



CITY COUNCIL MEETING
TUESDAY, OCTOBER 25, 2011 6:00 PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

The meeting was called to order by Mayor Lucero at approximately 6:02 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilor Salazar.

C. MOMENT OF MEDITATION/ INVOCATION

The Moment of Meditation was led by Council Kain-Salazar.

D. ROLL CALL/ DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Cecilia Lujan
Councilors:	Cory Lewis
	Rosario (Chayo) Garcia
	Dennis Tim Salazar
	Helen Kain-Salazar
	Pedro Valdez
	Robert Seeds

E. APPROVAL OF AGENDA

Mayor Lucero presented the agenda for approval.

---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. MATTERS FROM THE MAYOR**
 - 1. 2012 Fiesta Council Members/Officers and By-Laws
 - 2. Proclamation- 26th Annual Española Valley Toy Run
- G. PUBLIC HEARINGS**
 - 3. Ordinance 2011-05: Repeal of Ordinance 540: Authorizing the Lease to Crisis Center
- H. CONSENT AGENDA**
 - 4. Approval of Minutes
 - a. SEPTEMBER 19, 2011 CITY COUNCIL WORKSHOP
 - b. SEPTEMBER 27, 2011 CITY COUNCIL MEETING

I. REPORTS

5. **Council Committees** (Public Safety, Public Works, Community Services, Finance)
6. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Regional Development Corporation)
7. **City Manager (Finance Report and Staff Reports)**

J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

8. Co-Sponsorship of Española Valley Electric Light Parade, Downtown Action Committee
9. Crisis Center of Northern New Mexico Lease Agreement
10. Joint Powers Agreement Amendments- REDI
11. Española School Resource Officer MOU
12. Resolution 2011-13: Resolution of the City of Española Approving the Transfer of the Cable Franchise
13. MOU- City of Espanola and Northern NM College for use of recreational facilities
14. NDI Facility-Use Exchange
15. Senior Citizens Annual Trip Approval

K. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (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. ANNOUNCEMENTS

M. ADJOURNMENT

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

---End---

Councilor Salazar asked if Item 8 could be placed before Matters from the Mayor. Councilor Salazar asked about some items from the Community Services Agenda. City Manager Lujan stated that the Community Services Department had failed to submit them to legal counsel on time so the items were pulled.

Motion by Councilor Valdez to approve the agenda as amended; seconded by Councilor Kain-Salazar.

Motion carried 7-0.

Item #8: Co-Sponsorship of Española Valley Electric Light Parade, Downtown Action Committee

Ms. Christine Bustos stated that she was a volunteer with the DAT. She stated that she was requesting co-sponsorship of the parade and the events surrounding it. She explained that it would be held on December 10th and it would be the fifteenth (15) year that the parade had taken place. Ms. Bustos asked Mayor Lucero if she would be present to light the Christmas tree. Mayor Lucero replied in the affirmative and stated that the parade brought several people to the City.

Motion by Councilor Valdez to approve co-sponsorship; seconded by Mayor Pro-Tem Lujan.

Motion carried 7-0.

Ms. Bustos thanked the Governing Body for their support.

F. MATTERS FROM THE MAYOR

1. 2012 Fiesta Council Members/Officers and By-Laws

Mayor Lucero stated that she wished to appoint Fiesta Council members and have the opportunity to interview candidates for the officer positions. She stated that she hoped to include Councilor Garcia in the interviews. She addressed the requested changes to the by-laws and asked Mr. Manny Martinez why changes had been made to create an Executive Council. Mr. Martinez replied that this had been done in order to include individuals who had originally wished to participate but were unable to attend all meetings. He explained that the by-laws had previously required members to attend all meetings. Mr. Martinez continued that the Executive Council members would have voting rights where as the General Council members would not.

Mayor Lucero expressed her belief that all council members should have the opportunity to vote. Councilor Valdez stated that he feared that the officers and Executive Council might overrule each other.

Ms. Juliana Barbee stated that these changes had aimed to be inclusive of all volunteers.

Councilor Seeds asked if the Governing Body should allow the Fiesta Council to come up with another plan in order to avoid alienating anyone. Councilor Garcia stated that she believed that Mayor Lucero was suggesting keeping the council as a whole. Councilor Seeds asked if the governing body had been involved in setting policies with regard to fiestas previously. Councilor Garcia stated that Lodgers Tax monies had been going to the Fiesta Council. In addition, every time the Fiesta Council sponsored an event, the police department, fire department and Streets were present.

Motion by Councilor Salazar to approve the appointment of the Fiesta Council members; seconded by Councilor Garcia.

Roll Call:

Councilor Seeds	Against
Councilor Valdez	Against
Councilor Kain-Salazar	Against
Councilor Salazar	In Favor
Mayor Pro-Tem Lujan	In Favor
Councilor Garcia	In Favor
Councilor Lewis	In Favor

Motion carried 4-3

Councilor Seeds explained that he was not voting against the Fiesta Council members, but rather he wished for the member to have more authority over their by-laws. Councilor Valdez and Councilor Kain-Salazar echoed the sentiments of Councilor Seeds. Councilor Salazar stated that he felt this would simplify the Fiesta Council process.

Mr. Manny Martinez thanked the city employees for their help throughout the year.

Mayor Lucero mentioned that Mr. Manny Martinez made the fiestas a family-oriented event. She explained that her actions were not to exclude anyone but to include everyone who wished to participate. She stated that the Governing Body had witnessed all members working together and that was why she felt the officers were so important.

2. Proclamation- 26th Annual Española Valley Toy Run

Mr. Mark Montoya, Chairman stated that the Toy Run had gathered motorcyclists to gather toys for distribution throughout the valley. Mr. Montoya informed the Governing Body that they had fundraisers and a dance to raise money for food baskets. He stated that this could not be done without the support of the City of Española. Mr. Montoya invited the City Council members to join them on Nov 19th for an event with at least 300 cyclists.

Mayor Lucero read and presented the proclamation.

Mayor Lucero mentioned the Chili contest that the Public Safety Department sponsored the previous Saturday. She stated that there had been approximately 10 contestants. She thanked all of the sponsors.

Mayor Lucero stated that Chief Montoya was in attendance with a new officer that he wished to introduce. Chief Montoya introduced Mr. Orlando Cordova to the Governing Body. He stated that Mr. Cordova had been a law enforcement officer for 19 years.

Mayor Lucero welcomed Officer Cordova.

Mayor Lucero announced that the Community Services Department was holding a toy drive. She stated that the drive would go on from November 1 through December 14.

G. PUBLIC HEARINGS

3. Ordinance 2011-05: Repeal of Ordinance 540: Authorizing the Lease to Crisis Center

City Manager Lujan stated that the original agreement had been presented in ordinance form due to the dollar amount. He stated that changes had been made for a reduced amount and this could be done under a lease agreement.

Mayor Lucero opened the Public Hearing at 6:32 p.m.

No comments from the public. Mayor called for comments three (3) times.

Mayor Lucero closed the public hearing at 6:33 p.m.

Motion to approve the Ordinance for purpose of discussion made by Councilor Garcia; seconded by Councilor Kain-Salazar.

Councilor Garcia asked the City Manager to clarify his explanation. City Manager Lujan stated that the original lease agreement had expired in 2007 and the renewal amount was less as this new agreement was for a shorter period of time.

Councilor Seeds asked City Attorney Coppler to explain the ordinance. Mr. Coppler replied the agreement had been done by ordinance originally because the lease was for four (4) years and the law stated that if the lease of a city property was valued at more than \$25,000, it needed to be approved by Ordinance.

Councilor Seeds asked if this had been discussed with the Crisis Center. City Manager Lujan stated that they had agreed on terms. He explained that they could only afford to rent the space for \$500 per month; therefore, he would recommend that amount.

Roll Call Vote:

Councilor Seeds	In Favor
Councilor Valdez	Not Present
Councilor Kain-Salazar	In Favor
Councilor Salazar	In Favor
Mayor Pro-Tem Lujan	In Favor
Councilor Garcia	In Favor
Councilor Lewis	In Favor

Motion carried 6-0, with Councilor Valdez out of the room during the vote.

H. CONSENT AGENDA

4. Approval of Minutes

- c. SEPTEMBER 19, 2011 CITY COUNCIL WORKSHOP
- d. SEPTEMBER 27, 2011 CITY COUNCIL MEETING

Motion to approve by Mayor Pro-Tem Lujan; seconded by Councilor Garcia.

Motion carried 5-0, with Councilor Seeds abstaining and Councilor Valdez out of the room during the vote.

I. REPORTS

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

Councilor Kain-Salazar stated that they were still working with residents of Pacheco Lane.

Mayor Lucero mentioned that at the work session, action had been taken regarding the NCSWA agreement.

Councilor Salazar stated that there had been a meeting on October 2nd during which several items had been voted on to come to full council. City Manager Lujan stated that staff did not submit the agenda items in to the City Attorney. Councilor Salazar stated that he felt this was unacceptable and he was unsure who had dropped the ball but he felt that the committee should be respected.

Mayor Lucero stated that revenues had yet to dramatically increase.

6. Council Appointed Liaison (NCSWA, NCRD, E911, Hands Across Cultures, Fiesta Council, Regional Development Corporation)

NCRD- Councilor Seeds announced that they had hired a new director. He added that he had been given an exorbitant amount of money against Councilor Seeds wishes. He said that his name was Tony Mortillaro.

RDC- City Manager Lujan stated that they had moved into the Bond House. Mayor Lucero stated that this meant that there were six (6) new people working in Española.

7. City Manager (Finance Report and Staff Reports)

City Manager Lujan stated that there was no finance report as there had been a Finance Board meeting the previous week. He stated that there had been some leaks the previous Thursday and Friday, but he was unsure whether this was as a result of the earthquake.

City Manager Lujan asked City Attorney Coppler to discuss his work on the issue of redistricting. City Attorney Coppler reminded the Governing Body that a few meetings prior, he had informed the council that it appeared as though one of the council districts had deviated from having an equal population from the other districts. He stated that they did not have to redistrict until after the election. City Attorney Coppler stated he had met with an attorney from his firm and they discovered a program for redistricting. He stated that, based upon that, they determined that one district did deviate in excess of 5%. He stated that it would be up to the City Council to decide whether they would like to redistrict.

Mayor Lucero asked if it would be possible to contract with someone to look into this and redraw the district lines prior to adoption of the election resolution. City Attorney Coppler stated that it would depend on the cost of the services.

Mayor Lucero stated that if this had to go out to bid, there would not be enough time to contract prior to the election resolution. City Manager Lujan stated that he was looking into different options. Mayor Lucero estimated that a full redistricting could cost approximately \$100,000 or more.

City Manager Lujan stated that there were computer programs for this; however, he would have to look into whether they met the requirements of the law.

Mayor Lucero asked how the council felt about the next work session being dedicated to redistricting and the election resolution. She added that Councilor Valdez may propose going from an eight (8) to four (4) person council.

Councilor Garcia asked what district was over the 5%. City Attorney Coppler stated that he believed it was the one on the north side of town that had excess population.

City Attorney Coppler clarified that a proposed change in number of councilors would go to the voters in the next election and each district would have to have an equal amount of councilors.

Mayor Lucero requested that councilors bring questions and concerns to the City Manager between the date of this meeting and the next.

City Attorney Coppler stated that City Manager Lujan was going to get telephone quotes on the services.

Motion made by Councilor Kain-Salazar to authorize City Manager Lujan to procure telephone quotes to determine if the price for redistricting services will be under \$25,000;

Councilor Garcia asked if the measure could be acted on as it had not been placed on the agenda. Mayor Lucero replied in the affirmative and explained that this was because it was a portion of the City Manager's report.

Seconded by Councilor Garcia.

Councilor Seeds asked if it would be more appropriate for the city clerk to obtain the quotes. Mayor Lucero replied that it was one of the duties of the City Manager.

Motion carried 7-0.

J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

9. Crisis Center of Northern New Mexico Lease Agreement

City Manager Lujan requested that this item be tabled. He explained that the agreement had been updated since he met with the Crisis Center.

10. Joint Powers Agreement Amendments- REDI

Mayor Lucero explained that this agreement pertained to broadband. She stated that San Ildefonso Pueblo had not yet signed and requested the language added on page 4. She added that the entities were in agreement to the changes.

Motion by Councilor Seeds to approve the REDI Joint Powers Agreement amendments; seconded by Councilor Salazar.

Councilor Seeds asked City Attorney Coppler about his opinion on the changes. Mr. Coppler stated that they looked fine.

Motion carried 7-0.

11. Española School Resource Officer MOU

City Manager Lujan stated that this was the final agreement. He informed the Governing Body that there had been some discussion at a prior meeting and this document included the recommended changes.

Councilor Seeds asked if all of the concerns were addressed. City Attorney replied in the affirmative and specified that the bullying language would not apply to the officers. He stated that the number of officers had been reduced from two (2) to one (1). Chief Montoya indicated that he was in agreement.

Motion made by Councilor Seeds to approve the Española School Resource Officer MOU; seconded by Councilor Lewis.

Motion carried 7-0.

12. Resolution 2011-13: Resolution of the City of Española Approving the Transfer of the Cable Franchise

City Manager Lujan stated that US Cable had been sold to another company. He explained that the agreement would remain the same, but the resolution would approve the name change. He added that the sale had already been made and the new company would be taking over in January. Councilor Seeds asked City Manager Lujan when the contract would expire. City Manager Lujan replied that it would expire in 2013.

Motion made by Councilor Valdez to approve Resolution 2011-13; seconded by Councilor Seeds.

Motion carried 7-0.

13. MOU- City of Espanola and Northern NM College for use of recreational facilities

Mr. Cata began by announcing Community Services events. He stated that on October 31st the Santa Claran would hold their 2nd Annual Safe Night from 6 p.m.-8 p.m. He added that the Senior Center would be offering flu shots on October 28th.

Mr. Cata reminded the council that the walk against drugs would take place on October 29th. He stated that the walkers would leave Bank of America at 9 a.m.

Mayor Lucero stated that she and Councilor Valdez had contributed bikes. She added that Councilor Garcia's parents had made a monetary donation.

Mr. Cata explained that the MOU was presented to the committee for a joint use facility. He stated that there had been an agreement under the previous recreation coordinator which they had come across during their reorganization.

Mr. Andrew Herrera stated that he had spoken with Frank Orona from Northern New Mexico College who had previously been unaware that the agreement existed. Mr. Herrera stated that Northern New Mexico College did wish to move ahead with this.

Motion made by Councilor Valdez to approve MOU with Northern New Mexico College; seconded by Councilor Seeds.

Councilor Valdez asked if use by the college would interfere with normal operations. Mr. Herrera replied in the negative.

Councilor Salazar stated that this agreement would benefit the city and he was in full support of this.

Councilor Garcia stated that she would like to vote but mentioned that she was a member of the Northern New Mexico College Board of Regents.

Motion carried 7-0.

14. NDI Facility-Use Exchange

Mr. Cata stated that they wished to make an exchange with the National Dance Institute. He explained that they would exchange the use of the Lucero Center gym and NDI would provide NM All-Stars basketball camps four (4) times a year.

Mr. Cata explained that the NM All-Stars Basketball Camp was run by Calvin Scarborough. He stated that he hoped to plan an event during Christmas Break when kids were out of school. He added that the college team would be on the road as well.

Motion made by Councilor Salazar to approve NDI Facility-Use Agreement; seconded by Mayor Pro-Tem Lujan.

Motion carried 7-0.

15. Senior Citizens Annual Trip Approval

Mr. Cata explained that this annual trip required approval because it was out of state travel.

Mayor Lucero asked if this included waiver of liability. Len stated in the affirmative and added that the trip was accounted for during the budgeting process. Ms. Josephine Velasquez stated that the City of Española would only provide transportation from Española to Albuquerque and back.

Motion made by Mayor Pro-Tem Lujan to approve the Senior Citizens Annual Trip; seconded by Councilor Salazar.

Motion carried 7-0.

Mayor Pro-Tem Lujan exited at 7:22 p.m.

K. EXECUTIVE SESSION

Motion made by Councilor Valdez to go into executive session; seconded by Councilor Kain-Salazar

Roll Call Vote:

Councilor Seeds	In Favor
Councilor Valdez	In Favor
Councilor Kain-Salazar	In Favor
Councilor Salazar	In Favor
Councilor Garcia	In Favor
Councilor Lewis	In Favor

Motion carried 6-0.

The Governing Body entered into Executive Session at 7:23 p.m.

Motion by Councilor Garcia to exit Executive Session; seconded by Councilor Salazar.

Councilor Seeds	In Favor
Councilor Valdez	In Favor
Councilor Kain-Salazar	In Favor
Councilor Salazar	In Favor
Councilor Garcia	In Favor
Councilor Lewis	In Favor

Motion carried 6-0.

The Governing Body exited Executive Session at 7:37 p.m.

Mayor Lucero stated that they had discussed the sale of property to the Española Public Schools and the possibility of changing the amount of land from five (5) to six (6) acres.

Motion by Councilor Valdez to approve the sale of six (6) acres of property to the Española Public Schools.

Councilor Lewis asked if he could vote as he had received a contract from the schools not pertaining to this property. There were no objections to Councilor Lewis voting on the issue.

Motion carried 6-0.

L. ANNOUNCEMENTS

There were no announcements.

M. ADJOURNMENT

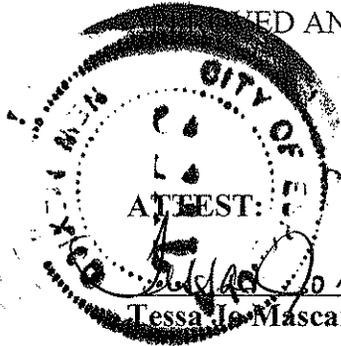
Motion to by Councilor Valdez to adjourn; seconded by Councilor Kain-Salazar.

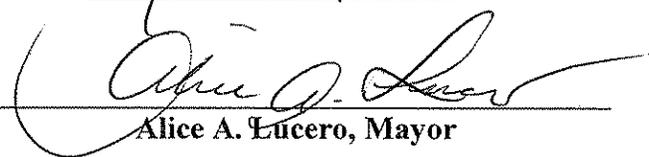
Motion carried 6-0.

The meeting was adjourned at approximately 7:39 p.m.

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

RESOLVED AND ADOPTED THIS 25th DAY OF November, 2011.





Alice A. Lucero, Mayor



Tessa Jo Mascareñas, City Clerk