



CITY COUNCIL MEETING  
SEPTEMBER 24, 2013, 6PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM

**A. CALL TO ORDER**

Mayor Lucero called the meeting to order at 6:01pm.

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

Mayor Lucero led the Pledge of Allegiance and Councilor Valdez led the Moment of Meditation/Invocation.

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

The following Governing Body members were in attendance:

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

**D. APPROVAL OF AGENDA**

---BEGIN---

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- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE MOMENT OF MEDITATION/ INVOCATION**
- C. ROLL CALL/ DETERMINATION OF QUORUM**
- D. APPROVAL OF AGENDA**
- E. PUBLIC COMMENTS**
- F. COUNCILOR COMMENTS/ ANNOUNCEMENTS**
- G. MATTERS FROM THE MAYOR**
  - 1. Proclamation- Española Valley Toy Run
- H. REPORTS**
  - 2. **Council Committees** (Community Services, Finance)
  - 3. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Beautification Committee, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)
  - 4. **Reports**
- I. CONSENT AGENDA**
  - 5. 4.22.13 Finance Board Meeting Minutes
  - 6. 5.13.13 City Council Meeting Minutes
  - 7. 9.10.13 City Council Meeting Minutes

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

8. DFA Budget Adjustment Resolution 2013-02
  - a. Keith Street repairs - \$48,000
  - b. Calle Miramontes repairs - \$60,000
  - c. Spruce Street repairs - \$80,000
9. Resolution 2013-21: Infrastructure Capital Improvements Plan (ICIP)
10. Resolution 2013-22: Abatement of 800 Fairview Lane
11. Request for Reconsideration of Purchase Offer by Jeff Atencio, Española Valley Chamber of Commerce President

**K. EXECUTIVE SESSION**

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

**L. ADJOURNMENT**

**---END---**

Councilor Martinez requested that the minutes be taken from consent agenda and moved under action items. She stated that this would allow the Council to discuss the minutes because they needed to reflect exactly what was happening in meetings. She stated that she did not think that was the way things were done and they should always be off of the consent agenda. She expressed her belief that it was important for that to take place.

*Motion by Councilor Valdez to approve the agenda as amended; seconded by Councilor Lewis.*

*Motion carried 7-0.*

**E. PUBLIC COMMENTS**

Mr. Chris Madrid, Rio Arriba County Economic Development Director, stated that he was raised in Las Vegas, NM and his father was raised in Española near Anthony's at the Delta. He stated that he lived in Taos and had been working with Economic Development. He reported that he had built a program that had been replicated in other communities.

Mr. David Trujillo, Rio Arriba County Assistant Manager, stated that he had been working on the initiative and the County did not intend to do the project on its own. He explained that they looked at the City of Española as a viable partner. He stated that Rio Arriba County would be reaching out to other Cities, the School Districts and Pueblos. He continued that they needed feedback and information that would help to guide them.

Mr. Trujillo continued that Mr. Madrid had a huge project ahead of him and believed that there was some low hanging fruit. He stated that they would like to revitalize the community and knew the County was not doing a good job of that. He explained that he was in attendance to inform the Council of the Rio Arriba County interest and initiative.

Mr. Madrid stated that no program could ever accomplish what Mr. Trujillo had described, rather it took a community. He explained that they had an idea of how to make the community better and could find out what people were trying to do and direct resources that way. He stated that a system needed to be created so it would exist after the personalities went away. He reported that he saw himself working for every individual, association and institution in the County. He expressed that he looked forward to a partnership.

Mayor Lucero thanked them for taking time from their schedules to attend the meeting. She stated that collaboration should not just be a buzzword and should work in the interest of all citizens. She cited North

Central Solid Waste Authority (NCSWA) and E-911 as initiatives that Rio Arriba County and the City of Española had partnered on with much success.

Mayor Pro-Tem Salazar stated that he had been given the opportunity to speak with Mr. Madrid and found him to be very sharp and educated. He continued that it was a perfect opportunity to work with them. He expressed hope that the City of Española and Rio Arriba County could continue to move forward.

Councilor Martinez welcomed Mr. Trujillo and Mr. Madrid. She agreed that it was critical that the City and County work together. She stated that she committed from her end, that the City would be that type of partner.

Councilor Lewis thanked Mr. Trujillo and Mr. Madrid for being in attendance. He offered his full support of their efforts and acknowledged that NCSWA needed assistance.

Councilor Radosevich echoed the statements of the other Councilors and suggested that Rio Arriba County partner with the City on the recreation complex that the City was building.

Councilor Hernandez asked if there were any projects or initiatives that Mr. Trujillo and Mr. Madrid had in mind. Mr. Madrid replied that he paid attention to ribbon-cuttings. He explained that businesses had already invested in the community and they examined those that would be coming in. He stated that they would like to begin with more jobs within the County and not bring in other companies that were seeking cheap labor. He stated that sending Memorandums of Understanding (MOUs) back and forth would not work.

Councilor Hernandez asked if Mr. Madrid had approached the Los Alamos National Laboratory (LANL) regarding his efforts. Mr. Madrid stated that LANL did not typically participate within Northern New Mexico unless it was through one of his programs. He explained that he worked closely with them and looked forward to the continued cooperation.

Interim City Manager Duran stated that he thought the program was sensational because it was going to be regional.

Mr. Trujillo and Mr. Madrid stated that they would be happy to attend Council meetings. Mr. Trujillo added that the County Commissioners were on board and supportive of the venture. Mayor Lucero stated that she would also like to examine what the County was doing and determine how the City could provide support.

Councilor Martinez stated that she would like to come to a point where the City Council and County Commission could schedule informal meetings. She stated that beyond economic development, there were also issues, such as recreation.

Mr. Trujillo stated that he would be willing to generate some dates for such a meeting and asked who he should be in contact with regarding a meeting. Mayor Lucero asked that he contact City Clerk Mascareñas to coordinate. Mr. Madrid stated that the Regional Development Corporation (RDC) would be holding a program regarding economic development in October. He expressed the opinion that if the leaders became more educated on the subject, it would make the discussion more effective.

#### **F. COUNCILOR COMMENTS/ ANNOUNCEMENTS**

Councilor Valdez announced that the Española Valley Arts Festival would be held on Saturday and Sunday. He added that there would be a prayer at the flagpole at City Hall the following day. Mayor Lucero asked if there was a specific purpose for the prayer. Councilor Valdez replied that it was an annual tradition and the location changed each year.

Mayor Pro-Tem Salazar stated that former Mayor Pro-Tem Joseph Merhege had passed away the previous week. He stated that former Mayor Pro-Tem Merhege was a very wise man and had done a lot of good for the Española Valley. Mayor Pro-Tem Salazar expressed his pride in having had the opportunity to engage in deep talks with former Mayor Pro-Tem Merhege. He stated that he wished the City Council had honored him before his death. Mayor Lucero echoed Mayor Pro-Tem Salazar's sentiments. She stated that she had worked with former Mayor Pro-Tem Merhege when he was on the City Council and had inspired her to continue as a public servant.

Councilor Martinez stated that she would like to recognize Mr. Law that worked for NCSWA. She stated that he had delivered a trash bin to some City residents and they were thrilled with how polite he was. She asked City Clerk Mascareñas to forward the comments to NCSWA Manager Gino Romero.

Councilor Lewis recognized Mr. Kelly Duran, Immediate Past President of the Chamber of Commerce.

Mayor Lucero announced that there would be a Finance Board meeting the following Monday so that the auditor could provide his report. She acknowledged that the Council had been waiting for the report.

Councilor Lewis commented that that some departments still did not have a working budget. Mayor Lucero asked Councilor Lewis for further clarification. Councilor Lewis explained that the departments did not have a copy of their budget in hand. Mayor Lucero requested that Administrative Services Director (ASD) Joyce Sandoval distribute the documents.

#### **G. MATTERS FROM THE MAYOR**

##### **1. Proclamation- Española Valley Toy Run**

Mr. Mark Montoya, Ms. Linda Damrymple and Mr. Leroy Martinez stated that they had been working together for 28 years and held a motorcycle parade, dance and party. Ms. Damrymple stated that, with the revenue raised, they purchased additional toys and food baskets. Mr. Montoya stated that the group would be holding the event earlier in 2013 in the hope of better weather and participation and added that they would be incorporating a custom motorcycle show.

Mr. Montoya stated that they met at Valdez Park at 11am and the parade began at noon. He explained that there would be a ceremony prior to the take-off and invited the Council to attend the ceremony. He stated that they would hold the blessing of the bikes on October 12<sup>th</sup>.

Mayor Lucero verified that the parade route went through town. Mr. Montoya replied in the affirmative. He stated that the dance would follow the parade and go on until 6pm.

Councilor Hernandez asked if the group advertised in the newspaper. Ms. Damrymple stated that a notice would be placed in the briefs sections.

Mayor Pro-Tem Salazar read the proclamation.

Councilor Radosevich reminded the public that they did not need a motorcycle to drop off a toy.

#### **H. REPORTS**

##### **2. Council Committees (Community Services, Finance)**

There was no report for the Community Services Committee.

Councilor Valdez stated that he had placed the agenda for the Finance Committee Meeting in each Councilor's mailbox.

3. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Beautification Committee, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)

Councilor Valdez stated that NCSWA would hold a Groundbreaking ceremony for the Alcalde Transfer Station on September 26<sup>th</sup>.

Mayor Pro-Tem Salazar stated that NCRTD's next meeting would be held on Friday, October 4<sup>th</sup>.

Interim City Manager Duran stated that there was no report for E-911 as their next meeting would be held on December 4<sup>th</sup>.

Interim City Manager Duran stated that he had reported on the Veteran's Commission during the course of the previous City Council Meeting.

Councilor Martinez stated that she had no report regarding the Beautification Committee.

Mayor Lucero stated that a Regional Coalition of LANL Communities had scheduled a meeting for October 4<sup>th</sup> where they would interview candidates for the position of Executive Director of the Coalition.

4. **Reports**

Interim City Manager Duran reported that the days with extreme rainfall had an effect on citizens. He commended City staff for providing assistance to the public. He explained that the rainstorm the previous Sunday affected the Ranchitos area because of the ditches. He added that General Services Director Maes had been very active and had created various plans to redirect the rain water. Mayor Lucero noted that there were leaks at City Hall and commended General Services Director Maes and all Public Works crews.

Councilor Martinez thanked Interim City Manager Duran and General Services Director Maes for following through with concerns. She asked Interim City Manager Duran if the declaration of state of emergency issued by the Governor would have any effect on the City of Española. Interim City Manager Duran stated that the City would not qualify.

Interim City Manager Duran stated that the progress of some projects had been moving slowly so he had given extra responsibilities to Planning & Zoning (P & Z) Director Russell Naranjo. He stated that P & Z Director Naranjo was making significant progress.

P & Z Director Naranjo stated that he had come up with a master plan for the softball fields, recreation area and walking trails that was the best use of the 14 acre property. He explained that the two (2) softball fields had been incorporated with all criteria necessary and there had been enough space leftover to integrate two (2) t-ball fields. He added that the state of the art lighting system had been trenched for and the lights would be up within the next month.

P & Z Director Naranjo explained that project would encompass two (2) phases, the first of which was to turf the fields and the second was to create a parking area and walking trail that would circle all of the fields. He explained that he would present a grant application to the Regional Planning Organization and felt confident

that the City would get some award. He added that the trails would be wheelchair accessible. P & Z Director reported that he had spoken with North Central Regional Transit District (NCRTD) and this would be a stop on their bus route. He explained that the City would look at the complex and facility as a full blown economic development project in Española and it would be state of the art.

P & Z Director Naranjo commented that one (1) perk with the fields would be that the parameters were 250 ft., the bare minimum for softball fields. He explained that the City would go with a much higher fence similar to the green monster in Boston, MA. He stated that it would be an interesting way to play a field. He continued that he had relied on Recreation Coordinator Andrew Herrera for assistance and had met with many designers. P & Z Director Naranjo explained that a lot had gone on in a matter of four (4) weeks and he would be submitting a Request for Proposals (RFP) and working on the scope of work for the turf in order to examine the possibilities.

Mayor Lucero asked Planning & Zoning Director Naranjo to explain where the parking area would be located. He stated that the site would encompass three (3) tiers- parking, the softball fields and the multipurpose field. He stated that there would be two (2) entrances and bus and recreational vehicle (RV) parking for tournaments.

Councilor Radosevich commended P & Z Director Naranjo for taking the ball and running with it. He stated that if the project were completed the way it appeared on paper, it would benefit the entire community.

Councilor Martinez stated that one (1) of the concerns the Council had was finding the money to do the project. She commended P & Z Director Naranjo and asked what line item the million dollars for turf would be pulled from. P & Z Director Naranjo replied that he was looking at many different plans including a possible lease of turf. He stated that he would like to remain within budgetary confines.

Mayor Lucero stated that the City had begun with \$590,000 that was earmarked for the purpose of softball fields. She stated that the amount should cover the expense for the construction of the fields. She continued that as far as the turf was concerned, it would be a viable option for the City to enter into a lease-purchase agreement and dedicate the proceeds from tournaments for that purpose. She explained that tournaments attracted a lot of people.

Councilor Valdez stated that the turf was a good idea and he would be studying areas to come up with some of those monies. He asked P & Z Director Naranjo if he was in charge of the grant that was written for the Senior Center to redo the roofing. Interim City Manager Duran stated that Senior Center Coordinator Josephine Velasquez had been involved and General Services Director Maes would be examining the amount of money needed to match the grant amount.

Councilor Martinez asked the Council to understand that the \$590,000 was supposed to take care of the project in its entirety. She stated that \$300,000 had been spent on lights and the bid for artificial turf was \$995,000. She continued that this was in a time where there was a shortage of police officers. P & Z Director Naranjo reiterated that he was examining several different options as the City had one (1) chance and he would like to get the project completed correctly to attract tourism.

Councilor Valdez stated that he was in favor of the project as planting grass could cost \$1.5 million or \$1.75 million, not including the maintenance. He stated that there were several openings in the Police Department; however, they had been unable to find qualified applicants. Councilor Valdez added that there was already a budget in excess of \$2 million for Public Safety.

Councilor Radosevich reiterated that the reason the issue was raised regarding turf was to attempt to conserve millions of dollars of water and maintenance. He explained that it was a maintenance free system that could last

15 years or longer. He added that the money had been earmarked for this purpose and should not be used for anything else.

Councilor Lewis stated that he was completely in favor of the project moving forward and Public Safety employees could potentially be hired following the increase in revenue that the project would provide. He expressed the belief that the momentum of the project was building.

Councilor Herrera praised P & Z Director Naranjo for his efforts and stated that it was a long time coming. She explained that the City had been without softball fields for thirteen (13) years and the City was attempting to remedy that fact. She commented that if the City provided activities for people, it could reduce overall crime within the community.

Councilor Radosevich echoed the comments of Councilor Herrera. He stated that the area had one (1) of the largest drug problems in the nation and it was because kids had nothing else to do. He suggested that if they were started early in sports, drug issues could be avoided. He stated that there were various funding allowances.

Councilor Hernandez expressed his support for the project. He stated that it was like the famous line from the movie Field of Dreams, "if you build it, they will come." He voiced concern regarding the thoroughness of the scope of work and offered his assistance. He stated that the lease to own option should be evaluated.

***Councilor Radosevich exited at 7:01pm.***

Councilor Martinez thanked P & Z Director Naranjo and stated that she would like to see the community flourish. She stated that she would like to see what lease agreements were out there and would like to study those beforehand. She stated that she would like to tell Councilor Valdez that she agreed the project needed to be completed but had some grave concerns about the budget.

Councilor Lewis asked if the bids would be sealed. P & Z Director Naranjo stated that he was unsure of what the process would be. Councilor Lewis stated that he would like for there to be sealed bids so the process was fair for all.

Mayor Pro-Tem Salazar thanked P & Z Director Naranjo and Recreation Coordinator Herrera. He commented that it was P & Z Director Naranjo's job to be very thorough and responsible. He expressed confidence that the progress would continue. He voiced his hope that the project would improve the Valley.

P & Z Director Naranjo commented that Addressor Desirae Medina had informed that the City had 103 miles of roadway and less than six (6) miles with sidewalks. He stated that the project would be a way for people to enjoy what the Valley had to offer as the views were incredible.

IS Manager Joaquin Maestas reported that Redinet had signed a covenant of purpose as a part of the close for their grant. He stated that they would submit a close out report to the Grant Administrator and explained that it was a big step and part of the Joint Powers Agreement (JPA). He stated that he had worked in conjunction with City Clerk Mascareñas and Mayor Lucero to get the signatures that had been requested at the last minute and were time sensitive.

IS Manager Maestas continued that during the course of their last meeting, Black Mesa had been approved as a new last mile provider that could serve the Alcalde/Velarde area. He explained that it was a brand new business. Mayor Lucero asked how many last mile providers had contracted with Redinet. IS Manager Maestas named four (4).

IS Manager Maestas stated that Redinet was exploring the possibility of sharing software as a reliability benefit. He explained that it was a service they could provide to other entities and would ensure the survival and viability of Redinet. He added that it would enhance the service to the employees. IS Manager Maestas stated that it was important that people understood that Redinet provided middle mile service and they must attract last mile providers to provide service. He reported that Redinet had been a reliable source throughout the recent storms.

Councilor Hernandez asked if Windstream had shown any interest. IS Manager Maestas explained that Redinet had struggled with investment in the Valley; however, they had installed brand new fiber into the ground.

**I. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS/ACTION ITEMS**

**5. 4.22.13 Finance Board Meeting Minutes**

***Motion by Councilor Valdez approve the 4.22.13 City Council Minutes; seconded by Councilor Herrera.***

Councilor Martinez stated that she had read over the minutes several times and had some concerns about everything. She commented that everything she had said about artificial turf had been omitted. She expressed her belief that it was a disservice not to include her thoughts and concerns. She stated that during the course of the meeting, she had mentioned that the City needed to do a feasibility study to examine the finances before going through with the motion to approve the bids going out. She stated that it was important that it be included in the minutes. Councilor Martinez added that, as the Governing Body, they should aspire to make the minutes a close picture of the meeting. She stated that everyone else's comments had been included. She stated that she had spoken with City Clerk Mascareñas who informed her that it was possible her comments were not recorded.

Councilor Valdez stated that he was unsure what Councilor Martinez was referring to. He explained that he had spent three and a half (3 ½) hours on the 4.22.13 and 5.13.13 minutes that were typed verbatim. He stated that it was a shame that the Council had to go through that hassle. He stated that they should remain in the format of the 9.10.13 City Council meeting Minutes. Councilor Valdez continued that that each Councilor should know the content of the meetings without such detailed minutes.

Mayor Lucero explained that, as a former City Clerk, she knew that minutes should be a reflection of the action taken and should not include every single detail and comment. She explained that the 4.22.13 Finance Board Meeting and 5.13.13 City Council Meeting minutes had to be transcripts and were done verbatim. She added that they had been done by a certified transcriptionist because of the legal issues.

Councilor Herrera clarified that Councilor Valdez had made the motion to approve the 4.22.13 minutes and she believed Councilor Martinez was referring to the 9.10.13 minutes.

Councilor Martinez stated that it was her concern and she believed that when she spoke, it should be reflected in the meeting minutes because it was important. She reiterated that when people's comments were omitted, it was not the real picture.

***Motion carried 6-0.***

**6. 5.13.13 City Council Meeting Minutes**

***Motion by Councilor Valdez to approve the minutes of 5.13.13; seconded by Councilor Lewis.***

Councilor Hernandez commented that, regarding the expenditure of funds on baseball fields, he wanted to make it clear that the issue of an RFP did not commit the City in any way to a contractual agreement. He explained that until a contract was signed by both parties, an RFP only gave the City the ability to determine if they could afford to proceed.

***Motion carried 5-1, with Councilor Martinez voting in the negative.***

Councilor Martinez qualified her vote by stating that she believed that it was important to recognize every person's opinion in the room. Mayor Lucero explained that the minutes were a transcript and were verbatim.

7. 9.10.13 City Council Meeting Minutes

***Motion by Councilor Valdez to approve the 9.10.13 City Council Meeting minutes; seconded by Councilor Herrera.***

Councilor Martinez repeated that she disagreed with comments being left out.

***Motion carried 5-1, with Councilor Martinez voting in negative.***

8. DFA Budget Adjustment Resolution 2013-02
  - a. Keith Street repairs - \$48,000
  - b. Calle Miramontes repairs - \$60,000
  - c. Spruce Street repairs - \$80,000

***Motion to approve DFA Budget Adjustment Resolution 2013-02 by Councilor Lewis; seconded by Councilor Valdez.***

Councilor Lewis stated that the repairs were necessary.

***Motion carried 6-0.***

9. Resolution 2013-21: Infrastructure Capital Improvements Plan (ICIP)

Grants Administrator Diahann Jacquez stated that, based on prior year submissions, she had sent out an email requesting feedback. She stated that she had incorporated the feedback she received and the project listed as number one (1) needed to be removed since the work had been completed. She stated that she had also received a request from the Planning & Zoning Department to add the recreation fields and walking trails project requesting funding in the amount of \$290,000. She stated that the final task would be the prioritization.

Councilor Valdez qualified his recommendations by stating that he would like to see the library receive priority because there had already been money appropriated for the project. He stated that the Plaza Foundation was looking for funds to have a Library & Technology Center. He stated that a water line improvement to Riverside Drive was necessary because if there were ever a fire at the casino, their booster pump would suck up all of the water. He stated that an eight (8) or ten (10) inch line was needed. Councilor Valdez continued that he believed that the City should examine funding for a sewer line extension to the end of city limits.

Councilor Valdez stated that he would like to save \$100,000-\$300,000 each year to place pods on Industrial Park Road for industry. He added that North McCurdy Road needed to be fixed as the State refused to widen it.

Councilor Lewis stated that he wished the Chief were in attendance because he would like to question why there was nothing included for the Fire Department to achieve proper ventilation at the La Joya Fire Station. Interim

City Manager Duran stated that some funding had been appropriated during the previous legislative session. Mayor Pro-Tem Salazar asked how much the appropriation had been for. Mayor Lucero responded that it was \$100,000.

Councilor Martinez stated that she represented North Prince Drive and the constituents had been waiting for sewer service for many years. She expressed her disappointment that the City did not follow through with promises and wanted to provide sewer to State Road 76 which was annexed later than North Prince Drive. She stated that she would like to address the issues of drug addiction and prostitution and did not see anything on the list that dealt with those types of situations. She added that it was disappointing to her that the jail was not on the list and the City had to make it a priority.

***Motion by Councilor Valdez to approve the ICIP with the prioritization as he read it; seconded by Councilor Hernandez.***

Mayor Lucero commented that just like Councilor Valdez, everyone had the opportunity to provide feedback so the ICIP would be finalized by the time it went to Council.

Councilor Valdez explained that the North Prince Drive project would cost in excess of \$3 million. He stated that while it was on the list, the other projects cost less. He stated that the ICIP needed to be sent to the State.

Interim City Manager Duran noted that the Library project had already received appropriations. He stated that the Riverside Water lines needed to be updated because it would help the community with economic development. He explained that with smaller lines, big business could not survive because they needed infrastructure. He added that the Prince Drive project did not have plans and was estimated to cost \$3.7 million; whereas State Road 76 had plans in place. Mayor Lucero asked the cost to place sewer lines on State Road 76. Interim City Manager Duran stated that it would cost approximately \$760,000. He stated that the City needed to provide shovel-ready projects. He added that the drainage on North McCurdy Road created several problems.

Councilor Martinez stated that Councilor Valdez had mentioned that if we put aside \$100,000-\$300,000, the addition of pods on Industrial Park Road could be accrued. She stated that the same could be done with the North Prince Drive project and it was unfortunate that the City had not done so and the Planning & Zoning Department had not done so. She stated that she disagreed with the priority list and had since the previous year.

Councilor Lewis stated that he disagreed with the list also and felt bad for the Fire Department. He stated that the La Joya Fire Station had mold on the walls. Mayor Lucero stated that the mold issue had been resolved and asked General Services Director Maes to look into the ventilation issue. She stated that the City had been unable to use the \$100,000 for improvements to the La Joya Fire Station; however, she was studying the possibility of utilizing a fiscal agent.

**Roll Call Vote:**

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

***Tied 3-3. Mayor Lucero stated that she would break the tie by voting the affirmative.***

Councilor Lewis called a point of order and stated that resolutions required five (5) votes. Mayor Lucero stated that the measure was not a resolution.

***Motion failed 4-3 as resolutions require five (5) votes, with Mayor Pro-Tem Salazar, Councilor Martinez and Councilor Lewis voting in the negative.***

10. Resolution 2013-22: Abatement of 800 Fairview Lane

Code Enforcement Officer Michael Marquez stated that the City was trying to get the property located at 800 Fairview Lane cleaned up.

***Motion by Councilor Valdez to approve Resolution 2013-22; seconded by Mayor Pro-Tem Salazar.***

City Attorney Coppler requested that the minutes reflect that pictures were passed out and paced as a part of the record (Exhibit A). He stated that once the property owner was served the resolution provided, he could appear before the City Council for a hearing.

Code Enforcement Officer Marquez stated that the Planning & Zoning Department was waiting to find out if Director of Public Safety Eric Garcia could make contact with the property owner to serve him. He stated that the clean-up project would be bid out.

**Roll Call Vote:**

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

***Motion carried 6-0.***

11. Request for Reconsideration of Purchase Offer by Jeff Atencio, Española Valley Chamber of Commerce President

Mayor Lucero stated that the measure had been considered previously by the City Council and they had decided to make an offer of \$15,000 to the Chamber of Commerce for the building that was located at 710 Paseo de Oñate. She stated that Board Member Kelly Duran would address the Council regarding the issue. Mr. Duran stated that the Councilors had received a letter from the President of the Chamber of Commerce. He stated that they had incurred the cost of the appraisal to determine the value of the building. He explained that it was a modular building built by Northern New Mexico Community College (NNMCC) and had served as the location for the Chamber of Commerce, next to the Big Rock Casino for years and then was moved to City property. He stated that, since then, they had obtained a location for the Chamber of Commerce at the Convento, which was the proper place. Mr. Duran continued that the appraisal had not taken into account that the building was Americans with Disabilities Act (ADA) compliant and what it took to place the building in the current location. He stated that none of those costs would be incurred by the City of Española.

Mayor Lucero stated that the appraised value the city was presented with was \$18,000 and the City could not pay more than \$18,000. City Attorney Coppler explained that the City would be limited to the appraised value

and included in the basis for the appraised value was what the property would sell for given a willing buyer. He stated that the appraisal would include everything on the site, such as: utility hook ups. He stated that the \$18,000 would be the largest amount the City could offer under the law. Mayor Lucero asked who would pay the closing costs. City Attorney Coppler stated closing costs were usually negotiated between the buyer and seller and it was standard to split the cost- \$1,500 in this case.

Mr. Duran stated that he would like to come to a compromise and offered that if the City Council paid \$18,000, the Chamber of Commerce would cover the closing costs.

***Motion by Councilor Lewis to purchase the property located at 710 Paseo de Oñate for \$18,000; seconded by Mayor Pro-Tem Salazar.***

Councilor Martinez stated that the City had not identified what the building would be used for yet. She suggested that it would be interesting if the Chamber of Commerce would collaborate on this. She continued that she felt the \$15,000 was fair considering the property belonged to the City. She asked everyone to consider that the Española Public Schools had portables that they did away with and stated that she was against the purchase because the City had responsibilities that had not been met.

Councilor Hernandez echoed the comments of Councilor Martinez. He expressed that his only concern was whether the City had thought about whether the building was needed or not. Mayor Lucero stated that there was a possibility of the Regional Development Corporation (RDC) utilizing the building as an incubator for businesses wanting to come to Española. She stated that they would be there for a short term until they could move into a permanent space. She added that there was also many requests for the use of facilities for meetings and mediations and the building would lend itself to that. Mayor Lucero opined that the City would not have any trouble renting the building.

Mayor Lucero asked Interim City Manager Duran if he had anything to add regarding the possible uses. Interim City Manager Duran stated that there were a few departments that were overcrowded, such as Planning & Zoning and Utilities. Councilor Hernandez stated that there would not be a shortage of need for the property.

Mr. Kelly Duran reported that during his tenure as President, the Chamber of Commerce had rented to several non-profits successfully; however, because the staff was limited, the sale would allow the employment of an Executive Director.

Councilor Lewis stated that he would be voting in favor of the measure as he felt that the Chamber of Commerce could use the money. He explained that he would like the Chamber to move forward because they provided assistance to businesses moving into the community. He suggested that the building be used to house the Information Technology (IT) Department.

Mayor Pro-Tem Salazar stated that if the sale was being made by anyone else, he would not be in favor of spending over \$15,000. However, because it was the Chamber of Commerce, he felt it was important to work with them because their work would ultimately benefit the City.

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Pedro Valdez	In Favor
	Peggy Sue Martinez	Against
	John Hernandez	In Favor
	Cory Lewis	In Favor

*Motion carried 5-1, with Councilor Martinez voting in the negative.*

*Councilor Martinez exited at 8:08pm.*

**J. 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 the Council would need to enter into Executive Session regarding a proposal that had come from RDC. She stated that before a lease or purchase was entertained, she wanted to let the council know what it entailed.

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

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Pedro Valdez	In Favor
	John Hernandez	In Favor
	Cory Lewis	In Favor
	Elaine Herrera	In Favor

*Motion carried 5-0.*

*The meeting entered into Executive Session at 8:10pm.*

*Motion by Councilor Valdez to exit executive session; seconded by Councilor Herrera.*

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Pedro Valdez	In Favor
	John Hernandez	In Favor
	Cory Lewis	In Favor
	Elaine Herrera	In Favor

*Motion carried 5-0.*

*The meeting exited Executive Session at 9:07pm.*

Mayor Lucero stated that the Council had discussed the possible lease or sale of some property in the City; however, she could not discuss specifics because the conversation in Executive Session was privileged.

*Motion by Councilor Valdez to direct City administration to begin negotiations with regard to the essential terms of a lease of the Prince and Carter Ranch for long term agricultural purposes/economic development project with Ealasad Corporation; seconded by Councilor Hernandez.*

Recreation Coordinator noted that the quote that Ms. Beverwyk-Abouda had provided was only valid until July 19, 2013 so the cost may be slightly higher. Ms. Beverwyk-Abouda stated that the quote had included the underlay and vinyl and she had included an outlying area for the quote so the difference would be very significant.

Councilor Martinez stated that Recreation Coordinator Herrera's comment had been her only concern and stated that she would like to give Ms. Beverwyk-Abouda the opportunity to announce the class schedule on KDCE. Ms. Beverwyk-Abouda recited her class schedule.

***Motion carried 7-0.***

11. Request for Seniors to travel to Laughlin, NV from September 15th-18th via Herrera's Coaches

Senior Center Coordinator Josephine Velasquez stated that they had 65 members that would like to attend the trip. She announced that they would stay at the Colorado Belle Hotel.

Councilor Martinez verified that a liaison would be provided.

***Motion Councilor Seeds to approve Seniors to travel to Laughlin, NV from September 15th-18th via Herrera's Coaches; seconded by Councilor Martinez.***

Councilor Seeds stated that he would hope that staff would interact with Council the following year. He expressed hope that the number of seniors involved could rise to 70 or 80.

***Motion carried 7-0.***

12. Request for Use of City Equipment for the 9<sup>th</sup> Annual Mayhem Mud Bogg

Mayor Pro-Tem Salazar stated that he had been in touch with Elisha Duran who informed them that they would be unable to attend the meeting.

***Motion by Councilor Lewis to approve Use of City Equipment for the 9<sup>th</sup> Annual Mayhem Mud Bogg; seconded by Mayor Pro-Tem Salazar.***

Interim City Manager Duran noted that he was not related to the Durans requesting co-sponsorship.

Councilor Seeds asked Interim City Manager Duran why the item did not go before the Community Services Committee. Interim City Manager Duran replied that the request had been submitted after the date of the meeting.

***Motion carried 6-1, with Councilor Martinez voting in the negative.***

**K. EXECUTIVE SESSION**

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

*Motion by Councilor Seeds to enter into Executive Session; seconded by Councilor Martinez.*

**Roll Call Vote:**

Mayor Pro Tem:	Dennis Tim Salazar	In Favor
Councilors:	Elaine L. Herrera	In Favor
	Cory J. Lewis	In Favor
	John Hernandez	In Favor
	Peggy Sue Martinez	In Favor
	Pedro Valdez	In Favor
	Robert Seeds	In Favor

*Motion carried 7-0.*

*The meeting entered into Executive Session at 7:32pm.*

*Mayor Pro-Tem Salazar exited at 7:32pm.*

*Motion by Councilor Martinez to exit Executive Session; seconded by Councilor Valdez.*

**Roll Call Vote:**

Councilors:	Elaine L. Herrera	In Favor
	Cory J. Lewis	In Favor
	John Hernandez	In Favor
	Peggy Sue Martinez	In Favor
	Pedro Valdez	In Favor
	Robert Seeds	In Favor

*Motion carried 6-0.*

*The meeting exited Executive Session at 7:56pm.*

City Attorney Frank Coppler stated that Lyman McCarty vs. City of Española arose as a result of a dispute between Mr. McCarty and the Humane Society. He stated that, at the time, there was a front page article on the Rio Grande Sun with a picture of Mr. McCarty and his dog. He recounted that there had been an executive session where former City Manager James Lujan and City Attorney Coppler reported to the Council about the filing of the lawsuit. City Attorney Coppler stated that he did not recall the exact language, but did recall without any doubt that he was not authorized to settle it. He stated that he had left the meeting with the mindset that there would not be a settlement given the facts of the case. He added that McCarty was an employee of the Humane Society.

City Attorney Coppler explained that the Court transcript would reflect the facts of the case as it had been determined that Mr. McCarty was not a tenant of the City of Española, rather he was a tenant in the Humane Society-owned mobile home. City Attorney Coppler stated that testimony had been given that Mr. McCarty and the Humane Society entered into a dispute and Mr. McCarty's employment was terminated and he was asked to leave the property. He stated that the employer called former City Manager Lujan and asked him to get rid of the mobile home because they believed it was a danger to public health, welfare and safety. City Attorney Coppler specified that it was not Mr. McCarty's home, but a shelter provided to him during his employment with the Humane Society. City Attorney Coppler expressed the sense that there were City

Councilors that felt like the City was picking on Mr. McCarty by removing him from his home and he disagreed with the assertion.

City Attorney Coppler stated that the Humane Society had contacted the City Manager and the City had gone out in September of 2010 prior to the June 2011 removal of the trailer and Mr. McCarty's personal belongings. He stated that on the September date, Mr. McCarty had been given notice that he needed to vacate; however, the City had waited until June to remove the structure.

City Attorney Coppler stated that he understood that some Councilors may believe that it was handled improperly and stated that he would like to order a copy of the hearing transcript and provide it to the Council. He stated that no one could dispute what was in front of the judge.

He continued that the reason he had not gone back to the Council and suggest the matter be settled as some sort of nuisance violation was because he had never received a settlement offer under six (6) figures. He urged the Council to review the Court transcript before rendering a decision.

Mayor Lucero stated that the decision would be about whether the Council wanted to settle in the amount of \$4,200. City Attorney Coppler stated that his reading of the evidence was that the case was not worthy of any settlement.

City Attorney Coppler stated that there was a transcript of some of the Judge's decisions and the Judge had ruled on five (5) issues including that the mobile home was not owned by the City; Mr. McCarty was not an employee of the city or an employee of the Humane Society. City Attorney Coppler reported that the only question left to be answered was whether the City of Española was required to provide additional notice.

City Attorney Coppler announced that the Judge had ordered that briefs be completed and filed the following day and the lawyer for Mr. McCarty (Ms. Yvonne Quintana) had filed a motion the previous Friday afternoon requesting an extension. City Attorney Coppler stated that her Law Clerk had emailed a request stating that Ms. Quintana was ill. He continued that by that time, his brief was done as he did not wait until the last minute.

Councilor Martinez stated that she would like to know if there was any other pending litigation that she did not know about. City Attorney Coppler stated that she was aware of the case. Interim City Manager Duran stated that he had been included in the Executive Session when the Councilors were informed of litigation. City Attorney Coppler stated that he did not want any implication that Councilor Martinez was not aware of the case and there were no other cases she was not aware of.

City Attorney Coppler offered to speak to the court reporter about ordering a court transcript and allowing him to scan and send out nine (9) copies.

Councilor Seeds stated that the settlement offer shall remain open for seven (7) days. City Attorney Coppler stated that the letter carried the date of the previous Thursday and had not been brought to his attention as of Sunday. He asserted that he considered it to be unprofessional conduct for the letter to come to his attention as a surprise. Mayor Lucero stated that she did not know of anyone that was aware of the letter other than Councilor Seeds.

City Attorney Coppler stated that he would email the Judge's findings so the Council could review it and communicate with him. He stated that there could not be a vote as the item was not on the agenda and it would need to be placed on the next agenda. He added that the offer was going to expire and unless the judge had granted her motion to continue the ultimate verdict, the offer would expire without the Council having the option to act. He stated that he did not know of any way to solve that problem.

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Pedro Valdez	In Favor
	John Hernandez	In Favor
	Cory Lewis	Against
	Elaine Herrera	In Favor

*Motion carried 4-1, with Councilor Lewis voting in the negative.*

Mayor Lucero stated that the City would proceed to negotiate a contract and ordinance that would be heard before the Council.

Mayor Lucero thanked Eric Vasquez of RDC for his comments during Executive Session.

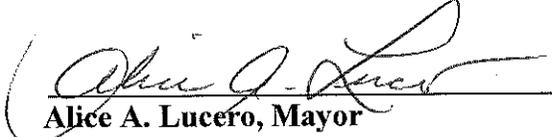
**K. ADJOURNMENT**

*Motion by Councilor Lewis to adjourn; seconded by Mayor Pro-Tem Salazar.*

*Motion carried 5-0.*

*The meeting was adjourned at 9:09pm.*

APPROVED AND ADOPTED THIS 22<sup>nd</sup> DAY OF October, 2013.

  
Alice A. Lucero, Mayor

ATTEST

  
  
Tessa Mascareñas, City Clerk