



CITY COUNCIL MEETING
MARCH 26, 2012, 6:00PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

Councilor Dennis Tim Salazar led the pledge of allegiance.

C. MOMENT OF MEDITATION/ INVOCATION

Councilor Pedro 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: Cecilia Lujan
Councilors: Robert Seeds
Pedro Valdez
Peggy Sue Martinez
Dennis Tim Salazar
Cecilia Lujan
Cory Lewis
Eric Radosevich
Greg Ortega

E. APPROVAL OF AGENDA

Mayor Lucero stated that previous councils had set precedent by not reappointing exempt officials following non-mayoral elections. She stated that, in the meantime, she had reviewed state statute and believed this process to be incorrect. Therefore, she stated that she wished to add the reappointment for the City Attorney, City Clerk, and City Manager to the agenda for the Organizational meeting and postpone that portion of the agenda until 6:30pm the following night.

Mayor Lucero presented the following agenda for approval:

---Begin---



AGENDA
CITY COUNCIL MEETING

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- 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
- H. MATTERS FROM THE MAYOR
- I. CONSENT AGENDA
 - 1. Minutes
 - a. February 28, 2012 City Council Meeting Minutes
- J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS
 - 2. Appointment of Council Committees
 - 3. Appointment of Council Liasons
 - 4. Nomination and Selection of Mayor Pro-Tem
 - 5. Resolution 2012:04 Open Meetings Act
 - 6. Appointment of Volunteer Committees & Commissions
 - a. Veteran's Memorial Wall Commission
 - b. Planning & Zoning Commission
 - c. Beautification Committee
 - d. Library Board
- K. EXECUTIVE SESSION
Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.
- L. ANNOUNCEMENTS
- M. RECESS
- N. RECEPTION IN HONOR OF NEW GOVERNING BODY
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.
- O. CALL BACK TO ORDER
- P. APPOINTMENT OF EXEMPT CITY OFFICIALS
 - a. CITY ATTORNEY
 - b. CITY CLERK
 - c. CITY MANAGER
 - d. CHIEF OF POLICE/PUBLIC SAFETY
- Q. ADJOURNMENT

---End---

Motion by Mayor Pro-Tem Lujan to postpone the appointment of exempt officials until the following evening; seconded by Councilor Valdez.

Motion carried 7-1, with Councilor Seeds voting in the negative.

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

Motion carried 8-0.

F. PUBLIC COMMENTS

No members from the public wished to comment.

G. COUNCILOR COMMENTS

Councilor Valdez welcomed new City Councilors, Peggy Sue Martinez and Eric Radosevich.

Councilor Lewis announced that Curves would be holding their 14th Annual Food Drive from March 12th-31st. He added that the Family Learning Center would be having their 1st Annual Basketball Tournament at the Northern New Mexico College gym from Thursday to Sunday.

Councilor Seeds expressed his grief over the recent loss of Mr. Robert Money. He stated that he had served the city for many years with joy in his heart. Mayor articulated her sympathy to the Money family.

Councilor Dennis Tim Salazar announced the Easter Egg Hunt for the City of Española and Rio Arriba County on Saturday, March 31st from 10am-12noon. He explained that it would be divided by age group and would take place at Valdez Park.

Mayor Pro-Tem Lujan asked the public to be patient as City crews worked to repair the traffic light on Vietnam Veterans Road.

Councilor Ortega complimented Mayor Pro Tem Lujan on the completion of her median.

H. MATTERS FROM THE MAYOR

Mayor Lucero stated that there had been a press conference where the LANL Communities Coalition announced the details of the trip they had taken to Washington DC regarding the security of funding for LANL.

I. CONSENT AGENDA

7. Minutes

a. February 28, 2012 City Council Meeting Minutes

Motion by Councilor Salazar to approve the Consent Agenda; seconded by Councilor Valdez.

Motion carried 8-0, with Councilor Martinez abstaining thereby her vote went to the majority.

J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

8. Appointment of Council Committees

Mayor Lucero stated that she had met with the Council to determine which committees they wished to be on.

Mayor Lucero announced the Finance Committee as follows:

Chair: Pedro Valdez
Members: Cory Lewis
Cecilia Lujan
Dennis Tim Salazar

Motion by Councilor Ortega to approve the Finance Committee appointments; seconded by Councilor Seeds.

Councilor Seeds stated that he had not been contacted by Mayor Lucero.

Motion carried 8-0.

Mayor Lucero announced the Public Works Committee as follows:

Chair: Cecilia Lujan
Members: Cory Lewis
Pedro Valdez
Robert Seeds

Motion by Councilor Valdez to approve the Public Works Committee appointments; seconded by Councilor Ortega.

Motion carried 8-0.

Mayor Lucero announced the Community Services Committee as follows:

Chair: Greg Ortega
Members: Peggy Sue Martinez
Eric Radosevich
Robert Seeds

Motion by Mayor Pro-Tem Lujan to approve the Community Services Committee appointments; seconded by Councilor Salazar.

Motion carried 8-0.

Mayor Lucero announced the Public Safety Committee as follows:

Chair: Dennis Tim Salazar
Members: Peggy Sue Martinez
Eric Radosevich
Greg Ortega

Motion by Councilor Ortega to approve the Public Safety Committee appointments; seconded by Councilor Salazar.

Motion carried 8-0.

9. Appointment of Council Liasons

Mayor Lucero appointed Councilor Dennis Tim Salazar to the North Central Region Transit District (NCRTD) Board and Council Peggy Sue Martinez as the alternate.

Motion by Councilor Ortega to approve the NCRTD appointment; seconded by Councilor Valdez.

Councilor Seeds stated that he was the Vice-President of that board and expressed his belief that a lot of progress had been made. He added that not being considered for this Board did not sit well with him. Mayor Lucero replied that she felt it was time for change. She stated that she had been reviewing the minutes at the meetings and was not impressed with the voting record of Councilor Seeds as she did not feel he kept the City's best interest at heart. Councilor Seeds disagreed with Mayor Lucero.

Motion carried 7-1, with Councilor Seeds voting in the negative.

Mayor Lucero appointed Councilor Pedro Valdez to the Board of the North Central Solid Waste Authority (NCSWA). She stated that she wanted to keep this appointment the same as before as a lot had been happening.

Motion by Councilor Ortega to approve the NCSWA appointment; seconded by Mayor Pro-Tem Lujan.

Motion carried 8-0.

Mayor Lucero appointed Councilor Salazar to the E-911 Board as well as City Manager Lujan. She stated that she was appointing Councilor Salazar as he was also the chair of the Public Safety Committee.

Motion by Councilor Ortega to approve the E-911 Board appointment; seconded by Councilor Valdez.

Councilor Seeds asked how many seats were allocated to the City on the E-911 board. Mayor Lucero replied that there were two (2).

Motion carried 8-0.

Mayor Lucero appointed Councilor Cory Lewis to Hands Across Cultures Board.

Motion by Mayor Pro-Tem Lujan to approve Hands Across Cultures Board Member appointment; seconded Councilor Salazar.

Motion carried 8-0.

Mayor Lucero appointed Councilor Ortega and Councilor Martinez to the Fiesta Council.

Motion by Councilor Salazar to approve Fiesta Council appointments; seconded by Mayor Pro-Tem Lujan.

Motion carried 8-0.

Mayor Lucero stated that she hoped to continue to serve on the Anti-Drug Summit Implementation Team; however, she felt there should be another member of the City Council and the Police Chief. She stated that she had not spoken with Councilor Martinez regarding this appointment and asked if she would be willing to serve. Councilor Martinez replied that she would definitely like to be involved.

Motion by Councilor Salazar to approve the Drug Summit Implementation Team appointments; seconded by Councilor Lewis.

Motion carried 8-0.

Mayor Lucero stated that she would like to continue to serve on the LANL Communities Coalition as well, but would like to appoint Mayor Pro-Tem Lujan as an alternate.

Motion by Councilor Salazar to approve LANL Communities Coalition appointment; seconded by Councilor Ortega.

Motion carried 8-0.

Mayor stated that she had been serving on the RediNet board and would like to appoint Russell Naranjo as an alternate. She stated that he also has voting rights.

Motion by Councilor Ortega to approve appointments to the RediNet Board; seconded by Councilor Valdez.

Motion carried 8-0.

Mayor Lucero thanked everyone for agreeing to serve and congratulated the new City Councilors. She stated that they would be a great addition.

10. Nomination and Selection of Mayor Pro-Tem

Mayor Lucero explained that selection was done by the City Councilors' nomination.

Mayor Pro-Tem Lujan thanked the council for the opportunity to serve as Mayor Pro-Tem for the previous two (2) years. She stated that she felt it was time for a change.

Mayor Pro-Tem Lujan nominated Councilor Pedro Valdez for Mayor Pro-Tem; nomination was seconded by Councilor Ortega.

Mayor Lucero asked if there were any other nominations.

Councilor Lewis nominated Councilor Dennis Tim Salazar for Mayor Pro-Tem; nomination was seconded by Councilor Martinez.

Councilor Ortega moved to cease nominations.

City Attorney Frank Coppler stated that the vote may be conducted in secret ballot format with the ballots going to the City Clerk who would then announce the successful nominee.

Vote was taken.

City Clerk Mascareñas stated that there were five (5) votes for Councilor Dennis Tim Salazar and three (3) votes for Councilor Valdez.

Mayor Lucero congratulated Mayor Pro-Tem Dennis Tim Salazar on his appointment.

11. Resolution 2012:04 Open Meetings Act

Mayor Lucero explained that this Resolution arranged meeting times and stated that the times had been kept the same from before. Mayor Lucero added that the Committee Chairs could make changes, as they felt were appropriate.

Mayor Lucero stated that she would like to change the title of the Workshop to Work Session.

Councilor Ortega stated that he felt the work session and regular meeting shortened the length of Council meetings.

Mayor Lucero pointed out that any time the full Governing Body was together, they could act on items; however, they only did so in the work session when items were time sensitive. Councilor Seeds asked if there had been any complaints since the committee meetings had been changed to 5:30pm. Mayor Lucero stated that she had received comments thanking the council for having them in the evenings rather than during the day as was done in many other cities.

Councilor Ortega stated that the Public Safety committee had attempted to have meetings at different times and received little response.

All Committee Chairs stated that they would like to begin their meetings at 6pm.

Motion by Councilor Ortega to approve Resolution 2012-04 as amended; seconded by Councilor Dennis Tim Salazar.

Motion carried 8-0.

12. Appointment of Volunteer Committees & Commissions

a. Veteran's Memorial Wall Commission

Mayor thanked everyone in the audience for waiting patiently. She appointed the following individuals to the Veteran's Memorial Wall Commission:

Alarid, Jerry
Apodaca, Mel
Bustos, Miguel
Bustos, Robert
Castañeda, David
Caperton, Bill
Cordova, Ray

Cournoyer, Nelson
Herrera; Bob R
Lopez, Arthur
Lopez, Edward A
Maestas, Perfecto
Manzanares, Al
Martinez, Fab!An
Martsh, James
Mcalister, Bill
Montoya, Tommy
Naranjo, David E.
Parra, Federico C.
Pineda, Dave
Salazar, David
Sanchez, Ralph
Shay, James M.
Torres, Jerry Sr.
Trujillo, Martin
Vigil, Felix

Mayor Lucero pointed out that non-veteran volunteers may help in the office. In addition, she thanked commission member Alex Gallegos and his wife.

Mayor Lucero appointed herself as a volunteer and stated that she would like to continue doing programs, pamphlets, etc.

Motion by Councilor Seeds to approve the appointment of the Veteran's Memorial Wall Commission; seconded by Councilor Martinez.

Motion carried 8-0.

b. Planning & Zoning Commission

Mayor Lucero appointed the following individuals to the Planning and Zoning commission:

Julie Atencio	1-year appointment
Richard Beaudoin	2-year appointment
Holly Harmstan	1-year appointment
Amrit Khalsa	1-year appointment
Anissa Martinez	2-year appointment
John Ricci	1-year appointment
Earl Wright	2-year appointment
Clyde Vigil	1-year appointment

Councilor Lewis exited at 6:40pm.

Motion by Councilor Valdez to approve the appointment of the Planning and Zoning Commission; seconded by Councilor Radosevich.

Motion carried 7-0.

c. Beautification Committee

Mayor Lucero appointed the following members to the Beautification Committee:

LouAnna Naranjo-Hauck
Kevin Hauck
Barbara Ricci
John Ricci
Eric Quintana
Olivia Martinez
Virginia Maestas
Aresenio Martinez
John Ramon Vigil
Kelly Duran
Eric Radosevich
Tania Sanchez
Peggy Sue Martinez
Marcella Coriz
Pedro Valdez
Liz Garcia
Jimmy Leal
Alejandro Lopez
John Werenko

Mayor Lucero explained that this committee would plant flowers and work on medians.

Councilor Lewis returned at 6:42pm.

Councilor Radosevich recommended the addition of Councilor Ortega to the committee. Mayor Lucero and Councilor Ortega concurred.

Motion by Councilor Seeds to approve the appointment of the Beautification Committee; seconded by Councilor Valdez.

Motion carried 8-0.

d. Library Board

Mayor Lucero appointed the following members to the Library Board:

Daniel Roybal
Olivama A. Martinez
John Ramon Vigil
Tim Martinez
Maria Elena Salazar
Beulah Sandoval
Teddie Riehl
David Cargo

Liz Romero

Chairman Daniel Roybal was in attendance. He stated that Liz Romero would be the new member as they had had a vacancy.

Motion by Mayor Pro-Tem Salazar to approve the appointment of the Library Board; seconded by Councilor Martinez.

Motion carried 8-0.

K. EXECUTIVE SESSION

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

L. ANNOUNCEMENTS

M. RECEPTION IN HONOR OF NEW GOVERNING BODY

Mayor Lucero recessed the meeting at 6:45pm and stated that they would reconvene the following evening at 6:30pm.

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R. CALL BACK TO ORDER

Mayor Lucero called the meeting back to order to approximately 6:36pm on March 27, 2012.

The following Governing Body Members were in attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Dennis Tim Salazar
Councilors:	Robert J. Seeds
	Pedro Valdez
	Peggy Sue Martinez
	Cecilia Lujan
	Cory J. Lewis
	Eric S. Radosevich
	Greg Ortega

City Attorney Frank Coppler stated that he had made a mistake regarding the secret ballot. He stated he was trying to be sensitive to the fact that people would be voting for or against people who were sitting next to them for the next four (4) years. He explained that such a vote must be done in an open setting and that only a members of the majority may call for the vote based on the nominations that were made the previous night.

Motion by Councilor Martinez to remove the nomination and selection of Mayor Pro-Tem from the table; seconded by Councilor Seeds.

Councilor Martinez explained that she respected Councilor Valdez' experience; however, she had already made a verbal commitment to Councilor Salazar.

Councilor Ortega echoed the sentiments of Councilor Martinez. He added that Councilor Valdez' knowledge was undeniable. He apologize to Councilor Valdez as he had already committed his vote to Councilor Salazar.

Motion carried 8-0.

A Roll Call Vote was taken with the following members voting for the corresponding nominee:

Councilors:	Robert J. Seeds	Councilor Salazar
	Pedro Valdez	Councilor Valdez
	Peggy Sue Martinez	Councilor Salazar
	Dennis Tim Salazar	Councilor Salazar
	Cecilia Lujan	Councilor Valdez
	Cory J. Lewis	Councilor Salazar
	Eric S. Radosevich	Councilor Valdez
	Greg Ortega	Councilor Salazar

Motion carried by a vote of 5-3 in favor of Councilor Dennis Tim Salazar.

S. APPOINTMENT OF EXEMPT CITY OFFICIALS

a. CITY ATTORNEY

Mayor Lucero explained that the city had gone out to bid for City Attorney and two contracts had been previously approved. One had been for Mr. AJ Salazar to prosecute criminal cases and the other was for the Coppler Law Firm to serve for all other City matters. She stated that the contracts were in effect until 2014, but could be terminated with thrity (30) days notice.

Motion by Councilor Lujan to continue the contracts for City Attorney until the expiration date; seconded by Councilor Seeds.

Mayor Pro-Tem Salazar asked that they vote for each contract individually.

Councilor Valdez stated that he had always voted to approve the administration of the Mayor out of respect. He expressed his belief that the Council members had anything against the individuals; it could be brought up later in the administration.

Councilor Seeds asked why the contracts were written to exceed the two (2) years. Mayor Lucero replied that it had been the history of the council to appoint individuals for the full term of the mayor.

Councilor Radosevich asked if the contracts would become null and void if the Governing Body decided to let the attorneys go. City Attorney Coppler replied in the affirmative.

All Councilors agreed to voting on the contracts individually.

Councilor Lujan withdrew her motion and Councilor Seeds withdrew his second.

Motion by Councilor Lujan to approve the contract for Coppler Law Firm; seconded by Councilor Seeds.

Motion carried 8-0.

Motion by Councilor Valdez to approve the contract for AJ Salazar; seconded by Councilor Radosevich.

There was a 4-4 tie vote, with Councilor Lewis, Councilor Martinez, Councilor Salazar and Councilor Seeds voting in the negative. Mayor Lucero broke the tie in the affirmative.

b. CITY CLERK

Mayor Lucero re-appointed City Clerk Tessa Jo Mascareñas.

Motion by Councilor Valdez to approve the reappointment of City Clerk Tessa Jo Mascareñas; seconded by Councilor Seeds.

Motion carried 8-0.

c. CITY MANAGER

Motion by Councilor Valdez to approve the reappointment of City Manager James V. Lujan; seconded by Councilor Lujan.

Councilor Seeds requested a Roll Call Vote.

Councilor Valdez stated that the City of Española had made a lot of progress in the last two (2) years and not approving City Manager Lujan would set the City back. He stated that there had been growth in finances and in employee relations.

Councilor Seeds stated that he had been promised that City Manager Lujan would resign if he were indicted. He stated that he was afraid that this would cloud the City.

Councilor Ortega stated that he had supported City Manager Lujan since Day 1 and in his opinion he had turned a lot of things in the city around which no one could deny. He added that City Manager Lujan was making softball fields happen. Councilor Ortega stated that some of the Councilors would be voting based on personal issues instead of job performance and it was a shame that some people were playing politics.

Councilor Lujan thanked City Manager Lujan for doing an outstanding job with the finance department by turning the finances around and through his leadership, lifting furloughs.

Mayor Pro-Tem Salazar stated that the last time there was a vote regarding the status of City Manager James Lujan, there was an old council. He stated this was the Governing Body that would have the opportunity to work with the appointees.

Councilor Radosevich asked if it was too late to have an executive session. Mayor Lucero replied that it was not.

Motion by Councilor Radosevich to enter into Executive Session; seconded by Councilor Ortega.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Councilor Robert Seeds	In Favor
	Councilor Pedro Valdez	In Favor
	Councilor Peggy Sue Martinez	In Favor
	Councilor Cecilia Lujan	In Favor
	Councilor Cory Lewis	In Favor
	Councilor Eric Radosevich	In Favor
	Councilor Greg Ortega	In Favor

The Governing Body entered Executive Session at 7:04pm.

Motion to exit Executive Session by Councilor Ortega; seconded by Mayor Pro-Tem Salazar.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Councilor Robert Seeds	In Favor
	Councilor Pedro Valdez	In Favor
	Councilor Peggy Sue Martinez	In Favor
	Councilor Cecilia Lujan	In Favor
	Councilor Cory Lewis	In Favor
	Councilor Eric Radosevich	In Favor
	Councilor Greg Ortega	In Favor

The Governing Body exited Executive Session at 8:18pm.

Councilor Ortega stated that he had become emotional prior to Executive Session and apologized to his colleagues for his statement. He stated that he knew they expected respect from him as well and he had failed at that.

The Governing Body returned to the motion regarding the approval of the reappointment of City Manager Lujan.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	Against
Councilors:	Councilor Robert Seeds	Against
	Councilor Pedro Valdez	In Favor
	Councilor Peggy Sue Martinez	Against
	Councilor Cecilia Lujan	In Favor
	Councilor Cory Lewis	Against

Councilor Eric Radosevich
Councilor Greg Ortega

Against
In Favor

Motion failed 5-3.

Mayor Lucero explained that, according to State Law, when an individual is not approved for an appointment, the mayor must submit a name at the next regular meeting. She stated that City Manager Lujan would serve until the next regular mtg.

d. CHIEF OF POLICE/PUBLIC SAFETY

Mayor Lucero stated that Chief Leo Montoya had provided her with a letter announcing his retirement effective April 30th. She stated that in the interim, she would be appointing Fire Chief Stephen Branch.

Motion by Councilor Seeds to approve Interim Appointment of the Director of Public Safety; seconded by Councilor Radosevich.

Councilor Seeds stated that he hoped that the council would be a part of the interviews and suggested having a committee for the selection.

Councilor Ortega wished Chief Leo Montoya the best in his retirement.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Councilor Robert Seeds	In Favor
	Councilor Pedro Valdez	In Favor
	Councilor Peggy Sue Martinez	In Favor
	Councilor Cecilia Lujan	In Favor
	Councilor Cory Lewis	In Favor
	Councilor Eric Radosevich	In Favor
	Councilor Greg Ortega	In Favor

Motion carried 8-0.

Motion by Councilor Ortega to adjourn; seconded by Councilor Radosevich.

Motion carried 8-0.

T. ADJOURNMENT

The meeting was adjourned at 8:25pm.

These minutes were taken and transcribed by Tessa Jo Mascareñas, City Clerk.

APPROVED AND ADOPTED THIS 24th DAY OF April, 2012.



Alice A. Lucero
Alice A. Lucero, Mayor

Tessa J. Mascareñas
Tessa J. Mascareñas, City Clerk