

CITY COUNCIL MEETING
AUGUST 25TH, 2015, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

The meeting was called to order at 6:03 pm by Mayor Alice A. Lucero

B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/ INVOCATION

The Governing Body as a whole recited the Pledge of Allegiance; Mayor Lucero reserved a moment of Mediation and led the Invocation.

C. ROLL CALL/ DETERMINATION OF QUORUM

The following in Attendance:

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

Absent: Councilor Tania Sanchez
Councilor Cory Lewis

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

D. APPROVAL OF AGENDA

Agenda as Presented:

--Begin--

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/ INVOCATION

C. ROLL CALL/ DETERMINATION OF QUORUM

D. APPROVAL OF AGENDA

E. PUBLIC COMMENTS

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

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

G. MATTERS FROM THE MAYOR

1. Certificates of Appreciation Presented to Little League Coach Joseph Ortega & Mrs. Antonia Ortega

H. CONSENT AGENDA

2. City Council Meeting Minutes 07-20-15
3. City Council Meeting Minutes 08-11-15

I. CITY MANAGER REPORT

4. Report by City Manager Kelly Duran

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

5. Consideration of Sponsorship for "Kuts for Kids" - A Back to School Community Initiative Supporting Local Youth and Positive Rapport with Public Safety Departments. City Manager Kelly Duran & Community Services Director Mark Trujillo

6. Consideration of Lodger's Tax Board Appropriation Recommendations –City Clerk Anna Squires
 - a. Consideration of Mini-Grant for the 30th Annual Española Valley Arts Festival in amount of \$2,000
 - b. Consideration of Mini-Grant to the 25th Annual N.M. Hispano Music Awards - \$3,000
7. Consideration of Proposed Departmental Policies for the Española Department of Public Safety
 - Department of Public Safety Director Richard Gallegos and Deputy Chief Miguel Maez
 - c. 61.1 - Special Response Team
 - d. 87.1 -Police Department Vehicles
 - e. 95.1-Awards and Recognition
 - f. 101.1 – Use of Recording
 - g. 101.2 Use of Tape/Digital
 - h. 102.1 – Social Media
8. Consideration of Resolution 2015-13; Final Quarter Financial Report – ASD Joyce Sandoval
9. Consideration of FY 2015-2016 Budget Adjustment Request for the United States Marshalls Service-Joint Law Enforcement Operations Task Force. – Grants Administrator Diahann Jaquez
10. 2017-2021 Infrastructure Capital Improvement Plan- Grants Administrator Diahann Jaquez & CM Duran

K. EXECUTIVE SESSION

11. MATTERS FROM THE CITY ATTORNEY

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body. **NOTE:** New Mexico law requires the following administrative procedures be followed when conducting “quasi-judicial” hearings. In a “quasi-judicial” hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

L. ADJOURNMENT

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

--End--

Mayor Alice A. Lucero stated that Item J. No. five (5) Consideration of Sponsorship for “Kuts for Kids” - A Back to School Community Initiative Supporting Local Youth and Positive Rapport with Public Safety Departments would be removed from the agenda until further notice. Motion to approve the agenda as amended by Mayor Pro-Tem Valdez; 2nd by Councilor Michelle R. Martinez

Motion Carried 6-0

E. PUBLIC COMMENTS

-None-

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Mayor Pro-Tem Pedro Valdez expressed gratitude towards City employees; General Services Streets Supervisor Lawrence Aragon for effective streets maintenance and Municipal Court Outreach Coordinator Richard Marquez for maintaining overgrowth clean-up within the City. He further expressed thanks towards City Manager Kelly Duran for his continued efforts. Mayor Pro-Tem Valdez sighted a broken flower pot on Paseo de Oñate stating that he was working with Public Safety to see if a report could be made or perhaps video surveillance could be obtained of the occurrences which led to the damage.

Councilor Michelle R. Martinez announced that a Valley Entrepreneurial Network (VEN) meeting would be taking place September 3rd, 2015 at Anthony's at the Delta beginning at 5:30pm. She further stated that the winners of the Regional Teen Business Challenge sponsored by the Española Valley Chamber of Commerce would be voted on and announced during the meeting.

Councilor Adrianna Ortiz announced that the Lucero Center Public Library would be hosting an event in honor of National Trail Mix Day to be held on September 31st 2015.

G. MATTERS FROM THE MAYOR

1. Certificates of Appreciation Presented to Little League Coach Joseph Ortega & Mrs. Antonia Ortega

Mayor Alice A. Lucero asked that Little League Coach Joseph Ortega and his wife Mrs. Antonia Ortega stand and reside before the Governing Body to be recognized. She stated that both Mr. & Mrs. Ortega have helped to promote softball through organizing Little League programs within the community for numerous years. She expressed sincere gratitude for their tireless efforts to foster positive growth for the youth of the community with limited resources. Mayor Lucero then presented both Coach Joseph Ortega and his wife Mrs. Antonia Ortega with a Certificate of Appreciation commemorating their time and efforts.

Councilor Peggy Sue Martinez presented Coach Joseph Ortega and his wife Mrs. Antonia Ortega with a dinner certificate for two (2) at the La Cocina Restaurant on behalf of the Governing Body. She then presented Mr. Joseph Ortega with an athletic cap donated by local business Dog House Graphix. She expressed sincere gratitude for their efforts and their donated time and services to the youth of the community. Similar comments were echoed by Councilor Adriana Ortiz, Councilor Dennis Tim Salazar and Councilor Michelle R. Martinez.

Joseph Ortega expressed gratitude for the recognition by the Governing Body. He stated that he enjoyed helping foster the youth of the community as it provided options for future athletic development. He thanked City Recreation Program Supervisor Chris Alcala and other City Department; Community Services, Streets and Public Safety for the assistance with the program. Joseph Ortega sighted that his most proud moments were received from other communities complimenting the sportsmanship of the youth of our community whether they won or lost a game.

H. CONSENT AGENDA

- 2. City Council Meeting Minutes 07-20-15**
- 3. City Council Meeting Minutes 08-11-15**

Motion made by Councilor Michelle R. Martinez to approve all minutes on the Consent Agenda; Motion 2nd by Councilor Adrianna Ortiz.

Motion Carried 6-0

I. CITY MANAGER REPORT

4. Report by City Manager Kelly Duran

Councilor Michelle R. Martinez questioned the feasibility of obtaining the final report or analysis presented from former contractual services Dr. Berry Cooney. She further sighted that the expense to contract his services was rather large and should merit feedback of some degree. City Manager explained that the final report outlaid a plan moving forward and also highlighted problems within the City to focus on.

Councilor John Hernandez sighted page two (2) of the CM Report. He questioned if the flooding on Calle Espinosa could be a bigger problem as water pumped out to prevent homes from flooding on: July 8th, 10th, 20th, 26th, 27th, 29th and 31st appeared to be ongoing. CM Kelly Duran explained that an acequia, located on tribal land, was not cleaned and did not allow for proper drainage of the heavy rainfall water. He further expressed that positive contacts conducted by General Services Juanito Maez have been coordinated with tribal officials and the acequia would be addressed.

Mayor Lucero questioned the City Manager with regard to a scheduled date of the FY12 Audit Exit Conference. City Manager Kelly Duran stated that the conference could potentially be coordinated by August 31st 2015.

Councilor John Hernandez questioned the City Manager Report with regard to implementing and enforcing fees associated with abandoned building and properties. City Manager Kelly Duran stated that the City Attorney was working on a legal recommendation of implementing the "International Property Maintenance Code" 2012 Edition which would aid to matter. He further stated that once the City hired the Planning and Zoning Director the International Property Maintenance Code could be addressed by the P & Z director and the City Attorney.

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

5. ~~Consideration of Sponsorship for "Kuts for Kids"— A Back to School Community Initiative Supporting Local Youth and Positive Rapport with Public Safety Departments. City Manager Kelly Duran & Community Services Director Mark Trujillo~~

Item No. 5 removed from the 8.25.15 City Council Meeting Agenda until further notice.

6. **Consideration of Lodger's Tax Board Appropriation Recommendations** —*City Clerk Anna Squires*
 - a. Consideration of Mini-Grant for the 30th Annual Española Valley Arts Festival in amount of \$2,000
 - b. Consideration of Mini-Grant to the 25th Annual N.M. Hispano Music Awards - \$3,000

City Clerk Anna Squires stated that the Lodgers Tax Advisory Board had met August 17th 2015 at 4pm at the El Paragua Restaurant to Consider a.) Mini-Grant for the 30th Annual Española Valley Arts Festival in amount of \$2,000 and b.) Mini-Grant to the 25th Annual N.M. Hispano Music Awards in the amount of \$3,000.

Motion made by Councilor Adrianna Ortiz to approve both Lodger's Tax Board Appropriation Recommendations; a.) Consideration of Mini-Grant for the 30th Annual Española Valley Arts Festival in amount of \$2,000; b.) Consideration of Mini-Grant to the 25th Annual N.M. Hispano Music Awards - \$3,000 Motion 2nd by Councilor Peggy Sue Martínez.

Councilor Peggy Sue Martinez stressed her belief that Lodgers tax monies should be spent within the City limits to aid with Gross Receipt Tax revenues. She also stated that monies from Lodgers tax could also be used to promote City rental facilities and possibly aid to create events to promote City facilities.

Motion Carried 6-0

7. **Consideration of Proposed Departmental Policies for the Española Department of Public Safety-**
Department of Public Safety Director Richard Gallegos and Deputy Chief Miguel Maez

Mayor Lucero engaged Council about the notion of addressing each policy on by one to as to address any issues or concerns. The consensus of Council was to address each policy individually by letter as the policy was previously reviewed by the Public Safety Committee and sent to the City Attorney for legal

review. Councilor Peggy Sue Martinez stated that as the Chair of the Public Safety Committee (PSC) Councilor Cory Lewis was currently not present, she would be happy to reinstate the concerns and changes to the policy which were addressed during the PSC Meeting.

c. 61.1 - Special Response Team

Motion by Mayor Pro-Tem Valdez to approve letter c.) Policy 61.1 - Special Response Team; 2nd by Councilor Michelle R. Martinez

Councilor John Hernandez questioned if the Special Response Team (SRT) was similar to a SWAT Team and "if" the department was utilizing current staff. Director of Public Safety Richard Gallegos replied in the affirmative stating that the SRT was initially a grant that was awarded to the City to allow the Department to respond to any critical situations.

Motion Carried 6-0

d. 87.1 – Police Department Vehicles

Motion by Councilor Michelle R. Martinez to approve letter d.) Policy 87.1 – Police Department Vehicles; 2nd by Councilor Peggy Sue Martinez

Councilor Peggy Sue Martinez stated that during the August 5th 2015 Public Safety Committee Meeting, the committee was presented with the exact six policies. She further stated that minimal changes presented were advised by the committee. She then sighted page three (3) of the 87.1 Police Policy for Department Vehicles, Letter N, which reflected; No city owned vehicle may be taken more than forty (40) roadway miles outside of the city limits. Failure to adhere to this rule may result in disciplinary action, to include loss of take-home privileges, suspension, demotion, or termination from the Department. Councilor Peggy Sue Martinez stated that the original mileage listing within the mentioned section was sixty-five (65) miles. She further stated that the amount was considerably too high to allow for a City unit to undergo that much wear and tear on a vehicle for personal use when that vehicle was designated for Public Safety use.

Councilor Peggy Sue Martinez reflected on page three (3) Letter N, No.1, which stated Officers who reside outside the forty-mile limit are required to park their assigned vehicle at the Police Department, a secure parking facility, or other secure area. Failure to park the vehicle in a secure area while unattended may be deemed negligence. Councilor Martinez stated that it would not be easy to monitor a City vehicle from such a far distance as previously reflecting at sixty-five (65) miles.

Director of Public Safety Richard Gallegos explained that often times qualified Police Officers did not always live within the City Limits or within the region. He further stated that he originally advocated for the amount of mileage to be restricted to only fifty-five miles as he too lived outside City limits. He further stated that the consensus of the August 5th 2015 Public Safety Committee members was to limit the mileage to a maximum of forty (40) roadway miles outside of the city limits.

Deputy Chief Miguel Maez stated that the proposed departmental policies for the Española Department of Public Safety were first brought to the Public Safety Committee meeting held on August 2015. Deputy Chief Maez stated that all provided policies were approved at the Public Safety Committee and then subject to full legal review prior to the consideration of full Council. DC Maez stated that policy number 87.1 -Police Department Vehicles was the policy identified with changes.

Motion Carried 6-0

e. **95.1 Awards and Recognition**

Motion by Councilor Peggy Sue Martinez to approve letter e.) 95.1 Awards and Recognition Policy; 2nd by Councilor Dennis Tim Salazar

Mayor Lucero stated that at any point when the Española Department of Public Safety decides to recognize an officer with an award or medal of Valor, that it come before the Governing Body during a City Council Meeting for full recognition. Director of Public Safety Richard Gallegos and Deputy Chief Miguel Maez replied in the affirmative.

Motion Carried 6-0

f. **101.1 – Use of Recording**

Motion by Councilor Michelle R. Martinez to approve letter f.) 101.1 Use of Recording Policy; 2nd by Councilor Dennis Tim Salazar

Councilor John Hernandez questioned if the policy adopted the use of lapel cameras. Director of Public Safety Richard Gallegos and Deputy Chief Miguel Maez replied in the affirmative.

Councilor Michelle R. Martinez stated that she was pleased to see the department implement policy accordingly and appropriately. She questioned why the policy was initially reviewed by the department in April 2015 and received by Council in August 2015. Deputy Chief Miguel Maez stated that the policy was subject to union review. He further stated that after union had reviewed the policy it was then subject to PSC committee review and then legal review prior to full council.

Motion Carried 6-0

g. **101.2 Use of Tape/Digital**

Motion by Mayor Pro-Tem Valdez to approve letter g.) 101.2 Use of Tape/Digital Policy; 2nd by Councilor Michelle R. Martinez

Motion Carried 6-0

h. **102.1 – Social Media**

Motion by Councilor Dennis Tim Salazar to approve letter h.) 102.1 – Social Media Policy; 2nd by Mayor Pro-Tem Pedro Valdez

Motion Carried 6-0

8. Consideration of Resolution 2015-13; Final Quarter Financial Report – ASD Joyce Sandoval
the Governing Board in and for the City of Española, State of New Mexico has developed a budget for fiscal year 2015 – 2016; and a certified that the contents in this report are true and correct to the best of our knowledge and that this report depicts all funds for fiscal year 2015 that the governing body of the City of Española, State of New Mexico hereby approves the final quarterly report for FY 2015 hereinafter described as Attachment “A” and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

Administrative Services Director Joyce Sandoval stated that the Local Government Division of the Department of Finance and Administration State of New Mexico was now requiring Municipal Government(s) to adopt a quarterly finance budget which would approve the final quarterly report for said fiscal year (FY).

Councilor Adrianna Ortiz and Councilor John Hernandez sighted discrepancies within the presented Final Quarter Financial Report.

Motion by Councilor Dennis Tim Salazar to approve Resolution 2015-13; Final Quarter Financial Report; 2nd by Mayor Pro-Tem Pedro Valdez

Motion Carried 5-1

Councilor Peggy Sue Martinez voting non-favorably

9. Consideration of FY 2015-2016 Budget Adjustment Request for the United States Marshalls Service-Joint Law Enforcement Operations Task Force. – Grants Administrator Diahann Jaquez

Grants Administrator Diahann Jaquez stated that the grant would be awarded through the Department of Justice and was in the amount of \$2,000 dollars.

Motion by Councilor Peggy Sue Martinez to approve FY 2015-2016 Budget Adjustment Request for the United States Marshalls Service-Joint Law Enforcement Operations Task Force in the amount of \$2,000 dollars; 2nd by Mayor Pro-Tem Pedro Valdez

Motion Carried 6-0

10. 2017-2021 Infrastructure Capital Improvement Plan- Grants Administrator Diahann Jaquez

Grants Administrator Diahann Jaquez stated that the final list of infrastructure for Capital Improvement requests to be submitted to the Legislature was submitted within the packet material. She further stated that the list included requests for completing City Hall renovations, Fairview Field upgrades, North Prince Drive Sewer line, a sewer line extension on State Road 76 and Española Valley Regional Sportsplex upgrades.

Mayor Pro-Tem Pedro Valdez stated that he would not be able to stay for the duration of the meeting as he needed to be at a Church meeting. He stated that he was in support of the current order of the ICIP list. He further stated that he had discussed his concerns with Grants Administrator Diahann Jaquez.

Mayor Lucero stated that she had anticipate being able to seek the funding after the audits for 2012-15, have been submitted and approved. Mayor Lucero questioned Grants Administrator Jaquez about the feasibility of changing priorities on the list.

Grants Administrator Jaquez stated that changes could still be made if need be. She further explained that the deadline was near, so any changes that need to be made should be addressed.

Councilor Peggy Martinez stated that she would like the work for the North Prince Drive sewer line to be brought up to a higher priority on the list. She further explained that the project has been on the list for years and its cost and funding have impeded any progress.

Grants Administrator Diahann Jaquez stated that there were multiple issues that would change the original two-year projection of \$3.5 million for the North Prince Drive work. She further stated that the location of the line would create added costs as the costs of easements and possible property purchases may be a factor. Mayor Lucero made a request to decrease the amount from \$3.5 million to \$500,000.dollars to first acquire the study necessary prior to any work conducted.

Grants Administrator Diahann Jaquez conquered that when the study was provided then an accurate figure could be addressed and resubmitted.

Mayor Pro- Tem Valdez out at 7:45 pm

Grants Administrator Diahann Jaquez stated the updated list would need to be submitted to the Department of Finance Authority and at that point they will compile and publish the top five projects on list and distribute that to legislators. Grants Administrator Diahann Jaquez stated that the legislators target those items for consideration.

Motion by Councilor Peggy Sue Martinez to approve 2017-2021 Infrastructure Capital Improvement Plan decreasing the amount from \$3.5 million to \$500,000.dollars to first acquire the study necessary prior to any work conducted for the North Prince Drive work; 2nd by Councilor Michelle R. Martinez.

Motion Carried 5-0

Mayor Pro- Tem Valdez out, not residing

K. EXECUTIVE SESSION

11. MATTERS FROM THE CITY ATTORNEY

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Mayor Lucero stated that there was no reason to enter into Executive Session.

L. 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.

Motion to adjourn made by Peggy Sue Martinez and 2nd by Michelle R. Martinez

Motion Carried 5-0

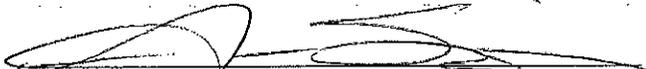
Meeting adjourned at 8:05 pm

ADOPTED AND APPROVED by the Governing Body of the City of Española this 27nd day of October 2015.



Alice Alarid Lucero, Mayor, City of Española

ATTEST:



Anna Squires, City Clerk

