos Un Pueblo Unido & Somos Española and collaborated on multiple issues. She further stated that she would be voting in the affirmative in support of Resolution 2015-5 and reaffirmed her belief that all drivers should be licensed, registered and insured regardless of immigration status. Councilor Michelle R. Martinez stated that as a policy maker and elected official of her community, she felt it was her responsibility to develop good public policy promoting public safety.

***Motion Carried 7-0***

**21. Approval for purchase of tractor for the Parks Department – CSD Mark Trujillo**

Community Services Director Mark Trujillo stated that during the last Community Services Committee meeting, maintenance of the Valdez Park, Ranchitos Park and two other parks was discussed. He further stated that the current method of maintaining the grass at the park was conducted through using an older tractor which was in constant disrepair. CSD Trujillo stated that there were only two (2) Parks Employees who maintained four (4) park facilities. He further explained that monies were budgeted to purchase a new tractor for the Parks Department. CSD Trujillo referred Council to the packet material provided as he provided three (3) quotes and the one (1) quote determined.

***Councilor Cory Lewis made a motion to approve the purchase of tractor for the Parks Department. Motion 2nd by Mayor Pro-Tem Valdez.***

***Motion Carried 6-0***

***-Councilor John Hernandez was not able to vote as he was disconnected from the teleconference line at 6:56pm***

**K. PUBLIC HEARING**

**22. Ordinance 2015-02; An Ordinance of the City of Española, New Mexico; Amending Ordinance 2010-09 Chapter 272-4 of the Code of the City of Española; Relating to Peddling and Soliciting; Prohibiting**

Panhandling at One Location Longer Than Two (2) Hours; Prohibiting Panhandling Within One Hundred Fifty Feet (150') Of School Property.

***Mayor Alice A. Lucero opened the Public Hearing at 6:57pm***

City Attorney Frank Coppler stated that during the last Public Hearing January 13<sup>th</sup>, 2015 Ordinance 2015-02 was tabled for the next City Council Meeting and further placed back on the Public Safety Committee Meeting for continued discussion. City Attorney Frank Coppler stated that City Councilor Cory Lewis was not satisfied with the amendments made to Ordinance 2015-02 amending Ordinance 2010-09 relating to peddling and soliciting. He further sighted Section 272-4 **Restrictions** No. 1) B. Specific places. It shall be unlawful to engage in an act of panhandling at any time when either the panhandler or the person being solicited is located at any of the following locations. City Attorney Frank Coppler stated that No. 7) which read; Within [~~15~~] 40 feet of people standing in a line of no less than five (5) people who are waiting to be admitted to a commercial establishment or public facility was amended to no less than two (2) people.

***Mayor Alice A. Lucero closed the Public Hearing at 7:00pm***

***Motion made by Mayor Pro-Tem Valdez to adopt Ordinance 2015-02; An Ordinance of the City of Española, New Mexico; Amending Ordinance 2010-09 Chapter 272-4 of the Code of the City of Española; Relating to Peddling and Soliciting; Prohibiting Panhandling at One Location Longer Than Two (2) Hours; Prohibiting Panhandling Within One Hundred Fifty Feet (150') Of School Property with amendments. Motion 2<sup>nd</sup> by Councilor Cory Lewis.***

***Roll Call Vote:***

<b><i>Councilors:</i></b>	<b><i>Cory Lewis</i></b>	<b><i>in Favor</i></b>
	<b><i>Michelle R. Martinez</i></b>	<b><i>in Favor</i></b>
	<b><i>Dennis Tim Salazar</i></b>	<b><i>in Favor</i></b>
<b><i>Mayor Pro-Tem:</i></b>	<b><i>Pedro Valdez</i></b>	<b><i>in Favor</i></b>
	<b><i>Adrianna Ortiz</i></b>	<b><i>in Favor</i></b>
	<b><i>Peggy Sue Martinez</i></b>	<b><i>in Favor</i></b>

***Motion Carried 6-0***

- 23. Ordinance 2015-01;** An Ordinance of the City of Española, An Ordinance Establishing A Penalty Assessment Program Under the New Mexico Uniform Traffic Ordinance; Defining Penalty Assessment Misdemeanors; Establishing Listed Schedule of Penalty Assessments; And Repealing All Ordinances Or Parts of Ordinances in Conflict Thereof.

***Mayor Alice A. Lucero opened the Public Hearing at 7:02 pm***

***Mayor Alice A. Lucero closed the Public Hearing at 7:03pm***

Mayor Pro- Tem Valdez stated that he was pleased with the overall Penalty Assessment. He further questioned Judge Stephen Salazar with regard to page eight (Pg.8) of the Defined Penalty Assessment Misdemeanors; Establishing Listed Schedule under letter a.) reading; 10 Miles or Less over the speed limit. Mayor Pro- Tem Valdez stating that the amendment from one hundred and four dollars (\$104) increased to two hundred dollars (\$200) and in his opinion appeared to be a typo. He question if the amount to be amended should read twenty dollars (\$20). Judge Stephen Salazar replied in the affirmative sighting page eight (Pg.8) of the Defined Penalty Assessment. He clarified for the record that the amendment from one hundred and four dollars (\$104) should be decreased to reflect twenty dollars (\$20).

***Motion made by Mayor Pro-Tem Valdez to adopt Ordinance 2015-01; An Ordinance of the City of Española, An Ordinance Establishing A Penalty Assessment Program Under the New Mexico Uniform Traffic Ordinance; Defining Penalty Assessment Misdemeanors; Establishing Listed Schedule of Penalty Assessments; And Repealing All Ordinances Or Parts of Ordinances in Conflict Thereof. Motion 2<sup>nd</sup> by***

*Councilor Peggy Sue Martinez.*

**Roll Call Vote:**

<b>Councilors:</b>	<i>Cory Lewis</i>	<i>in Favor</i>
	<i>Michelle R. Martinez</i>	<i>in Favor</i>
	<i>Dennis Tim Salazar</i>	<i>in Favor</i>
<b>Mayor Pro-Tem:</b>	<i>Pedro Valdez</i>	<i>in Favor</i>
	<i>Adrianna Ortiz</i>	<i>in Favor</i>
	<i>Peggy Sue Martinez</i>	<i>in Favor</i>

**Motion Carried 6-0**

**L. 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.

*Mayor Lucero stated that there was no need to go into Executive Session.*

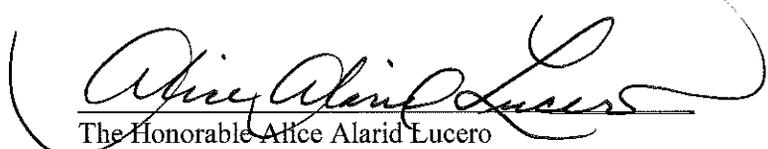
**M. ADJOURNMENT**

*Motion to adjourn made by Councilor Cory Lewis; Motion 2<sup>nd</sup> by Mayor Pro-Tem Valdez.*

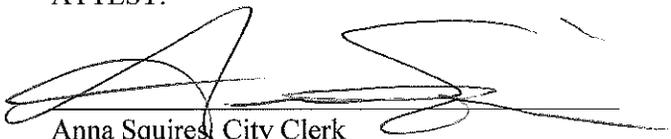
**Motion Carried 6-0**

*Meeting Adjourned at 7:10 pm*

**ADOPTED AND APPROVED** by the Governing Body of the City of Española this 12<sup>th</sup> day of May 2015.

  
 The Honorable Alice Alarid Lucero  
 Mayor, City of Española

ATTEST:

  
 Anna Squires, City Clerk  
 [SEAL]

