

CITY COUNCIL MEETING  
TUESDAY OCTOBER 26, 6:00 PM  
COUNCIL CHAMBERS AT CITY HALL  
405 N. PASEO DE OÑATE, ESPAÑOLA, NM

**A. CALL TO ORDER**

Meeting was called to order at 5:57pm with the following in attendance:

Mayor: Alice A. Lucero

Mayor Pro Tem: Cecilia Lujan

Councilors: Rosario "Chayo" Garcia  
Cory Lewis  
Greg Ortega  
Helen Kain-Salazar  
Dennis Tim Salazar  
Robert Seeds  
Pedro Valdez

City Manager: James V. Lujan

City Attorney: Frank Coppler

Staff: Marvin Martinez, Public Works Director; Joe Martinez, Chief of Police; Russell Naranjo, Planning and Zoning Director; Ron Archuleta, Finance Department, Heather Velasquez, City Clerk; Jessica Martinez, City Clerk's Office; Judge Stephen Salazar, Municipal Court; Jaime Martinez, Municipal Court; Joaquin Maestas, IT Department; Beverlee DeAgüero, Utilities Department, Chief John Kitchen, Fire Department.

**B. PLEDGE OF ALLEGIANCE**

Mayor Lucero led the Pledge of Allegiance.

**C. MOMENT OF MEDITATION/ INVOCATION**

Councilor Kain-Salazar led the moment of mediation/invocation.

**D. ROLL CALL/ DETERMINATION OF QUORUM**

All present except Councilor Seeds. Quorum was determined.

**E. APPROVAL OF AGENDA**

Mayor Lucero presented the agenda for approval. She asked that item 12 be removed, as it still needed to be heard by the Highway Commission. She stated it would be on next month's agenda.

- 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
  - 1. Employee of the Month Award-Beverlee DeAguiro, Utilities
  - 2. Proclamation for Española Valley Toy Run to be held on November 20, 2010
  - 3. Proclamation for Northern New Mexico College Days to be held on October 28 and 29.
- I. BUSINESS WITH VISITORS
  - 4. Santa Fe County Clerk, Valerie Espinoza on Constitutional Amendment #2
- J. PUBLIC HEARING(S)
  - 5. APPLICATION FOR ISSUANCE OF NEW RESTAURANT LIQUOR LICENSE- Northern Foods, LLC DBA La Cocina
  - 6. APPLICATION FOR ISSUANCE OF NEW RESTAURANT LIQUOR LICENSE- Mariscos La Playa, Inc
  - 7. ORDINANCE 2010-08 Prohibiting Loitering In Public Places, Prowling And Voyeurism; And Providing A Penalty For The Violation Thereof
  - 8. ORDINANCE 2010-09 An Ordinance Adopting The Safety In Public Places Ordinance; Providing Penalties For Violations
  - 9. ORDINANCE 2010-11 An Ordinance Repealing City Of Española Ordinance 2006-12 And Creating A New Section 70-70 Of The Española Municipal Code Prohibiting Graffiti And Restricting The Sale Of Graffiti Implements To Minors
  - 10. ORDINANCE 2010-10 An Ordinance Repealing And Replacing Ordinance 2009-10, Amending City Of Española Lease Agreement With The Española Valley Chamber Of Commerce, To Allow Subleasing To Other Entities And Organizations, When Approved By The City Council, Of The Property Located At 710 Paseo De Oñate, Española, NM
- K. CONSENT AGENDA
- L. DISCUSSION/ACTION ITEM(S)
  - 11. Review and consideration of Resolution 2010-38 Approval of Fire Truck purchase financed through Oshkosh Capital and purchasing from First In Inc.
  - 12. Review and consideration of Fairview Drive Road Exchange Agreement with NMDOT(Paseo de Oñate to 300 feet west of State Road 68)
  - 13. Review and consideration of Joint Powers Agreement between City of Española and Cuatro Villas
- M. EXECUTIVE SESSION
- N. ANNOUNCEMENTS
- O. ADJOURNMENT

**Councilor Kain-Salazar made motion to approve the agenda with item 12 removed, seconded by Mayor Pro Tem Lujan. Motion carried 7/0**

**P. PUBLIC COMMENTS**

Mayor Lucero stated the Walk against Drugs was this weekend. She stated that Joaquin Maestas, Union President, was here to present something to them. She stated that there was no one at the meeting to accept it yet, but will go back to this when someone was here.

No other public comments.

(Presented at 6:38) Mayor Lucero stated the Walk would be Saturday, starting at Bank of America. She stated that organizers chose to hold it in town this year to get noticed. She stated there would be a lot of activities following the Walk at the Valdez Park until 3pm.

Joaquin Maestas stated he was the president of the Local Union. He stated that drugs were a very big issue in the community. He stated that anything we can do to help lead children in a better path. Joaquin stated that the Union decided to donate a bike. He stated that tickets would be provided to walkers along the way for door prizes. He stated they donated a bike as one of the prizes. Graffiti Officer Jaime Martinez stated he was not originally a part of walk, was standing in for Richard who had family emergency in California. He stated that he came in last minute, but he was excited. He

thanked Joaquin and invited all of the Governing Body to participate. Jaime stated that he wanted others to know that there were good people in the Valley, not all druggies. He stated that he got thrown into this but was glad he did.

Mayor Lucero thanked Mr. Efren Sanchez for all his work. She named all organizers and thanked them all. Mayor Lucero invited kids to come to walk. Jaime stated there will be food, dance and costume contest. Mayor Lucero asked Jaime how kids would qualify for the bike. Jaime stated that he thought tickets would be given out to the walkers.

Councilor Salazar thanked Jaime and Joaquin.

Councilor Valdez stated there would be 2 bikes, as he would be donating one as well. Jaime stated that the Fire Department Union would also be donating one and all together they should have about 6 bikes.

#### **Q. COUNCILOR COMMENTS**

Mayor Pro Tem Lujan stated that Public Safety Committee there was no FY funding. She stated that Maria Sandoval would showcase this year's program (Healthy Kids Program). She stated that James and Marvin Martinez were keeping in contact with Jessica Frost at the State.

Mayor Pro Tem Lujan also stated that the Police Department (PD) hired 2 certified officers, and Joe Griego was the new DWI Officer. She stated that there was good news for businesses out there; crime was down from 4 to 2. She thanked the PD. Mayor Pro Tem Lujan stated that Chief had stated staff had increased citations.

Mayor Pro Tem Lujan stated that Detention was down one staff member. She stated that the City had an agreement with Estancia and the cost of that was less. She stated that she would like to see a Regional Detention Center. She stated that we needed cooperation from other entities.

Mayor Pro Tem Lujan stated that the Fire Department (FD) was staffed. She stated that the Heating was down at the La Joya station. Chief Kitchen stated it was now working. Mayor Pro-Tem Lujan stated that there was now a Chaplin Program, where a Chaplin goes with an Officer to notify family of suicide victims.

Mayor Pro Tem Lujan stated that Public Safety Week was a big success and she commended staff for their hard work. She encouraged drivers to adhere to speed limits. She stated that she as well as Councilor Lewis and Councilor Garcia witnessed traffic during that week at school zones, and people were constantly speeding and ignoring signs.

Mayor Lucero thanked Mayor Pro Tem Lujan and stated she was doing a good job.

Councilor Kain-Salazar stated that Councilor Garcia had mentioned last week that should be done more often.

Councilor Kain-Salazar stated that the Senior Center would be having a Halloween Dance tomorrow at 1pm. She invited the public to attend.

**R. MATTERS FROM THE MAYOR**

**14. Employee of the Month Award-Beverlee DeAgüero, Utilities**

Mayor Lucero asked James to help present the Employee of the Month Award to Beverlee. Mayor Lucero stated that Beverlee worked at front window and Teddie Riehl nominated her for dealing with irate customers and still having a smile for the next person in line. Mayor Lucero thanked Beverlee.

James stated that there were a few irate people lately, and staff was doing a good job.

Mayor presented award and check for \$50 to Beverlee.

**15. Proclamation for Española Valley Toy Run to be held on November 20, 2010**

Councilor Seeds entered at 6:10pm.

Mark Montoya, Dino Martinez, Cindy Montoya and Lynn D were present to accept. Mr. Montoya stated that he was pleased that the City sponsors them each year. He stated that the event was a motorcycle gathering where everyone brought in new toys. He stated that it was a nice event.

Mr. Montoya stated that this year there would be a dance after the ride to raise money for food baskets.

Mayor Lucero thanked the group for all their help in the community. Mayor Lucero asked Councilor Salazar to read the proclamation.

Councilor Salazar read the proclamation aloud.

Mayor Lucero stated that the Santa Claran Hotel was holding a Halloween Party on October 28.

**16. Proclamation for Northern New Mexico College Days to be held on October 28 and 29**

Mayor Lucero stated that this proclamation would be presented on Thursday at 1:30 at the College. She stated that the Inauguration of the new Northern New Mexico College President was on Thursday. She stated that there was also a dedication of the Connie Valdez memorial on Friday at 11:30am.

**S. BUSINESS WITH VISITORS**

**17. Santa Fe County Clerk, Valerie Espinoza on Constitutional Amendment #2**

Valerie Espinoza stated that Mayor Pro Tem Lujan invited her here tonight. She stated that she was here to talk about Constitutional Amendment number 2. She stated that this was important when it comes to election and she was hoping it passed. She stated that she may or may not run.

Ms. Espinoza stated that when she became clerk, she opened the Abedon Lopez Center as an early voting site. Mayor Lucero asked if it was only open for early voting. Ms. Espinoza stated that it was only early voting. She stated that the last day for early voting was Saturday October 30 from 10am-6pm.

Mayor Lucero thanked Ms. Espinoza for being here.

**T. PUBLIC HEARING(S)**

**18. APPLICATION FOR ISSUANCE OF NEW RESTAURANT LIQUOR LICENSE-**

Northern Foods, LLC DBA La Cocina

19.

**Mayor Lucero opened the Public Hearing at 6:20 pm.**

Javier Sanchez stated he was the representative for Northern Foods. He stated that this was simply a change of name. He stated that La Cocina had a beer and wine License, but they changed ownership therefore had to get new license. Mayor Lucero asked if it was a full liquor license. Mr. Sanchez stated they used to have one about a year and a half ago, but this was for a Restaurant (Beer and Wine) License.

**The Public Hearing was closed at 6:22pm.**

Councilor Garcia disclosed that her family had a full Liquor License and she would like to vote on this item and the next.

**Councilor Seeds made motion to approve, seconded by Councilor Kain-Salazar.**

**Roll call vote**

**Motion carried 7/1. Councilor Valdez voted against.**

**20. APPLICATION FOR ISSUANCE OF NEW RESTAURANT LIQUOR LICENSE-**

Mariscos La Playa, Inc

Mayor Lucero stated Marsicos moved to new location.

**Public Hearing was opened at 6:24pm.**

Luis Ortega stated that he was applying for beer and wine at his new location.

**Public Hearing was closed at 6:25pm.**

Councilor Kain-Salazar asked for a letter from the near-by Church. It was provided to the Governing Body.

Councilor Seeds asked Russell if all permits were taken care of. Russell stated yes, Mr. Ortega supplied letter from church as he was asked to do.

**Councilor Seeds made motion to approve, seconded by Councilor Ortega.**

**Motion carried 7/1. Councilor Valdez voted against.**

**21. ORDINANCE 2010-08 Prohibiting Loitering In Public Places, Prowling And Voyeurism; And Providing A Penalty For The Violation Thereof**

Mayor Lucero asked City Attorney Frank Coppler to present on this item.

Frank stated that this Ordinance was written up at the request of the PD. He stated that Officers should have the right to engage person on street if it appeared individual was hanging around or prowling. He stated that Section 6 allowed Peace Officer to approach and give person the opportunity to request

person to indentify self and what they were doing there. Frank stated that if the explanation was true, the ordinance stated that person would be free to go. He stated that if that person tried to run or escape, it gave the Officer the right to arrest. He stated the fine was up to \$50 and up to 90 day in jail.

**The Public Hearing was opened 6:31pm.**

No comments.

**The Public Hearing was closed 6:31pm.**

Councilor Valdez asked about item 3 “defendant may need not be...” what does this mean. Frank stated that Section covered if someone was outside someone’s house looking through a window, etc. but not on premise.

Councilor Valdez asked about “delay of suspect...” Frank stated if an Officer approached an individual and he/she appeared to be loitering and that individual took off running, the Officer would have the right to chase and arrest.

Councilor Seeds asked Frank if the way this was written up fit other Cities. Frank stated it did.

**Councilor Valdez made motion to approve, seconded by Councilor Seeds.**

Mayor Lucero stated that there have been a lot of complaints about people loitering around businesses. She stated that this Ordinance was written to provide safety to the public.

Councilor Ortega stated that we could pass all the Ordinances we wanted but it wouldn’t do any good to if they were not enforced.

**Roll call vote.**

**Motion carried 8/0**

**22. ORDINANCE 2010-09 an Ordinance Adopting the Safety in Public Places Ordinance; Providing Penalties for Violations**

Councilor Kain-Salazar stepped out 6:45pm.

Mayor Lucero asked Frank to present.

Councilor Kain-Salazar returned at 6:46pm.

Frank stated this ordinance separated the difference between aggressive panhandling and regular panhandling. He stated that the definition of aggressive panhandling was presented in a law suit in Albuquerque. Standing in line, blocking buildings, continuing after told no, loud, etc; this Ordinance would make this illegal and listed penalties for violations. Frank gave the definition of panhandling as defined in the Ordinance. He stated that Panhandling at night was illegal with this Ordinance. He stated that at night was scary.

Frank stated that specifically exempt were people that were sitting on the sidewalk or median holding a sign. He stated that those were protected speech under law and this Ordinance, and could not be prosecuted for that activity. Frank stated that vehicle traffic was also addressed; traffic could not be stopped as it was too dangerous.

Councilor Lewis stepped out at 6:51pm.

Frank stated that he was not able to nail down a range of fines. He stated that it was at the discretion of the Governing Body and maybe Judge Salazar could help. May want to leave “no more than

**Mayor Lucero opened the Public Hearing at 6:54pm.**

No public comments.

**Public Hearing was closed at 6:54pm.**

Councilor Lewis returned at 6:55pm.

Mayor Pro Tem Lujan asked if on page 4 item 3 in regard to safety, would that include, for example, selling newspaper. Frank stated it had no effect, as the Ordinance only addressed panhandling and was not talking about sale of goods or services.

Councilor Ortega stepped out at 6:55pm.

Councilor Ortega returned at 6:56pm.

Councilor Valdez asked if don't have a sign and were doing verbally they would get cited. Frank answered yes. Councilor Valdez suggested \$50 and community service if a person could not pay. Councilor Seeds agreed with \$50 minimum and \$500 maximum.

Councilor Seeds asked if this would affect the Fire Department boot drive. Frank stated that was referring to begging or asking for donations. Frank corrected himself stating newspaper vendors would be covered.

Councilor Seeds stated that the Fire Department drive was a worthy cause. Frank stated that if included newspapers vending would need to retool the sentence.

Mayor Lucero yielded the floor to Chief Kitchen. Councilor Seeds suggested adding something about getting a permit. Mayor Lucero asked Frank if could add a clause. Frank stated he could do that because we could not touch newspaper vending. He stated that he would have to exempt newspapers and add permitted charitable organizations.

Councilor Seeds stated this came at a good time and he was glad that the Governing Body would be passing this.

Councilor Ortega stated that he was a big advocate of 5<sup>th</sup> Amendment Rights. He stated that he didn't want vendors to be stopped for selling but concerned about safety. Mayor Lucero asked what would be a vehicle to enforce and still maintain safety of vendors. Frank asked that the Public Hearing be continued to the next meeting so that we could review and make adjustments. He apologized for suggesting it, but it was best.

Mayor Lucero asked that the minimum be \$50.

Councilor Ortega asked that word “feet” be added to number 15.

Councilor Seeds stated that this would be another big discussion about safety of children vending on the streets. He stated that he wanted this in effect for holidays and amendments could be made later. Frank

stated that the City would have to have Officers not read the Ordinance literally so that they didn't stop vendors from selling paper. Councilor Seeds stated that the point was to stop people that interrupt people when they go shopping, that could be harmful to some.

Mayor Lucero asked if could come up with language now and make motion with those changes. Frank stated he could work on it while the Governing Body discussed the Graffiti Ordinance.

**Mayor Pro Tem Lujan made motion to continue the Public Hearing after item 10, seconded by Councilor Ortega.  
Motion carried 8/0**

**23. ORDINANCE 2010-11 An Ordinance Repealing City Of Española Ordinance 2006-12 And Creating A New Section 70-70 Of The Española Municipal Code Prohibiting Graffiti And Restricting The Sale Of Graffiti Implements To Minors**

Mayor Lucero stated that this was something very much needed. Frank stated that these three Ordinances were brought up by the Police Department. He stated that he met with Graffiti Officer, Jaime Martinez, and they went through the Ordinance a few times. He stated that the Ordinance would punish a person who sold spray paint to minors and businesses who did not act in a way that was defined in Ordinance. He stated it would punish people who own property who allow graffiti. He stated the Ordinance would also require use of graffiti-proof materials when building. He stated that if/when we got to the point where it required people comply, the process was laid out in the Ordinance. Frank stated there was a lot of due process in this Ordinance, but also stiff consequences.

**Public Hearing opened at 7:16pm.**

Jaime Martinez stated that this was a long overdue Ordinance and he was glad Frank brought it to the Governing Body. He stated that he knew the trouble spots and he hoped that City could enforce better now. He stated that he dealt with a lot of people that were frustrated that nothing was being done. Jaime stated that he had met with Frank and one of his main concerns was locking up spray paint. He stated that in Albuquerque it was required that spray paint be locked up. He stated that if you go to businesses here, spray paint could easily be taken off the shelves. He stated that the Ordinance would include etchers, spray paint and permanent markers.

**Public Hearing closed at 7:19pm.**

Councilor Ortega asked Frank if on Item B paragraph 1 be deleted and include in paragraph 2... Establishment shall store etching devices... under lock and key, not accessible to public.

Councilor Garcia stated that would be hard for "lock and key" and suggested maybe **under supervision**. Councilor Ortega stated that stores have lock and key for electronics now. Councilor Garcia stated that it would be an expense for businesses to meet that requirement. Councilor Seeds stated that people would still get a hold of it. He stated that he was glad the Governing Body would finally be bringing this to the public and standing up and saying we're tired of graffiti.

Councilor Garcia asked would the City provide signs. Frank stated that the Ordinance did not require the City to provide the signs. Councilor Garcia stated that in liquor establishment the State provided "under 21 signs". She stated that she wanted to add that in so that all signs could all be the same. She stated that the City should provide them. Frank stated that the City Manager could do, if so desired.

Councilor Garcia asked if a juvenile was a repeat offender, how we could go after the parents. Frank stated he has not been able to figure out a way to make parents responsible. He stated that maybe if there was evidence that the parents allowed their child to do it someone could go after them in a civil matter.

Councilor Valdez stated that it was just like when kids played hooky, parents got thrown in jail. Frank stated that parent was put in jail but for failure to take the child to school.

Councilor Garcia stepped out 7:27pm.

Councilor Valdez asked was permission given to people that make murals on Simmons Lane, etc. Jaime stated that that was something that was discussed. He stated that it was Freedom of Speech, and the property owner allowed it. Councilor Valdez stated that was junk, not Freedom of Speech. Frank stated that if it was gang symbols they the property owner could be forced to take down, but it was Freedom of Speech.

Councilor Garcia returned at 7:30pm.

Frank stated that it would be protected. He stated that if a property owner gave permission to paint the pictures on wall that were offensive. He stated that the Supreme Court had very strict guidelines.

**Councilor Valdez made motion to approve, seconded by Councilor Seeds.**

Councilor Seeds stated that he had the same concerns as Councilor Valdez. He asked if this would be covering the mural at Lucero Center. Frank stated that was a perfect example of freedom of speech.

Councilor Kain-Salazar stated that she gets calls all the time on Simmons Lane. Jaime stated that the artist lives on that same road and has permission from the property owner. He stated that the current one was controversial, as it was done in memory of 9/11. Jaime stated that this was the only way kids could express themselves. Councilor Kain-Salazar stated that before the current mural, the last one was offensive. She stated that Jaime talked to him and was able to work with him to change it. Jaime stated that he tried working with these kids, he tried to get them to change so they didn't get thrown in jail.

Councilor Salazar thanked Jaime for his time and dedication. Councilor Kain-Salazar thanked as well. Councilor Seeds added Richard Marquez and Judge Salazar also.

Councilor Ortega asked if amendments could be made. Frank stated there would to be a motion to amend. Mayor Lucero stated that there was a motion on the floor.

Mayor Lucero stated that there was a blank that needed to be filled on the Ordinance. Frank stated that it should be "outlined in law", as there was no City Code to refer to.

Judge Salazar stated that he was not here to speak for or against. But he stated, if the Ordinance was passed, the City needed to have a group effort from Planning and Zoning, the Fire Department, and the Police Department. He stated that the City needed to educate business owners so that they were aware of the Ordinance. Judge Salazar stated that in time as judge, he had never seen a graffiti complaint only criminal damage to property. He stated that the Ordinance was 9 pages of great work, but it was a big job to enforce.

Frank stated to strike B-1 of section 70-4 on page 3 and delete #2. He added the underlined words to – "Any commercial establishment shall store aerosol, etching devices, etc."

Paragraph D on page 3 "procedures outlined in law concerning forfeitures".

**Councilor Ortega made motion to approve with amendments, seconded by Councilor Kain-Salazar.**

Councilor Garcia stated that she agreed with Judge Salazar, businesses needed to be educated. She suggested they may be given a grace period, as it was not going to be easy for them. Councilor Ortega stated that that was the purpose of holding a public hearing. He stated that it had been published.

Councilor Seeds stated that he agreed with Councilor Ortega but a lot of businesses would be shocked when they read about it in the paper. He stated that the City needed to educate businesses and their staff. He stated that staff needed to be understanding that this was a big step. Mayor Lucero stated that it was important to send out the appropriate staff and have them come up with a sign. She stated that the City did need to provide a grace period. Mayor Lucero stated that the City Manager and Planning and Zoning could get together and meet with businesses that sell these products.

James suggested a task force, with the Police Department, the Fire Department, and Planning and Zoning Department. He stated that the Fire Department currently inspected each business annually. He stated that they could put something together.

**Roll call vote for amendments**

**Motion carried 8/0**

**Roll call vote to approve Ordinance**

**Motion carried 8/0**

**24. ORDINANCE 2010-10 An Ordinance Repealing And Replacing Ordinance 2009-10, Amending City Of Española Lease Agreement With The Española Valley Chamber Of Commerce, To Allow Subleasing To Other Entities And Organizations, When Approved By The City Council, Of The Property Located At 710 Paseo De Oñate, Española, NM**

Mayor Lucero stated that this Ordinance replaced Ordinance that specified AYUDANTES as the only sublease. She stated that this Ordinance stated that the Chamber could lease to someone else at the discretion of the Governing Body.

**Public Hearing was opened at 7:50pm.**

No comments.

**Public Hearing closed at 7:50pm.**

Councilor Valdez asked if there was a number City charged for the land. Mayor Lucero stated that the City leased to the Chamber for \$1800 a year. She stated that the agreement would be between the Chamber and sub-leaser.

Councilor Seeds asked if it would come to the Governing Body when they wanted to lease it out. Mayor Lucero answered yes.

**Councilor Ortega made motion to approve, seconded by Councilor Valdez.**

**Roll Call Vote**

**Motion carried 8/0**

Discussion for Public Hearing on Ordinance 2010-09 continued at 7:53pm.

Frank listed the changes.

Add "feet" to page 4, section 4-B-3.

E on page 5, add the minimum of \$50.

Frank stated on page 3 sub paragraph C, definition of PANHANDLING --

“Panhandling shall not include solicitations of charitable contributions by persons having a valid permit issued by the City to do so. Panhandling shall also not include sales of newspapers, provided such sales are done in a manner as to not endanger the vendor or motoring public.”

Mayor Lucero stated that there again the City would have to educate the public

**Councilor Valdez made motion to approve as amended, seconded by Mayor Pro Tem Lujan.**

Councilor Seeds asked if that dealt with issue of the Fire Department and other organizations like that. Frank stated yes.

**Councilor Ortega made motion to pass amendments, seconded by Councilor Kain-Salazar.**

**Roll call Vote**

**Motion carried 8/0**

**Roll Call vote on first motion.**

**Motion carried 8/0**

U. CONSENT AGENDA

V. DISCUSSION/ACTION ITEM(S)

25. **Review and consideration of Resolution 2010-38 Approval of Fire Truck purchase financed through Oshkosh Capital and purchasing from First In Inc.**

James stated that this Resolution was brought back after some fine tuning. He stated that the Original unit price was cut and discounted. He stated it would be for a 7 year period and interest went down to 3.99 percent.

**Mayor Pro Tem Lujan made motion to approve, seconded by Councilor Seeds.**

Councilor Seeds asked if this would be coming out of the Fire Fund. Chief Kitchen answered yes. Councilor Seeds asked if it was required by law to take the truck to each fender bender. Chief Kitchen answered yes. Councilor Seeds stated that the City needed to work to get a smaller unit. Chief stated that when staff took a big truck, it was better safety for the crew. Councilor Seeds stated that he understood but so that new big truck was not worn down, staff needed to work on getting something smaller. Councilor Salazar agreed, he stated that it was not just wear and tear but gas as well.

Councilor Garcia thanked Chief Kitchen for getting the price down.

Councilor Ortega commended Chief Kitchen and Jack for working their hard on this.

**Motion carried 8/0.**

Mayor Lucero stated that she was concerned that State Fire Fund provided for improving buildings. Chief Kitchen answered yes. Mayor Lucero stated it was brought to her attention by Councilor Lewis that sleeping quarters were inadequate and needed to be looked into. Chief Kitchen agreed and stated he would look into it.

26. **Review and consideration of Fairview Drive Road Exchange Agreement with NMDOT(Paseo de Oñate to 300 feet west of State Road 68)**

Item deleted from agenda.

27. **Review and consideration of Joint Powers Agreement between City of Española and Cuatro Villas**

James stated that with this agreement the City would turn over a 12 inch water main. He stated that it was paid by Water Trust Board.

Councilor Ortega stepped out at 8:08 pm.

Councilor Seeds asked why we were turning over to them. Marvin stated it was of no use to the City. Councilor Seeds asked if we didn't get easements. Marvin stated there were easements but the service area was out of City Limits. Councilor Seeds stated he was confused still. James stated that Cuatro Villas was out of the City's service area.

Councilor Ortega returned at 8:09pm.

James stated that the City would still continue to service anything within City Limits. He stated that Cuatro Villas covered La Puebla, Cuarteles, Arroyo Seco and Sombrillo.

Marvin stated there was a master meter on State Road 76. He stated that Cuatro Villas did not have their own well.

**Councilor Valdez made motion to approve, seconded by Mayor Pro Tem Lujan.**

**Motion carried 8/0**

**W. EXECUTIVE SESSION**

Mayor Lucero stated that the Governing Body needed to go into Executive Session pursuant to NM Open Meetings Act part 10-15-1 sect 8 pertaining to Attorney -Client privilege, in regards to the Abbot Case and a Summons for NCSWA.

Councilor Seeds stepped out 8:12 pm.

Councilor Garcia made motion to enter Executive Session after a 5 minute break to allow KDCE to take down their equipment, seconded by Councilor Ortega.

Motion carried 7/0

Councilor Seeds returned at 8:15pm.

The Governing Body entered into Executive Session 8:17pm.

Mayor Lucero stated no action was taken in Executive Session.

**Councilor Valdez made motion to come out of Executive Session, seconded by Councilor Ortega.**

**Motion carried 8/0**

The Governing Body exited Executive Session at 8:50pm.

X. ANNOUNCEMENTS

There were no announcements.

Y. ADJOURNMENT

Councilor Valdez made motion to come out of Executive Session, seconded by Councilor Ortega.

Motion carried 8/0

Being no further business the meeting was adjourned at 8:50pm.

APPROVED AND ADOPTED THIS 20<sup>th</sup> DAY OF December, 2010



  
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Alice Lucero, Mayor

  
\_\_\_\_\_  
Tessa Jo Mascareñas, City Clerk