



**CITY COUNCIL MEETING**  
JULY 26, 2012, 6PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM

**A. CALL TO ORDER**

Mayor Lucero called the meeting to order at 6:00.

**B. PLEDGE OF ALLEGIANCE**

Mayor Lucero led the Pledge of Allegiance.

**C. MOMENT OF MEDITATION/ INVOCATION**

Councilor Valdez led the Moment of Meditation/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
	Cecilia Lujan
	Cory Lewis
	Eric Radosevich
	Elaine Herrera

**E. APPROVAL OF AGENDA**

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

*Motion carried 7-0.*

**F. PUBLIC COMMENTS**

There was no one from the public wishing to comment.

**G. COUNCILOR COMMENTS**

Councilor Valdez stated that he had left information in the mailboxes of the City Council regarding the road exchange.

Councilor Martinez welcomed the members of the little league team to the meeting.

*Councilor Radosevich entered at 6:05pm.*

#### **H. MATTERS FROM THE MAYOR**

##### **1. Appointment of Temporary Municipal Judge**

Mayor Lucero explained that the Supreme Court had suspended Judge Stephen Salazar for a period of ninety (90) days. She stated that she would bring forth the name for a vote. She stated that she had chosen an attorney to fill the spot because he/she would only be in the office for a limited amount of time. She stated that Court Administrator Jolene Miera had requested training DVDs from the NM Judicial Education Center. Mayor Lucero stated that the appointment would be effective August 1<sup>st</sup> and the Temporary Municipal Judge would be sworn in the following Monday.

Mayor Lucero stated that the person she had chosen possessed 31 years of legal experience and had passed the BAR exam in 1984. She stated that he had worked for the Public Defender's office and had built his own practice. She stated that he was an Española-native who resided in the City of Española. Mayor Lucero brought forth the name Lorenzo Atencio.

She stated that the Temporary Judge would receive the same salary as the Municipal Judge, but figured on an hourly basis.

Mayor Pro-Tem Salazar stated that that he had a high respect for the Atencio family, a prominent family in the Valley. He stated that he felt Mr. Atencio was highly qualified and would do a fine job working with the Municipal Court staff.

Mayor Pro-Tem Salazar stated that he had a difference of opinion with City Attorney Frank Coppler's interpretation of the law. He stated that, to avoid any conflicts, he would make the recommendation to approve Lorenzo Atencio.

Motion by Mayor Pro-Tem Salazar to appoint Mr. Lorenzo Atencio as temporary Municipal Judge; seconded by Councilor Lewis.

Mayor Lucero asked City Attorney Coppler to speak on the issue. Councilor Radosevich commented that Councilor Seeds had raised his hand. Mayor Lucero stated that she would like the City Attorney to respond to the comments of Mayor Pro-Tem Salazar. Mayor Pro-Tem Salazar stated that he would like to yield the floor to Councilor Seeds. Mayor Lucero stated that she was running the meeting. Councilor Lewis stated that Mayor Pro-Tem Salazar had the floor. Mayor Lucero reiterated the fact that she was running the meeting. Mayor Pro-Tem Salazar repeated that he had the floor. Mayor Lucero called Mayor Pro-Tem Salazar out of order.

City Attorney Coppler explained that, with respect to standard municipal law, the Mayor was a member of the Governing Body. He stated that while Randy Van Vleck of the New Mexico

Municipal League (NMML) had disagreed, NMML Executive Director William Fulginiti had agreed with City Attorney Coppler. City Attorney Coppler noted that he and Mr. Van Vleck had encountered the same type of disagreement regarding the Judge's legal fees and City Attorney Coppler had been correct.

Councilor Valdez stated that he agreed City Attorney Coppler. He stated that he had researched the issue and the Mayor was part of the Governing Body and had the right to appoint who she wants and give the council the right to okay it or not.

Councilor Martinez clarified that what Mayor Pro-Tem was attempting to do was to avoid having to redo the process or have it called back like with the payment of Judge Salazar's legal fees. She stated that they would like to have a motion by a councilmember so there would be no disagreement regarding whether the Mayor was a member of the Governing Body or not. Councilor Martinez stated that everyone was in agreement with the appointee.

Councilor Seeds stated that with both the Mayor and Mayor Pro-Tem nominating, the issue would be avoided. Councilor Seeds stated that Mr. Atencio would do an honorable job.

Mayor suggested a vote on the first motion.

Motion was rejected 0-8.

***Motion by Councilor Valdez to declare office of municipal judge vacant for period of 90 days pursuant to the Supreme Court ruling of July 18<sup>th</sup> to appoint Lorenzo Atencio; seconded by Councilor Radosevich.***

Motion carried 8-0.

Temporary Municipal Judge Atencio stated that he was very honored by the words of support and looked forward to being a part of the team. He stated that he had practiced since 1981 and was sure he could step in and be productive immediately.

2. Presentation to Espanola Little League Girls Softball State Champions 10-11 yr. olds.

The Governing Body congratulated the team and distributed certificates.

3. Appointment of Elaine Herrera, City Councilor District 2 to Council Committees

***Motion by Councilor Seeds to approve the appointment; seconded by Councilor Martinez.***

***Motion carried 8-0.***

Coach Mark Vigil stated that he would like to thank Mr. Joe Ortega for all of his hard work.

4. Proclamation Presentation to HOY Recovery Center for Fiesta de Salud

Mayor Lucero read the proclamation.

Mr. Adan Baca stated that HOY Recovery Center had been in existence in Rio Arriba County for 38 years. He discussed the treatment that was provided by the Center and announced the annual Fiesta de Salud event. He explained that the event was a public health fair to show the community what they do and give something back.

## **I. REPORTS**

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

Chief Branch stated that there had been several positive meetings regarding the upcoming car show.

Councilor Lujan stated that Public Works had not had a meeting. She stated that an agenda was being put together for August 7<sup>th</sup>. Councilor Lujan conveyed to the council that she forwarded an email regarding a grant opportunity for adequate emergency/police response.

Councilor Seeds stated that they have had a couple of break-ins at recreation facilities. He expressed his hope that Chief Branch would include those buildings in the patrol schedule.

Councilor Valdez expressed his hope that the budget would be passed and sent to DFA.

### **2. Council Appointed Liaison (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Beautification Committee)**

Councilor Valdez stated that he had placed a copy of the final budget for North Central Solid Waste in the Councilor's mailboxes. He stated that he had included information regarding grants received.

Mayor Pro-Tem Salazar stated that NCRTD had not had a meeting in July due to a lack of quorum.

Chief Branch stated that he had been a part of the E-911 meeting during which an attempt was made to get state police on board. He stated that subject had been the jest of the whole meeting.

Councilor Martinez stated that the Beautification Committee had been working with a transit company to design and create planters. She recommended that the Downtown Action Committee be recognized for the banners they had put up.

### **3. City Manager, including Finance Report and Staff Reports**

Planning & Zoning Director Russell Naranjo said RediNet was an attempt to link several surrounding communities in a high speed broadband initiative. He stated that it would allow the people of the valley to utilize high speed internet. He reported that at the last meeting, there was excitement as the City of Espanola would be one of the key players.

Mayor Lucero asked about the replacement of polls by Jemez Electric Co-op. Planning & Zoning Director Naranjo stated that approximately 163 polls would need to be replaced because weight would be added to the polls and prior infrastructure was not adequate.

IS Manager Joaquin Maestas stated that he had met with Toby Johnson, Lead Engineer. He stated that RediNet was a regional economic development initiative to allow private or public companies to expand their networks. He stated that the start date had been delayed from July 1<sup>st</sup> because the Network Operation Center was located at Kit Carson and the President of Kit Carson has had some family issues and been unable to sign contracts necessary. IS Manager Maestas reported that the network was 90% complete and businesses would eventually have access to the infrastructure.

Interim City Manager Duran stated that they had looked into bids for cameras and surveillance equipment and the issue would be taken to the Finance and Community Service committees. He stated that a van stolen from Community Services had been recovered on the same day.

Councilor Martinez asked how high speed internet access would be made available to the public. IS Manager Maestas stated that it would depend upon budget. He expressed his opinion that places within the City would gain access to internet that had not been previously able to.

Mayor Lucero said RediNet would be contracting with internet providers.

ASD Sandoval stated that the year had ended with \$616,810 revenues over expenditures in the General Fund. She stated that the water fund had ended with \$735,732 net revenues over expenditures and Wastewater had ended with \$203,139 net revenues over expenditures.

#### **J. CONSENT AGENDA**

##### **4. Minutes**

- a. June 18, 2012 City Council Work Session Minutes
- b. June 26, 2012 City Council Meeting Minutes

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

***Motion carried 8-0.***

#### **K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS**

##### **5. Approval of Medical Director Contract**

Chief Branch stated that he was requesting approval of the medical director contract. He explained that this was for the EMTs in the fire department. He stated that they were required to have a director in charge of all licenses.

***Motion by Councilor Martinez to approve Medical Director Contract; seconded by Mayor Pro-Tem Salazar.***

***Motion carried 8-0.***

6. Approval of Police K-9 Unit SOP

Chief Branch stated that by Federal law there must be a guideline in place and this document had been approved by City Attorney Coppler.

Councilor Lewis asked how the K-9 and K-9 Officer were adapting. Chief Branch stated that they had adapted very well and had done well at fiestas. Mayor Lucero stated that during the blessing, the K-9 had become excited and the handler controlled it very well.

Councilor Martinez thanked Chief Branch for creating the SOP.

Mayor Pro-Tem Salazar thanked Chief Branch and his staff for an excellent job at fiestas.

Councilor Seeds stated that he wanted to remove the line that stated that an officer may have to administer first aid when possible. He wanted it to read that he had to do it all the time.

***Motion by Councilor Valdez to approve Police K-9 Unit SOP; seconded by Councilor Radosevich.***

***Motion carried 8-0.***

7. Co-Sponsorship of Spañapalooza from Luis Peña

Mr. Luis Pena stated that he met with the Community Services committee a few weeks back and requested co-sponsorship of the 11<sup>th</sup> Annual Spanapalooza event. He stated that they had an excellent relationship with the city in the past. He announced that the event would take place the first weekend of October.

***Motion by Councilor Radosevich to approve the co-sponsorship of Spanapalooza; seconded by Mayor Pro-Tem Salazar.***

Mayor Pro-Tem Salazar thanked Mr. Pena.

***Motion carried 8-0.***

8. Co-Sponsorship of Youth Against Drugs Mini-Walk on October 27, 2012

Mr. Efrén Sanchez stated that he had been involved with a group against drugs for several years. He stated that he had not been too happy with the council members because very few of them had participated. He explained that the group was attempting to generate awareness as a volunteer organization. He stated that the City of Espanola was close to one of the strongest drug cartels in Mexico and the council members should stand with the kids and show the public and evil people that they were against drugs.

Mayor Lucero asked how many years they had been doing the walk. Mr. Sanchez stated that he and Joe Mascarenas had stated the group 12 years prior not only as community members but also because Joe Mascarenas had been Rio Arriba County Sheriff at the time. He stated that Mr. James Lujan had also been very involved. He reported that the walk would go from Bank of America to Valdez park.

***Motion by Councilor Seeds; seconded by Councilor Valdez and Councilor Lujan.***

***Motion carried 8-0.***

9. Approval of Contract for Well No. 4

Public Works Director Marvin Martinez stated that he was requesting approval of said project. He stated that both he and Wilson & Company were asking that it be rewarded to RMCI.

***Motion by Councilor Valdez to approve contract; seconded by Councilor Radosevich.***

Councilor Valdez asked if Public Works Director Martinez would let the council know where the money is coming from.

Public Works Director Martinez stated that they would be coming from a water trust board grant in the amount of \$2,066,126.25. He stated that our contribution would be \$95,643.16, an amount passed and approved by the city council a few months prior.

Councilor Seeds asked what the purpose of this project was. Public Works Director Martinez stated that it would take place at the intersection of El Llano and the Fairview Lane extension. He explained that there was a well that exceeded the levels of chloride and as such was not used. Therefore, Well #4 and Well #7 would be blended. He stated that the existing tank was built in 1963 so the usable life was over and it would be replaced with a 5,000 gallon tank.

Councilor Seeds asked if any contaminated water would be given to citizens. Mayor Lucero clarified that citizens would get quality drinking water.

***Motion carried 8-0.***

10. Approval of Final Budget for FY 2012-2013

ASD Sandoval stated that she had some corrections to the salary schedule citing an error in PERA amounts. She stated that the changes made an increase of \$5,568. She added that there was also a correction to the Workers Comp premiums which had increased.

She stated that, with her changes, they have a balanced budget with those changes.

***Motion to approve budget by Councilor Valdez; seconded by Councilor Lujan.***

Councilor Martinez asked why the salary schedule indicated that nothing was taken from PERA, but had been taken out of her check.

She stated that she had called the New Mexico Municipal League concerning the issue of dues and was told dues were based on GRTs and the City of Espanola's dues had been reduced because GRTs had decreased. Councilor Martinez questioned why the budget amount was over. ASD Sandoval stated that other dues had to be paid.

Councilor Valdez stated that the purpose of the meeting was to pass the budget and small line items can be changed with budget adjustments later. He stated that it was required that the budget be presented to DFA. He stated that if the council began picking at small issues, they would be present all night.

Councilor Martinez stated that she respects Councilor Valdez; however, she had a responsibility to her constituents to do her job and find whatever money possible. She stated that she thought it important to make some changes.

Councilor Martinez cited the City Clerk's Department budget on page 4.

Councilor Valdez stated that he would not go through the budget again and would have to excuse himself.

***Councilor Valdez exited at 7:37pm.***

Councilor Seeds stated that he was concerned the \$50,000 for the animal shelter and wanted to do random drug testing. He stated that he agreed with Councilor Valdez that the budget needed to be sent to DFA; however, expressed his opinion that there be a stipulation that no spending take place until more adjustments were made.

Councilor Seeds stated that there were 16 positions that needed to be filled.

Mayor Lucero stated that all of the positions had been in the budget for several years. She stated that she was aware that Councilor Seeds was aiming at the Deputy Clerk and Paralegal positions. She cited the Municipal Court and Police Department budgets which each reflect between 5-7 administrative staff members. She stated that they had suffered greatly because there was no Deputy Clerk. Mayor Lucero explained that the Legal/Records Clerk worked with records management and provided support to the prosecutor. She stated that if the positions were not filled, those duties would have to go to the City Manager's Secretary, who had a separate position. She stated that there had been intent to combine the two positions that had been unsuccessful due to the capabilities of the employee.

Councilor Seeds stated that he had not had time to interact in the budget process and would like to approve with a contingency. Mayor Lucero stated that the council had been given the opportunity to interact over the past two (2) months.

Mayor Pro-Tem Salazar asked City Attorney Frank Coppler if it was legal to discuss employee performance in public. City Attorney Coppler stated that when talking about the budget and funding individual positions, naturally it would involve issues with respect to current employees handling their jobs. He stated that was not sure Mayor Lucero was disparaging the employee and had couched her remarks by saying the individual was capable and doing a good job in certain areas but unable to pick up in other areas. He stated that he believed it was a legitimate. He explained that, when discussing discipline, it must be done in a private session.

Councilor Martinez stated that she had not made up her mind about the two positions. She stated that she had tried to be creative and the City Manager's assistant had come to mind for the fulfillment of the Legal Clerk position provided she could do the work. She stated that her issues with the budget were legitimate and she was not trying to sabotage anyone.

Mayor Lucero stated that this budget was prepared in format that was easy to understand; however, DFA required a completely different format. She stated that any changes would take ASD Sandoval several days to place in a different format.

***Mayor Pro-Tem Salazar exited at 7:52pm.***

***Councilor Radosevich exited at 7:52pm.***

***Councilor Herrera exited at 7:52pm.***

***Councilor Lujan exited at 7:52pm.***

***A brief recess was taken at 7:52 due to a lack of quorum.***

***Councilor Radosevich re-entered at 7:56pm.***

***Meeting was reconvened at 7:56pm.***

Councilor Martinez questioned the \$10,000 for contractual services in the Police Department budget. Mayor Lucero explained that they department needed to contract for testing in DWI cases.

***Councilor Herrera re-entered at 7:58.***

Councilor Seeds asked why the City Manager's budget had increased the line item for professional services by \$50,000. Mayor Lucero explained that it was for the purpose of appraisals.

Councilor Martinez asked why the City Attorney's budget for claims, judgments, and settlements was budgeted for a lesser amount than the previous year. ASD Sandoval stated that insurance premiums had been erroneously been taken out of the line item.

Councilor Seeds asked why the IT Department had a professional services line item for \$10,000. ASD Sandoval stated that this was paid for a contract for back-up support. She stated that the contractual services line item had been increased by \$60,000 for RediNet.

Councilor Martinez asked why the finance department had increased the amount of full time positions and if this was due to a new position. ASD Sandoval explained that the amount was a reflection of the actual positions that were filled and there not being furlough days.

Councilor Martinez questioned why the City Attorney's line item had only expended \$25,000. ASD Sandoval explained that City Attorney AJ Salazar was behind in his billing and anticipated the amount to be significantly more than the \$21,000 currently listed.

Councilor Martinez stated that the Per Diem line item had been increased and she thought it should return to the original amount. She questioned why field supplies had not used anything the previous year and requested \$2,000 for the current year. ASD Sandoval replied that the Department Head had requested that amount. ASD Sandoval stated that she appreciated what Councilor Martinez was trying to do; however, unless the Department Head was available to answer the question, she would be unable to answer.

Councilor Martinez stated that she would like to discuss the Central Administration fund. She stated that she did not believe the utility fund would cover the amount of the proposed rate increase. Mayor Lucero stated that the proposed increase may not be approved. Mayor Lucero stated that, at mid-year, actual numbers are examined and adjustments are made.

Councilor Martinez stated that postage costs were doubled from the previous year which was an election year. ASD Sandoval explained that it was because all postage costs from other departments had been combined.

***Mayor Pro-Tem Salazar exited at 8:25pm.***

ASD Sandoval explained that it was because all postage costs from other departments had been combined.

***Mayor Pro-Tem Salazar re-entered at 8:26pm.***

Councilor Radosevich asked why the interim detention budget line item for the care of prisoners indicated such a large difference. ASD Sandoval stated that savings had been due to the negotiations with additional counties. Mayor Lucero noted that the line item used to be \$1 million dollars.

Councilor Lewis requested a short recess.

***Meeting was recessed at 8:32pm.***

***Mayor Lucero called the meeting back to order at 8:45pm.***

Councilor Martinez stated that she did not have a problem approving the budget with the stipulation that the issues be discussed later.

Councilor Lujan stated that she believed that this exercise had been gone through the previous Monday and the week before. She stated that she would like to emphasize that even when passed, budget adjustment requests (BARs) could be passed.

Councilor Lujan stated that the process should have been completed the previous Monday. Mayor Lucero stated that the budget was not set in concrete and, in order to get a budget to DFA, it was in the best interest of the city to approve the budget presented.

Councilor Seeds suggested having the motion fail as the Councilor who made the motion was no longer present and would like to continue the discussion in the next week. Councilor Seeds asked if a stipulation could be added that there be no hiring until it was discussed in detail.

***Motion failed 0-7.***

***Motion by Councilor Lujan to adopt the Resolution 2012-07 with the understanding that the Governing Body review it throughout the year, but also immediately evaluate hiring within the next two (2) weeks; seconded by Councilor Radosevich.***

Interim City Manager asked if the Wastewater Treatment Plant could be held exempt as they had no management and there would be a problem with the Environment Department permit. Council replied in the affirmative.

Community Services Director Cata asked if it would include the extension of temporary employees. Mayor Lucero replied that the extensions would be permissible.

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

11. Resolution 2012-07: Final FY2013 Budget Adoption

***Motion by Councilor Lewis to approve Resolution 2012-07; seconded by Councilor Radosevich.***

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

12. Change Order #2: Municipal Renovation to Blue Sky Builders

Public Works Director Martinez requested that change order #2 be approved.

**Motion to approve by Councilor Lewis; seconded by Councilor Seeds.**

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

13. Approval of Out Of State Travel to the 2<sup>nd</sup> Annual Transnational Crime Issues Conference in El Paso, TX for Chief Stephen Branch

Mayor Lucero stated that there would be no registration fee and the only expense would only be travel. Chief Branch stated that HIDTA would reimburse all costs and this training would discuss the application process for a grant with Homeland Security that would sponsor the purchase of vehicles. Mayor Lucero commented that HIDTA had been very supportive of the City of Espanola.

Councilor Martinez stated that she would like to recognize City Manager's Administrative Secretary Julie Sanchez as she introduced her Jose Ramirez from HIDTA. She stated that she believed Ms. Sanchez to be instrumental in the creation of a relationship and feels that it is her stronghold. Councilor Martinez stated that also felt it necessary to recognize HIDTA and Mr. Jose Ramirez. Mayor Lucero stated that Mr. Ramirez had been working with the City for three (3) years and developed a great relationship.

Chief Branch commented that HIDTA had sponsored a class for fifty (50) officers from throughout New Mexico and had reserved nine (9) spots for the City of Espanola at no cost. He added that the Department of Justice had donated a vehicle recently.

Councilor Seeds asked if the New Mexico Municipal League could assist Chief Branch with the identification of funding and if anyone was in place to help find funding so Department Heads did not have to be sent on vacation.

Mayor Lucero stated that the procurement of funds was up to Department Heads who took initiative to find such monies.

***Motion by Councilor Martinez to approve out-of-state travel; seconded by Mayor Pro-Tem Salazar.***

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

**L. EXECUTIVE SESSION**

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

Mayor Lucero stated that there was a need to enter into Executive Session.

***Motion by Councilor Lujan to enter into Executive Session; seconded by Councilor Lewis.***

**Roll Call Vote:**

Mayor Pro-Tem: Dennis Tim Salazar In Favor

