

**CITY COUNCIL MEETING
FEBRUARY 25, 2014, 6PM
CITY HALL COUNCIL CHAMBERS
405 PASEO DE OÑATE, ESPAÑOLA, NM**

A. CALL TO ORDER

The meeting was called to order at 6:00 pm by Mayor Alice A. Lucero.

B. PLEDGE OF ALLEGIANCE

Mayor Lucero led the Pledge of Allegiance.

C. MOMENT OF MEDITATION/INVOCATION

Councilor Pedro Valdez led the moment of mediation/invocation.

D. ROLL CALL/DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

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

E. APPROVAL OF AGENDA

Agenda as presented:

---Begin---

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. MOMENT OF MEDITATION/ INVOCATION**
- D. ROLL CALL/ DETERMINATION OF QUORUM**
- E. APPROVAL OF AGENDA**
- F. PUBLIC COMMENTS**
- G. COUNCILOR COMMENTS/ ANNOUNCEMENTS**
- H. MATTERS FROM THE MAYOR (ACTION ITEMS)**
 - 1. Proclamation- Honoring Edna Serna
 - 2. Proclamation- Children's Oral Health Month
- I. PUBLIC HEARINGS**
 - 3. Ordinance Number 2014-03: Adopting a Municipal Hold Harmless Gross Receipts Tax

J. CONSENT AGENDA

4. 1.14.14 City Council Meeting Minutes
5. 1.28.14 City Council Meeting Minutes

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

6. Automatic Aid Agreement, Española Department of Public Safety- Fire Department
7. Approval of Out of State Travel for Officer David W. Luginbuhl, Española Police Department
8. Request for Co-Sponsorship Mayhem Racing Mudd Boggs- Alisha Duran
9. NCRTD Reimbursement Agreement for Silkey Road
10. DFA Budget Resolution 2014-01: Library Grant Acceptance

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

--- End---

Mayor Pro-Tem Salazar stated that he would like to remove the NCRTD Reimbursement Agreement from the agenda. He explained that NCRTD Executive Director Anthony J. Mortillaro preferred to speak under Public Comment regarding the matter.

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

Motion Carried 7-0.

F. PUBLIC COMMENTS

Mr. Phillip Chacon stated that he was running for City Council in order to change many disturbing things which he had witnessed within the community. He stated that communication amongst current City Council members did not appear to have integrity. He reported that he had investigated current City Councilor Cory Lewis and his investigations had revealed that Councilor Lewis did not live within city limits. Mr. Chacon stated that Councilor Lewis lived approximately nine (9) miles north of city limits in Los Luceros. Mr. Chacon further alleged that Councilor Lewis had used the address of his grandfather in order to run for City Councilor, District 4 in 2012. Mr. Chacon stated that he was filing a complaint against Councilor Lewis with the New Mexico Secretary of State's Office. He stated that it was his understanding that in order to run for a position of City Councilor; one must reside in the area/district of representation.

Mr. Chacon expressed his belief that Mayoral Candidate and City Councilor Peggy Sue Martinez appeared to be over emotional during City Council Meetings. He stated that he believed in order to be effective in office one must reserve personal feelings and communicate what was best for the community. He stated that it was important to have sound judgment. Mr. Chacon communicated discontent with Councilor Herrera. He stated that Councilor Herrera had not been as vocal as she should have been throughout her term. Mr. Chacon finalized his comments by stating that he supported the Governing Body regardless of the outcome of the upcoming election. He stated that he would like to see positive, honest change within the community and thanked all City employees for their hard work and efforts.

North Central Regional Transit District (NCRTD) Executive Director Anthony J. Mortillaro stated that he wanted to thank Mayor Pro-Tem Salazar and Councilor Martinez for their efforts and collaboration. He reported that communication amongst NCRTD and City of Española representatives had been positive. He explained that he wanted to brief council on the status of the reimbursement agreement. Mr. Mortillaro stated that he had been in communication with Planning and Zoning (P&Z) Director Russell Naranjo and the outcome of the discussion was that the agreement would be addressed by the Planning & Zoning Department. He further stated that in the upcoming months, the agreement would come to full fruition after all the necessary development precautions were addressed. Mr. Mortillaro stated that he would return before the City Council in the near future and thanked the Governing Body for their time and efforts, as well as P& Z Director Naranjo for his communication.

G. COUNCILOR COMMENTS/ANNOUNCEMENTS

Mayor Pro-Tem Salazar announced that Española Valley High School student Mario Martinez had been elected New Mexico Student Council Vice President and Carlos F. Vigil Middle School Teacher Monica Garcia had received the Mid- Level Student Council Advisor of the Year Award. Mayor Pro-Tem Salazar stated that he was proud of the youth in the Valley and encouraged them to continue the good work and progress toward a bright future.

Councilor Martinez addressed the comments made by Mr. Phillip Chacon. She stated that Mr. Chacon's statement appeared to be a political attack and the forum which Mr. Chacon chose to make such comments was neither professional nor appreciated. Councilor Martinez further stated that valuable radio time was paid for by local taxpayers and Mr. Chacon's comments were disgraceful and premeditated.

Interim City Manager Joe Duran announced that a Pancake Breakfast to support a the Walk Against Drugs would be taking place March 23, 2014 from 8:00am to 1:00pm at the Beatrice Q. Martinez Senior Center. He stated that tickets would be sold at the door and would be \$5 dollars for adults and \$3 dollars for children. Interim City Manager Duran stated that the Walk Against Drugs would take place on April 5, 2014 from San Juan to Chimayo and food and water would be provided.

Interim City Manager Duran stated that a Spring Clean-Up, co-sponsored by the Española Chamber of Commerce, would take place on Saturday, April 26, 2014 beginning at the Plaza de Española at 8am. He encouraged the listening audience and all citizens to participate and exercise their civic pride.

Interim City Manager Duran reported that the Villa Del Norte Senior Citizen Apartments located at 710 La Joya St. in Española had been evacuated over the weekend due to a gas outage and approximately thirty seven (37) apartments were evacuated. He commented that Senior Center Coordinator Josephine Velasquez and the Senior Center staff had helped to provide meals to the evacuated residents. Interim City Manager Duran stated that the evacuees were provided accommodations at local motels.

Councilor Radosevich announced that the Acolytes would be holding a Frito Pie Dinner fundraiser on Thursday, February 27, 2014 from 5:30pm to 8:00pm at Holy Cross Church.

Councilor Hernandez asked Administrative Services Director (ASD) Joyce Sandoval if she would provide a status report on the fiscal year (FY) 2011 audit.

ASD Sandoval stated that the 2011 audit was being conducted by Harshwal & Company LLP. She explained that the Finance Department had been instructed to obtain documentation that the firm required. She explained that the department was still finalizing fund balances and in the process of obtaining final documents. ASD Sandoval stated that the Accounts Payable position had been vacated in mid-January and the existing staff had been compensating for the vacated position; however, interviews had been scheduled. ASD Sandoval stated that the extra work had hindered their progress on the audit but had not hurt the morale within the department. She commented that the Finance Department strived to keep up with daily work demands as well as preparation work required for audit process. She concluded that the process prior to receiving a draft report from the auditors would take another month.

Councilor Valdez announced that the Special Olympics would be taking place on April 26, 2014 at the Española Valley High School Football Field. He encouraged all to attend.

Mayor Pro-Tem Salazar thanked the Interim City Manager Duran, Senior Center Coordinator Velasquez and supporting staff for their pivotal role in aiding the residents of the Villa Del Norte Apartment Complex. He stated that the seniors were local treasures that needed to be protected.

Mayor Lucero announced that the 5th Annual Northern New Mexico Implementation Team Anti-Drug SMART Summit Community Forum would begin February 26, 2014 at Northern New Mexico College in the Nick L. Salazar Center for the Arts from 5:00pm until 8:00pm. She encouraged citizens to attend the forum and express their concerns about drug issues within the community.

Mayor Lucero stated that the City of Española and Rio Arriba County had joined together this year to lobby issues regarding capital outlay appropriations. She further stated that an appropriation in the amount of \$290,000 for the Food Hub at the Hunter Ford Building had been made and would help farmers to aggregate crops for resale at reasonable prices within the community; however, it was dependent upon approval by Governor Martinez. Mayor Lucero also stated that an appropriation in the amount of \$50,000 had been approved for the softball fields. She encouraged the listening audience to express their support of the projects by contacting the Governor's office.

Mayor Lucero announced that the New Mexico Water & Wastewater Association of Northern New Mexico had awarded the 2013 Good Housekeeping Award for Exemplary Achievements in Activated Waste Sludge Water Systems to the City of Española Waste Water Treatment Plant. Wastewater Treatment Plant (WWTP) Superintendent Vigil stated that receiving the award was a great accomplishment for the WWTP employees. He accepted the award on behalf of all the workers at the WWTP and stated that Wastewater Operator David Bustos had received the Award for 2013 Collection Operator of the Year. Mayor Lucero expressed her gratitude for all the hard work and accomplishments of the WWTP staff.

H. MATTERS FROM THE MAYOR

Mayor Lucero stated that she would present two (2) proclamations.

Mayor Lucero presented a proclamation honoring Ms. Edna Serna to her mother Ms. Cora Ortega and sister-in-law Ms. Verna Trujillo.

Mayor Lucero presented a proclamation declaring February as Children's Oral Health Month.

Villa Therese Catholic Clinic Executive Director JoAnn Salazar thanked the Governing Body for declaring Children's Oral Health Month within the City of Española. She introduced Dr. Ron Romero, Dr. Arturo Sisneros, Dr. Rudy Blea and Program Director Loraine Lucero. Dr. Blea stressed the importance of oral health in the prevention of early gum disease and tooth decay. He explained that the group, in a collaborative effort, focused on elementary and pre-school students throughout the Valley and was working with the Española School District to facilitate the children who may suffer from tooth decay and/or other problems.

Councilor Martinez asked how it was possible for parents without dental insurance that had children that suffered from early tooth decay to obtain treatment. Dr. Blea stated that the Department of Health was working with El Centro Family Health and Medicaid to facilitate those that qualified. He thanked the City for becoming Oral Health Champions and proceeded to distribute toothbrush and toothpaste packets.

I. PUBLIC HEARINGS

3. ORDINANCE 2014-03: ADOPTING A MUNICIPAL HOLD HARMLESS GROSS RECEIPTS TAX

Mayor Lucero opened the Public Hearing at 6:50 pm.

City Attorney Frank Coppler recited Section 1 of the ordinance. He explained that the tax imposed under the ordinance was pursuant to the Municipal Local Option Gross Receipts Taxes Act as it existed. City Attorney Coppler stated that Section 2 adopted all definitions, exemptions and deductions contained in the Gross Receipts and Compensation Tax Act. He further stated that the Governing Body may act to table the ordinance to be discussed at a later date. He stated that there may be certain advertisement requirements depending upon the motion to table the ordinance.

Mayor Lucero closed the Public Hearing at 6:55 pm.

Motion by Councilor Seeds to table the discussion until a later date; seconded by Councilor Radosevich.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	John Hernandez	In Favor
	Eric Radosevich	Not In Favor
	Elaine Herrera	In Favor

Peggy Sue Martinez

Not In Favor- Stated that Ordinance 2014-03 was extremely important to the citizens of the community and should be discussed.

Motion Carried 5-2.

Councilor Martinez requested that City Attorney Coppler continue to update the Governing Body regarding any Hold Harmless developments.

J. CONSENT AGENDA

Mayor Lucero stated that City Council Meeting minutes from January 14, 2014 and January 28, 2014 were on the consent agenda.

Motion by Councilor Valdez to approve the consent agenda; seconded by Councilor Seeds.

Councilor Seeds stated that with regard to Item K. Items Proposed for Council Consideration, #11. Consideration of RFP 2013-005-Artificial Turf for Softball Turf, he had suggested that any funds appropriated at the legislative session be earmarked toward upgrading City of Española recreational facilities including T-ball fields.

Motion Carried 7-0.

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

6. Automatic Aid Agreement, Española Department of Public Safety- Fire Department

Director of Public Safety Eric Garcia stated that the Automatic Aid Agreement was an agreement entered into by neighboring Rural Fire Districts and Municipal Fire Department Districts. He explained that the agreement was limited to the provision of fire protection and no party to this agreement shall be responsible for liability incurred as a result of any other party's act or omission in conjunction to the agreement.

Deputy Fire Chief Eric Tafoya stated that the agreement would be in effect twenty four (24) hours a day, seven (7) days a week. He stated that all responding personnel would operate accordingly under the command structure established and would work in assigned sectors. He stated that the automatic dispatch of emergency responders would include specification of the location and type of emergency. Deputy Fire Chief Tafoya further stated that the Agua Sana Fire Department in Hernandez N.M. and the Santa Fe County Fire Department were newly included as departments within the agreement while neighboring Tribal Fire Department Santa Clara had agreed in years prior to work collaboratively. He added that the collaborative agreement would help the City's overall ISO rating.

Councilor Martinez asked if Ohkay Owingeh was part of the Automatic Aid Agreement. Deputy Fire Chief Tafoya replied in the negative and stated that Ohkay Owingeh was in the process of developing a rural fire unit and would be approached at a later date.

Motion by Councilor Valdez to approve the Automatic Aid Agreement; seconded by Councilor Radosevich.

Motion Carried 7-0.

7. Approval of Out of State Travel for Officer David W. Luginbuhl, Española Police Department

Director of Public Safety Garcia stated that Officer David W. Luginbuhl had been enrolled in a training course on September 30, 2013 and the Out of State travel request had been approved during the September 2013 Council Meeting. Director of Public Safety Garcia stated that in 2013, he had sought a grant from the U.S. Department of Justice to fund the SWAT Program in the amount of \$190,000 and the grant had been awarded. He explained that the training course had been postponed until February 2014. He stated that the course was to be paid from the grant, but due to the time frame the grant did not cover expenditures incurred by Officer Luginbuhl. He added that Officer Luginbuhl had paid for the course and the accommodations on his own.

Director of Public Safety Garcia stated that he humbly requested reimbursement of funds to Officer Luginbuhl in the amount of \$794.19. He further requested that the full-amount of reimbursement costs be taken from the General Fund.

Motion by Councilor Radosevich to approve the Out of State Travel for Officer David W. Luginbuhl; seconded by Councilor Seeds.

Councilor Valdez stated that the item under discussion should have been first placed on the Public Safety Committee agenda and/or the Finance Committee agenda prior to discussion and at a full Council Meeting. Councilor Valdez stated that he would be voting in the negative but endorsed Director of Public Safety Garcia's efforts and pursuit of grant funding. Councilor Valdez cautioned Chief Garcia to be more aware of grant procedures and timing surrounding a grant.

Councilor Radosevich and Councilor Seeds echoed the sentiments of Councilor Valdez and clarified that they would both be voting in the affirmative.

Motion Carried 6-1, with Councilor Valdez voting in the negative.

8. Request for Co-Sponsorship Mayhem Racing Mudd Boggs- Alisha Duran

Ms. Alisha Duran stated that she and her husband had coordinated the annual event for the past four (4) years. She explained that the annual event took place at the Ohkay Casino and had previously been co-sponsored by the City of Española. Ms. Duran stated that co-sponsorship had entailed the use of the City grader, backhoe and bleachers and Mayhem Racing would not be requesting funds from the City.

Ms. Duran announced that the event would take place on March 29, 2014. She reported that the event was not for profit and proceeds would benefit a person or persons in the community who were suffering from financial difficulty and/or were ill. She stated that some of the profits from previous events had gone to organizations, such as: Hands Across Cultures, the Española Soup Kitchen, local

youth sports organizations, and the family of Española Police Officer Jose Talache.

Interim City Manager Duran stated that Mayhem Racing brought an average of four hundred to five hundred spectators (400-500), many of which were from out-of state. He further stated that the event helped to boost lodger's tax and gross receipts revenues and there had been no problems lending the equipment and/or coordinating with staff to operate the machinery.

Mayor Lucero requested that some of the proceeds go towards the local YMCA Teen Center. She also requested that the City logo be placed on promotional advertising for the event.

Motion by Councilor Radosevich to approve the Co-Sponsorship of the 2014 Mayhem Racing Mudd Boggs; seconded by Mayor Pro-Tem Salazar.

Mayor Pro-Tem Salazar expressed his sincere gratitude to both Ms. Alisha Duran and her husband for their contributions to the community. He stated that he would be voting in the affirmative. Councilor Seeds echoed the comments made by Mayor Pro-Tem Salazar.

Motion Carried 7-0.

10. DFA Budget Resolution 2014-01: Library Grant Acceptance

Grant Administrator Diahann Jacquez explained that the New Mexico State Library had issued a State Grant in Aid to the Library in the amount of \$6,853.00. She explained that the funds must be approved by the Governing Body prior to its issuance. Grants Administrator Jacquez further stated that a budget adjustment to Department of Finance and Administration was required to account for the grant.

Librarian Sherry Aragon stated that she was very grateful for the New Mexico State Library Grant and planned to purchase new books for the Young Adult Section as well as the Children's Section of the library.

Motion by Councilor Valdez to approve DFA Budget Resolution 2014-01 Library Grant Acceptance; seconded by Mayor Pro-Tem Salazar.

Motion Carried 7-0.

Councilor Radosevich exited at 7:08pm.

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

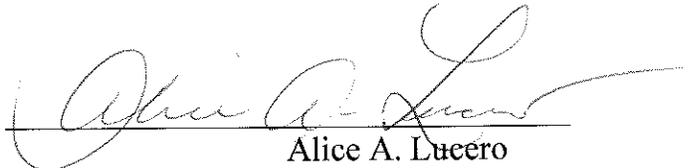
M. ADJOURNMENT

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

Motion Carried 6-0.

The meeting adjourned at 7:10pm.

PASSED, APPROVED and ADOPTED this 8th day of April, 2014.



Alice A. Lucero
Mayor


Attest


Jessa Jo Mascareñas
City Clerk