

*Summary minutes of:*

CITY COUNCIL MEETING  
Tuesday April 27, 2010, 6pm  
Public Safety Meeting Room  
1316 Calle Adelante, Española, NM

**Call to Order**

Mayor Lucero called the meeting to order at 6:02 pm 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

Interim City Manager: Heather Velasquez

Deputy City Clerk: Sally Baxter

City Attorney: Frank Coppler

Staff: Russell Naranjo, Planning Director; Ben Ortega, Public Works Director; Maria Sandoval, Community Services; Len Cata, Community Services Director; Ron Archuleta, Finance Department; Lupita de Herrera, Grants Administrator

Members of the Public: LeAnn DeCoeur, JR Trujillo, Philip Chacon, Laurie Koontz, Diana Quintana, Chris Roybal. Lori Rodriguez, Ken Cox, Mukhtiar Khalsa

Mayor Lucero requested that people turn off cell phones or put them on vibrate so they didn't have any interruptions during the meeting.

**Pledge of Allegiance and Moment of Meditation/Invocation**

Councilor Salazar led the Pledge of Allegiance; Councilor Kain-Salazar gave the Invocation.

**Roll Call/ Determination of Quorum**

Heather Velasquez read the names for the roll call. Mayor Lucero said there was a quorum.

**Approval of Agenda**

Agenda as presented

---Begin---

**Call to Order**

**Pledge of Allegiance and Moment of Meditation/ Invocation**

**Roll Call/ Determination of Quorum**

**Approval of Agenda**

**Public Comments**

**Councilor Comments**

**Matters from the Mayor**

1. Introduction of new employees
2. Employee of the Month
3. Presentation of Certificate of Appreciation to Leroy Archuleta for 19 years of service to the city

4. Presentation of Proclamation "Golden Apple Award" to LeAnn DeCoeur
5. Presentation of Proclamation "Telecommunications Week in the City of Española"
6. Appointment of Business Advisory Committee, JR Trujillo, Chair

**Public Hearing(s)**

7. An appeal by Mr. Philip Chacon of a decision by the Planning Commission to deny a request for an eight-space Mobile Home Park to be located at 611 Baker Lane

**Executive Session** In accordance with NMSA 1978 §10-15-1 H (3) "deliberations by a public body in connection with an administrative adjudicatory proceeding"

*The Governing Body will reconvene in open session to take action, if any, on the matter discussed in Executive Session*

**Consent Agenda**

8. Approval of minutes: 2-16-10 Workshop, 2-23-10 Regular Meeting, 3-22-10 Organizational Meeting, 4-12-10 Special Meeting

**Discussion/Action Item(s)**

9. Approval of two (2) DFA Resolutions: DFA Resolution 2010 R Geo-thermal Project at City Hall, and DFA Resolution 2010 Q Baseball Fields
10. Request by Community Services Director to fill open positions for "Learn to Swim" Lifeguards and Library personnel for "Summer Reading Program"
11. Ethics Board appointments
12. Discussion, and possible adoption, of Resolution 2010-13, "A Resolution Providing for the Appointment of a Joint City of Española/Rio Arriba County Representative to Serve on the Regional Development Corporation (RDC) Board of Directors"
13. Discussion, and possible approval, of Memorandum of Understanding between the City of Española, the Española Public School District, and Cuatro Villas Mutual Domestic Water Users Association

**Announcements**

**Adjournment**

*Consent Agenda – The Council will be asked to approve by one motion items of recurring or routine business.*

*At any time during the Open Meeting, the Governing Body, by a majority vote, may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. The Governing Body, by a majority vote, 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's Office at 747-6019 at least three days prior to the meeting.*

---End---

The Mayor said to move item #10 to after "Matters from the Mayor".

***Councilor Ortega made a motion to approve the agenda; Councilors Kain-Salazar and Salazar seconded. The motion carried 8/0.***

**Public Comments**

Mayor Lucero said this was for issues not on the agenda. There were no items.

**Councilor Comments**

Mayor Pro Tem Lujan said she wanted to thank the city staff and parents who prepared the baseball fields for the opening the previous Saturday. She said they looked fantastic.

Mayor Pro Tem Lujan said she, Public Works Director Ben Ortega and School Department personnel met with DOT (New Mexico Department of Transportation) personnel, and they had been amazed at the volume of traffic on McCurdy and driving habits.

Councilor Kain-Salazar said the fields were beautiful, and asked Len Cata, Community Services Director, to let Parks and Recreation personnel know.

Mayor Lucero said she wanted to echo those remarks and thanked staff.

Mayor Lucero said she wanted to recognize Alberta Honstein; she said Ms. Honstein had had the 10<sup>th</sup> anniversary [for the RHOC Express] on Saturday. The Mayor thanked school department staff for attending this city council meeting.

**Matters from the Mayor**

Item #1, Introduction of new employees

There were none.

Item #2, Employee of the Month

Mayor Lucero said the Employee of the Month, Coach Pancho Flores, was unable to attend as he was at a class; she asked Maria Sandoval and Len Cata to come forward.

Mr. Cata introduced Maria Sandoval; Ms. Sandoval said she knew the Coach would be excited and happy and this would be a surprise for him. She said when he had come in the program was dying, and now had over 35 competing at the state level and two at the national level. She said they had gone to Junior Olympics, had one female had made it. Ms. Sandoval said the Coach instilled incredible discipline in kids and was adamant about having them in practice.

Mayor Lucero read the Certificate of Appreciation. Mayor Lucero asked Ms. Sandoval to accept on the Coach's behalf; the Mayor said he would receive a \$50 check also.

Item #3, Presentation of Certificate of Appreciation to Leroy Archuleta for 19 years of service to the city

Mayor Lucero said Mr. Archuleta had retired a couple of months prior and asked Ben Ortega to speak on Mr. Archuleta's behalf.

Ben Ortega, Public Works Director, said Mr. Archuleta had been a great asset to the city, had been with the city twenty years, and would be missed. Mr. Ortega said the Public Works Department was actively pursuing what Mr. Archuleta would want them to, and he asked the audience to feel free to call upon the city. He said he would like to keep Mr. Archuleta's legacy alive. Mr. Ortega read a letter from Mr. Archuleta.

Mayor Lucero thanked Mr. Ortega and read the Certificate of Appreciation for Mr. Archuleta; she asked Mr. Ortega to present the certificate to Mr. Archuleta.

Item #4, Presentation of Proclamation "Golden Apple Award" to LeAnn DeCoeur

Mayor Lucero said Ms. DeCoeur was an elementary school teacher and asked her and the Superintendent of Schools, Ms. Archuleta, to come forward.

Mayor Lucero said she wanted to say this was to honor all teachers in the district, teaching was a special profession, and she wanted to present an official proclamation.

Mayor Lucero read the proclamation.

Mayor Lucero said she wanted to congratulate Ms. DeCoeur, and thanked the Superintendent of the Schools and Principal for being at the meeting.

Ms. DeCoeur thanked the Mayor. Mayor Lucero said the Governing Body was very proud of her.

Item #5, Presentation of Proclamation "Telecommunications Week in the City of Española"

Mayor Lucero said National Telecommunications Week had been a couple of weeks previously and the following week they had a major crisis in the city with phone lines down and staff used their cell phones and 911 service was performed by staff. She said she appreciated their hard work and dedication.

The Mayor asked Ralph Garcia and Petra Martinez to come forward and receive the proclamation; she asked Mayor Pro Tem Lujan to help present. The Mayor said the Mayor Pro Tem was the Chair of the Public Safety Committee and a member of the 911 Board for the city.

Mayor Pro Tem Lujan read the proclamation.

Mr. Garcia thanked Mayor Lucero and the members of the Council. He said the Director couldn't be at the meeting. He said staff members were pleased to serve and would continue to do so.

Mayor Lucero said she applauded their service; she said these were people rarely seen but always there.

**Item #6, Appointment of Business Advisory Committee, JR Trujillo, Chair**

Mayor Lucero said this was a new committee; the Mayor asked JR Trujillo to come forward and describe the committee.

Mr. Trujillo said it was very exciting to be a small business owner in Española; he said it could be very difficult but exciting. Mr. Trujillo said the Mayor knew it was important to reconnect and small business people didn't realize what they needed to do, where to go for answers, and every day was a challenge. He said he looked forward to driving the effort and creating jobs needed badly in the valley. He said small businesses hired youth, as young as 14 with parents and Department of Labor signoffs. He said it was exciting and he was working hard to bring the pieces together. He said he and Mayor Lucero had met with the pueblos, the energy level was high, and people wanted to see exciting things happen in Española.

Mr. Trujillo said this committee might change, and he looked forward to working with Councilor Garcia, and other Councilors, Planning and Zoning staff, and Russell Naranjo to make the business environment more friendly, robust, and to create GRT (Gross Receipt Taxes).

Councilor Valdez said it was good to have him on board.

Mayor Lucero thanked him, said she wanted to appoint him Chair, and he was intelligent and had good ideas to create jobs.

The Mayor said she wanted to appoint committee members:

JR Trujillo, Chairman  
John Lucero  
Dale Livermore  
Leonard Palillo  
Lawrence Peña  
Kelley Cook  
Chris Madrid  
David Shultz  
Steve Gonzales  
Ed Burkle

The Mayor said she had other businesses she wanted to include but didn't have representatives. The Mayor said the Council liaison would be Councilor Garcia.

***Councilor Valdez made a motion to approve the appointments, seconded by Councilor Salazar.***

Mayor Lucero thanked Mr. Trujillo for agreeing to serve as chair. Councilor Seeds thanked Mr. Trujillo; Councilor Seeds said one thing Mr. Trujillo had mentioned was that the city needed to be business friendly and he agreed and in the past had urged staff to be business friendly. He said he hoped staff would work on that. He said the city needed to be more business friendly so people would spend more here.

Mayor Lucero said the intent of the committee was to look at ordinances to be business friendly.

***The motion carried 8/0.***

**Discussion/Action Item(s)**

Item #10, Request by Community Services Director to fill open positions for “Learn to Swim” Lifeguards and Library personnel for “Summer Reading Program”

Mayor Lucero said the Council members had sheets that described the positions and how they affected the budget.

Len Cata, Community Services Director, thanked the members of the Governing Body for their kind comments regarding the fields. He said he would convey the remarks to staff, coaches, families and parents. He said it was good to hear positive comments and he had received numerous calls and people had noticed they were making a difference. He thanked Mr. Ortega and the Public Works Department and said it was a group effort and he liked to hear positive feedback.

Mayor Lucero said she appreciated the community effort.

Mr. Cata said looking to the cost of the Learn to Swim program, it included the opening of the Ranchitos pool for the summer months, and he was looking to open in May for weekends and full time June to mid August, depending on having lifeguards, and it would be an ideal situation if it could stay open through August. He said he was looking to hire 6 part-time staff members at \$8.50/hr, \$2,550 for one, \$15,300 for all. He said this year he had the chemicals and uniforms covered.

Councilor Kain-Salazar asked if was six hours per day, what the hours were; Mr. Cata said 10am to 6pm. Councilor Kain-Salazar asked how he would fill in the hours; Mr. Cata said the lifeguards he wanted to hire would work with current staff. Mr. Cata said he was expecting a big summer.

Councilor Seeds said he was impressed the salary was comparable to Pojoaque.

Mayor Lucero asked Mr. Cata if he was requesting an additional \$15,000; Mr. Cata said no, it was budgeted, and he had positions that hadn't been filled. He said Ms. Sandoval was at only 50% of her salary line item and this would not increase the budget.

Councilor Seeds asked if he would put the schedule in the paper; Mr. Cata said yes, radio and paper, and he was expecting a big summer.

Councilor Seeds asked if the pool could stay open until 8:00pm two nights a week; Mr. Cata said yes, depending on the staff hired that was a goal.

Councilor Garcia asked Mr. Cata how much the charge was for kids, and what the age group was. Mr. Cata said the age was 3 to 18 yrs old, and the cost was \$35 for one session which equaled 6 lessons. Mayor Pro Tem Lujan said she was glad to see this was executed, youth enjoyed swimming, and she couldn't say enough.

***Mayor Pro Tem Lujan made a motion approve the request; Councilor Kain-Salazar seconded the motion. The motion carried 8/0.***

Mr. Cata said he was requesting to fill two positions at the library which were currently vacant, looking to reclassify the positions, and referred to a handout from Teddie Riehl, Library Director. He said the library had a summer reading program, Ms. Riehl had three employees and had had five and one retired and one had resigned so the library was short staffed. Mr. Cata said the request did not increase the budget in any way. He said Ms. Riehl had additional salary savings, and was looking to reclassify and get started as quickly as possible for the reading program.

Councilor Valdez said this would probably be ongoing with respect to the budget and should have gone to the Finance Committee. Mayor Lucero said these were positions currently budgeted but not filled. Councilor Valdez said they would be recurring for next year.

Councilor Seeds asked how long the library hadn't been fully staffed; Ms. Riehl said since November 2009. She said she had been able to get staff to supplement and had community service people but they were not trained in shelving

Councilor Seeds asked how many children the program would have; Ms. Riehl said one hundred and she was anticipating fifty youth and planned to advertise to the High School and Middle School. Councilor Seeds asked what the timeframe was and said he would like to help but wouldn't want to take away the positions with the new budget. Councilor Seeds asked when Ms. Riehl needed to know if the positions could be filled and have the people on board; Mr. Cata said a concern on his part was whether this would get approved and they did have the option of bringing these in on a temporary basis and reevaluating when the new budget was done. He said the library had lot of visitors, four to five thousand per month, and a lot of activity.

Councilor Seeds said he knew the Governing Body didn't want to keep people away, and temporary employees would work until they finalized the budget. Mr. Cata said temporary employees wouldn't affect the budget.

Councilor Valdez said this should still go to the Finance Committee; he asked when the next meeting was; Councilor Garcia said the week of May 10<sup>th</sup>.

Councilor Valdez asked if they could hold off; Ms. Riehl said that would be cutting it short and she would like to have someone by the 24<sup>th</sup> of May. She said they needed to order supplies and couldn't continue the program without staff. Councilor Valdez said maybe it could be the first item on the 10<sup>th</sup>.

Councilor Seeds said they had said they had enough for this fiscal year, had stipulated it would be temporary, and the fiscal year would start July 1<sup>st</sup> and the reading program finalized in August then they would go back to the staff they currently had. Councilor Valdez said this might make it a habit that other departments did the same thing and they would have to deal with this at the next Council meeting and he would rather see it on the 10<sup>th</sup>.

Councilor Garcia said it was imperative have as many kids as they could in the program, kids needed activities, and \$5,000 was nothing to get kids off the streets, and it was an investment in the community and the kids. Mayor Pro Tem Lujan said she supported this for a temporary basis.

Councilor Ortega said he thought the cost savings this department had seen with two vacancies covered the amount of money they were looking at, they had made a lot of promises that they would have programs for young folks, and especially reading and activities at the library. He said with a temporary basis he hoped they could continue beyond, and it was not very much money to ask for regarding the activities.

***Councilor Salazar made a motion, on a temporary basis, to reclassify the positions as described in the handout, through the end of the fiscal year.***

Mayor Lucero said program extended into August and asked if the motion was limited to the fiscal year.

***Councilor Salazar amended the motion for the duration of the program. Councilor Kain-Salazar seconded the motion.***

Councilor Seeds said he agreed because of the timeframe but didn't encourage it to continue as protocol, and agreed this type of thing would go to the Finance Committee. He said this was an exception. Mayor Lucero said this should have gone to the Finance Committee and cautioned the department heads to take requests to the committees.

Councilor Valdez said they should always remember the budget was just a budget and they were concerned with actual amounts.

*The motion carried 8/0.*

**Public Hearing(s)**

Item #7, An appeal by Mr. Philip Chacon of a decision by the Planning Commission to deny a request for an eight-space Mobile Home Park to be located at 611 Baker Lane.

Mayor Lucero described the process. She said prior to opening the public hearing she would ask Russell Naranjo, Planning Director, to give the facts, and then people could comment on behalf and against. The Mayor asked for a show of hands in favor of the appeal and said she saw two. The Mayor asked for a show of hands opposed, there were more than a dozen, and asked them to appoint three spokespersons and limit comments to three minutes. She said Mr. Chacon could present his case first.

Mr. Naranjo said this case was very interesting and complicated. He said the Council was being asked to decide if an individual could have a request with respect to public opinion. He said the packet had been delivered to members of the Governing Body, and it included the staff report, the proposed plan for the development, zoning requirements, the manufactured housing act, DRT (Design Review Team) minutes, three sets of Planning Commission minutes, a petition, and aerial photography.

Mr. Naranjo said Mr. Chacon was proposing an eight space mobile home park, and if it was approved the access from Baker would be abandoned with 1 acre off Baker and 5 acres accessed off McCurdy. He said in accord with the ordinance, regarding mobile home regulations, it shall be reviewed for approval, conditional approval, or denial. He said this would apply to properties with three or more mobile homes on the same lot. He said Ordinance 313 was adopted 1976, and the current ordinance based on the development code, and adopted in 2003 had not repealed 313; he said it didn't address mobile home parks so the mobile home regulations in 313 were referred to for guidance and referred to in this decision by staff.

Mr. Naranjo said the city did have a comprehensive plan adopted in 2005, and it had been created as a roadmap for how properties should be developed. He said the correlation between the 2005 comprehensive plan and the 1976 ordinance required a legal opinion. He said at the Planning Commission meeting in March, and the minutes were attached, the memorandums from department heads regarding concerns presented in the DRT had been discussed and the impact of eight [mobile homes] would not be significant. He said that was the synopsis and the decision of the Planning Commission was to deny the request.

*Mayor Lucero opened the Public Hearing at 6:57pm.*

The Mayor called on Mr. Chacon to speak first and said to limit himself to 3 to 5 minutes.

Mr. Chacon said his decision to appeal was because he did not feel there was a basis to deny. He said he felt the city needed to have more of a business oriented position and fill vacant land. He said everyone passed through Española and the city was not getting tax and infrastructure. He said it was hard to push things to get developed in the city and people felt \$300,000 homes should be put up. He said he felt this sent a message that people in mobile homes were not good enough to live in the city. He said he was filling all requirements, staff had approved and the Planning Commission had denied due to input. He said looking at his plans he could create 6,500 [square foot] lots, do a lot split, and put in any age home. He said he was going beyond the standards the city had set.

Mr. Chacon asked the Govern Body to look at the code and the basis for denial. He said he had a "plan B" and could open Baker to McCurdy, the ball was in his court, and he felt eight was not a big impact. Mr. Chacon said Española needed to be a city that was more development friendly. He said staff was helpful but he wanted to know why his request got denied when he had done his due diligence. He said he did everything he had to do in the development code.

Mr. Chacon said there was one person who would bring up another property, Councilor Valdez had had to go out in the night, but as a landowner he had gotten [utility] locates to the meter. He said [the incident] happened [because] the property purchased was a foreclosure so there was no easement on record and nothing showed [another property's] gas line went through his property. He said he hit their gas line on his property and brought the neighbor's house up to code. He said the cost for the neighbor would have been up to \$1,000 and he got it done being a good neighbor. He said it was up to him to get a locate [for utilities] up to the meter, and it was up to the gas company. He said he had had no clue there was a gas line on his property and he didn't [cut the line] on purpose.

Mayor Lucero said he was at five and a half minutes. She asked if there was anyone in favor to speak; no one wished to speak on behalf of the appeal.

Mayor Lucero asked three spokespersons [opposing the appeal] to come forward

Laurie Koontz, Planning Commissioner, asked to speak; she said she wanted to give information as a neutral party.

Mayor Lucero asked City Attorney Frank Coppler; Mr. Coppler said it was permissible.

Ms. Koontz gave a flow chart to the members of the Governing Body. She said she was a Planning Commissioner, had spoken with Habitat for Humanity, said it was potential depending on the outcome, that Mr. Chacon could build site-built houses with grants and low income housing projects.

Diana Quintana, a member of the public, spoke. Ms. Quintana thanked Mr. Naranjo and Mr. Chacon. She said [people opposing approval of the appeal] were at the meeting because they were a community who believed how growth should develop. She said the opinion of some property [owners was that they] shouldn't be told how to develop but when people lived in a municipality, they had to develop with respect to the municipality. He said [the opposing] position was that the city had a comprehensive plan and in her conversations with the author of the comprehensive plan, he had said what was in the comprehensive plan and their understanding were the same.

Ms. Quintana said the author said mobile homes had a negative impact, community sentiment was to oversupply mobile homes, and how they were maintained, decreased property values in some neighborhoods. She said they took into account the impact utilities and traffic. She said Mr. Chacon had proposed to do the park in phases and staff had said the development code had not been updated twenty years and this wasn't an excuse. She said the development code and comprehensive plan said to have the code up to date. She said [Mr. Naranjo] was the third Planning Director and the work was not done. She said she was concerned about property values and property was important in a portfolio.

Ms. Quintana said the Councilors in their campaigns had said what was important was what was right and [updating the code] was important to Española. She said the [comprehensive] plan had been unanimously adopted in 2005, they had believed in it then, and if those not there [when it was adopted] were not familiar with the plan, adoption had made it law.

Chris Roybal, a member of the public, spoke. He said he was a resident of North McCurdy Road. He said he was there to speak against the appeal and there were many reasons why he felt this development should not go forward. He said Española had approximately 10 mobile home parks at 50% capacity so the reasoning that people needed a place to live was not there. He said there were available spaces throughout the community. He said residents and property owners had the right to do what they wanted but within the confines of the law. He said the city had an ordinance in 1976, a revision in 2003, and the comprehensive plan had been unanimously voted on in 2005. He said in the 50s, 60s, 70s and 80s, the Governing

Body saw potential, there was major development in the city, and there were no mobile homes. He said today they said no mobile homes in Valley Estates, and the fact was the Governing Body of then saw the big picture and what it was creating now by special exception was problems for the city.

Mr. Roybal said he wanted to ask how it was taxing people in Española for the creation of such mobile home parks. He said were at capacity at the waste water treatment plant, solid waste, and Police Department. He said Mr. Chacon had said eight residents wouldn't make an impact but his [Mr. Roybal's] opinion was that it would. He said he had read in the newspaper that there were properties in foreclosure. He said if this Governing Body approved the construction of this development, what they would be doing was bailing them out, and if they bailed one person out he would ask to be next. He said he had six acres he would love to develop. He said they should consider what this would do to the neighbors and entire city. He asked the Councilors to please vote their consciences and vote against [the appeal].

Lori Rodriguez, a member of the public, spoke. She said the property was attached to her property and she had presented pictures and they had been entered in as exhibits [at the Planning Commission meeting March 11, 2010].

Ms. Rodriguez said there was a property, her in-laws had owned it and lost it, and Mr. Chacon had gotten it split and had put dilapidated horrible mobile homes there. She said her sister in-law's line was cut and she was four days without water and gas. Ms. Rodriguez said she greatly opposed this type of action and she didn't want her property values affected by bad decisions. She said she had a 1978 Solitare, well maintained, on property she owned, and had a Palm Harbor well maintained on her property. She said she had nothing against mobile homes, but was against substandard ruining her property values. She said her in-laws having lost property didn't affect how she felt.

Ms. Rodriguez said the community needed real affordable housing, and she was opposed because of Mr. Chacon not doing his due diligence. She said he claimed he brought it to code. She said what she wanted was reasonable, affordable housing in her neighborhood. She showed pictures presented at the Planning Commission meeting. She said if Mr. Chacon said he wouldn't put in less than 1990 [referring to manufacturing date of mobile homes], that was not true. She said her children stood on McCurdy Road to catch the [school] bus, it was narrow, she needed to protect her children, and she didn't want more traffic on McCurdy.

Ken Cox, a member of the public, spoke. He said he lived in Chacoma Vista and his concern was where [the city] was going with development. He said there had been a meeting [at the Public Safety Meeting Room] the previous month, the valley was beautiful, and he hoped [the city] could keep it. He said he didn't realize there were that many members on the Council [now]. He said they had had the vision and foresight to develop the comprehensive plan. He said this project was eight trailers and Mr. Chacon had said he would expand and wanted forty. He said he had problems with how this project had been looked at with codes that went along with this project.

Mr. Cox said people were given a copy of the codes at the Planning Commission meeting, one provision automatically denied this project, and the Planning Board had said that provision was unconstitutional. He said he had asked the Board what else was unconstitutional and they didn't know. He said they had just picked certain things out. He said he wanted to remind [the City Council] that the Planning Commission did deny [the request] and he hoped the Governing Body had the foresight to move forward rather than back.

***Mayor Lucero closed the Public Hearing at 7:25pm.***

The Mayor called for a motion to enter Executive Session.

***Councilor Ortega made a motion go into Executive Session; Mayor Pro Tem Lujan seconded the motion. A roll call vote was taken and the motion carried 8/0.***

Mayor Lucero said the meeting would reconvene in open session to take action, if any.

The meeting entered Executive Session at 7:27pm.

***Councilor Garcia made a motion to exit Executive Session, seconded by Councilor Kain-Salazar. A roll call vote was taken and the motion carried 8/0.***

The meeting exited Executive Session at 8:14pm.

The matters discussed in the Executive Session were limited to those described in the motion to enter Executive Session.

Mayor Lucero said she wanted the record to show no action had been taken in Executive Session. The Mayor said they had discussed issues related to the Public Hearing. She said some items were missing and she would like the comprehensive plan and photos included in the public record.

***Councilor Ortega made a motion to include the comprehensive plan and photo, seconded by Councilor Kain-Salazar. The motion carried 8/0.***

***Councilor Salazar made a motion to clarify that the comprehensive plan was created in 2003 and approved by the Governing Body in 2005.***

Mayor Lucero said it had been adopted in 2005.

***Councilor Valdez seconded the motion. The motion carried 8/0.***

***Councilor Garcia made a motion to deny the appeal and uphold the Planning and Zoning decision; Councilor Kain-Salazar seconded the motion.***

***A roll call vote was taken:***

***Councilor Lewis voted for the motion. He said for the record he did make statements prior to this meeting but had come here with an open mind.***

***Councilor Ortega voted for the motion.***

***Councilor Garcia voted for the motion.***

***Mayor Pro Tem Lujan voted for the motion. She said she wanted to clarify her voting position; she said she had taken a position and made a statement regarding the project but had come with an open mind and had reviewed the materials.***

***Councilor Salazar voted for the motion.***

***Councilor Kain-Salazar voted for the motion.***

***Councilor Valdez voted against the motion.***

***Councilor Seeds voted for the motion. He said he wanted to clarify his vote. He said he had signed a petition against but had come here with an open mind, had attended a Planning and Zoning meeting to listen to the facts, and stood with the motion.***

Mayor Lucero said the motion passed 7/1 so the appeal was thereby denied.

Councilor Seeds asked City Attorney Frank Coppler if anything else needed; Mr. Coppler said because this was quasi-judicial the procedure was to direct him by

motion to prepare findings of fact that would support the decision. He said it would have to be adopted at the next meeting.

***Councilor Seeds made a motion to direct Mr. Coppler to prepare a finding of fact and conclusion of law, seconded by Mayor Pro Tem Lujan. The motion carried 8/0.***

Mayor Lucero thanked Mr. Coppler.

### **Consent Agenda**

Item #8, Approval of minutes: 2-16-10 Workshop, 2-23-10 Regular Meeting, 3-22-10 Organizational Meeting, 4-12-10 Special Meeting

***Councilor Valdez made a motion to approve; Councilor Salazar second the motion. The motion carried 8/0.***

### **Discussion/Action Item(s)**

Item #9, Approval of two (2) DFA Resolutions: DFA Resolution 2010 R Geo-thermal Project at City Hall, and DFA Resolution 2010 Q Baseball Fields

Mayor Lucero said these needed to be adopted to receive and expend grant monies.

***Councilor Kain-Salazar made a motion to approve the resolutions, seconded by Councilor Salazar.***

Ron Archuleta, Finance Department, said Lupita de Herrera, Grants Administrator, was present if there were any questions. He said he was asking to increase the budget to correct for the correct amount for the baseball fields grant to account for expending the grant and this would not affect the general fund. He said the next resolution was a Finance Department request to account for the grant for the geo-thermal heating and cooling grant.

Mayor Lucero said as Mr. Archuleta had stated these would not affect the budget.

Councilor Valdez asked if it was correct that the city had to put up monies then get reimbursed; Mr. Archuleta said that was correct and he would make sure it was done correctly in the future.

***The motion carried 8/0.***

Item #11, Ethics Board appointments

Mayor Lucero said when a hearing was convened, not all of the appointees had to be called, they were not always available, and she wanted a large group to call from. She said she didn't know if the Councilors were prepared but the item was here for discussion.

Councilor Kain-Salazar asked if someone had to live in the city limits to be appointed; the Mayor said she would have to review that.

Mayor Lucero directed the City Clerk to put this item on the next agenda.

Mayor Pro Tem Lujan asked by when this was needed; Mayor Lucero said the next work-session for the next meeting.

Councilor Seeds asked when they would know regarding living in the city limits; Mayor Lucero said it would be in the packets.

Item #12, Discussion, and possible adoption, of Resolution 2010-13, "A Resolution Providing for the Appointment of a Joint City of Española/Rio Arriba County Representative to Serve on the Regional Development Corporation (RDC) Board of Directors"

Mayor Lucero said at the previous workshop this had been discussed. She said her recommendation was Wayne Sowell. She said Councilor Valdez had asked that this be on this agenda.

***Councilor Valdez made a motion to approve Resolution 2010-13, seconded by Councilor seeds. The motion carried 8/0.***

Item #13, Discussion, and possible approval, of Memorandum of Understanding between the City of Española, the Española Public School District, and Cuatro Villas Mutual Domestic Water Users Association

Mayor Lucero said she and the attorney had reviewed this, the second page had some items crossed out and underscored and they were additions. She said the cross-outs were items being removed from the MOU (Memorandum of Understanding).

Mayor Lucero said for the record, the changes were a couple of paragraphs. The Mayor read the changes; Mukhtiar Khalsa indicated [by a head nod] he agreed to the changes.

Mayor Lucero said this MOU was extremely important and was the first time in the City of Española that had the city, the public schools and a domestic water association to collectively take part in a project to provide water to citizens, this time for a school. She said it was a happy day and was in the best interest of the city.

***Mayor Pro Tem Lujan and Councilor Valdez made a motion to approve the MOU, seconded Councilor Salazar.***

Councilor Valdez said there were some items that would be brought up in the Public Works Committee. Mayor Lucero said this was the first step and there was a Joint Powers Agreement to go before the Public Works Committee. The Mayor thanked everyone who had participated in this matter.

***The motion carried 8/0.***

Mayor Lucero thanked Mr. Khalsa for being at the meeting, and asked if he'd like to make any comments; Mr. Khalsa said he wanted to congratulate the Governing Body. He said this was a positive step forward. He said county and state agencies were in support and the school district expansive in its praise. He said all received monies for the public, this was a great day, and he was looking forward to more cooperation. He thanked Mayor Lucero and Mr. Ortega, and said it was very rewarding for all.

Mayor Lucero said Mr. Khalsa was the President of the Board of Directors.

Mayor Lucero thanked the Councilors.

#### **Announcements**

There were no announcements.

#### **Executive Session**

City Attorney Frank Coppler said the Executive Session was to discuss pending or threatened litigation in accordance with section 10-15-1 H 7.

***Councilor Kain-Salazar made a motion to enter Executive Session, seconded by Councilors Ortega and Valdez.***

Mr. Coppler said the Executive Session was to address the *Rio Grande Sun* lawsuit.

***A roll call vote was taken and the motion carried 8/0.***

The meeting entered Executive Session at 8:39pm.

***Councilor Kain-Salazar made a motion to exit Executive Session, seconded by Mayor Pro Tem Lujan. A roll call vote was taken and the motion carried 8/0.***

The meeting exited Executive Session at 9:14pm.

The matters discussed in the Executive Session were limited to those described in the motion to enter Executive Session.

*Councilor Kain-Salazar made a motion to adjourn.*

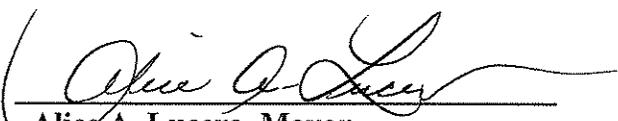
*Councilor Valdez made a motion to authorize staff pursuant to the discussions to settle the lawsuit with the Rio Grande Sun. Councilor Seeds seconded the motion. The motion carried 8/0.*

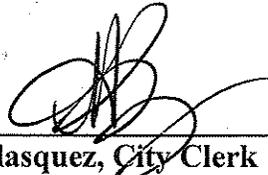
There being no other business, the meeting adjourned at 9:17pm.

*Minutes taken and transcribed by Sally Baxter  
Deputy City Clerk/ Public Information Officer*

APPROVED AND ADOPTED THIS 25<sup>TH</sup> DAY OF May, 2010



  
\_\_\_\_\_  
Alice A. Lucero, Mayor

  
\_\_\_\_\_  
Heather Velasquez, City Clerk