



CITY COUNCIL MEETING
TUESDAY, JUNE 28, 2011 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 approximately 6:01pm with the following in attendance:

Mayor: Alice Lucero
Councilors: Cory Lewis
Rosario (Chayo) Garcia
Dennis Tim Salazar
Helen Kain-Salazar
Pedro Valdez
Robert Seeds

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilor Salazar.

C. MOMENT OF MEDITATION/ INVOCATION

The Moment of Mediation was led by Councilor Kain-Salazar.

D. ROLL CALL/ DETERMINATION OF QUORUM

E. APPROVAL OF AGENDA

MAYOR LUCERO PRESENTED THE AGENDA FOR APPROVAL.

- 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. Certificate of Appreciation- Daniel Garcia, Fundraiser for Relay for Life
 - 2. Introduction of Jr. Police Cadets
 - 3. Appointment of Lodger's Tax Board Member
 - 4. Appointment of Northern New Mexico Citizen's Advisory Board
 - 5. Appointment of E-911 Board Member
 - 6. Employee of the Month- Ron Padilla, Española Fire Department
 - 7. Open Burning Moratorium
 - 8. Summer Program Report- Drug Summit Implementation Team
- I. PUBLIC HEARINGS
 - 9. ORDINANCE 2011-03: Establishing the City of Española Social Host Ordinance

- J. **BUSINESS WITH VISITORS**
 - 10. Presentation by Christine Bustos, 25th Anniversary of the Wildlife Center
 - 11. Presentation from Denny Hjeresen, Los Alamos National Laboratory regarding LANL's "Open Detonation Environment Permit"
- K. **CONSENT AGENDA**
 - 12. Approval of Minutes
 - a. March 21, 2011 City Council Workshop/Finance Board Meeting Minutes
 - b. May 24, 2011 City Council Meeting Minutes
 - c. **RESOLUTION 2011-07:** Amending Resolution 2010-19; Resolution to accept New Mexico Department of Transportation Co-op Award in the amount which consists of State Award \$54,013.00 (75%), with a local match of \$18,004.00 (25%) for the maintenance of various local streets.
 - d. **RESOLUTION 2011-08:** Open Meetings Resolution
- L. **REPORTS**
 - 13. **Council Committees** (Public Safety, Public Works, Community Services, Finance)
 - 14. **Council Appointed Liaison** (NCSWA, NCRD, E911, Hands Across Cultures, Fiesta Council, Regional Development Corporation)
 - 15. **City Manager (Finance Report and Staff Reports)**
- M. **ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS**
 - 1. Request from Diego Lopez and Bajito Productions for Use of Stroke Center Offices
 - 2. Mining Lease
 - 3. AFSCME Local 923 Contract, Española Police Officers
- N. **EXECUTIVE SESSION**

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (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.
- O. **ANNOUNCEMENTS**
- P. **ADJOURNMENT**

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

City Manager Lujan asked for the deletion of Item 3: Appointment of Lodger's Tax Board Member. In addition, he asked for the deletion of Item 11 and stated that the LANL employees were unable to appear at the meeting as a result of the Las Conchas Fire.

Councilor Seeds requested that the Land Swap issue be discussed in the public meeting. Mayor Lucero asked City Manager Lujan to provide an update during his report.

City Manager Lujan asked for a change to Item 15. Instead of a typical Resolution, this particular resolution needed to be provided to DFA and numbered 2011-17.

Motion made by Councilor Garcia to approve the agenda as amended; seconded by Councilor Salazar.

Motion carried 6-0.

F. PUBLIC COMMENTS

None.

G. COUNCILOR COMMENTS

Councilor Garcia stated that she was pleased to introduce the Reina and Fiesta Court for the 2011 Fiestas and asked Mr. Manny Martinez to present the court and to provide an update of the council efforts to the Governing Body.

Mr. Martinez declared that the council was prepared with few activities pending. He stated that there had been a wonderful mariachi concert the prior Saturday and the court was ready to go to Las Vegas that weekend. Mr. Martinez introduced the 2011 Española Fiesta Reina as Ms. Candace Valdez. Ms. Valdez presented her speech to the council in Spanish and English during which she thanked the council and public and introduced her court. Mayor Lucero commented on the beauty and positive representation of the court. Ms. Judy Martinez, Fiesta Council Treasurer, presented the speech on behalf of the 2011 Española Fiesta Juan de Oñate Mr. Tomas Garcia, who was out due to an illness. Ms. Martinez presented the speech in Spanish and English and introduced Onate's Court for the 2011 Fiestas.

Mr. Manny Martinez introduced the other members of the fiesta council. He stated in spite of the Las Conchas Fire, they will ensure that the fiestas bring fun and enjoyment to the community and neighboring communities. Mr. Martinez presented the Governing Body, City Manager, City Attorney, City Clerk, and Deputy City Clerk with invitations to the pre-fiesta party. He noted that the event center they were scheduled to use was being utilized to shelter the evacuees from Los Alamos. He reminded the Council that there was only a week before the main events were scheduled to begin.

Councilor Garcia thanked everyone who had been involved. Mr. Martinez thanked the City Hall staff.

Councilor Salazar stated that everyone is aware of the situation in Los Alamos and expressed his pride upon seeing the aid that the Española Valley and surrounding communities had offered. He asked that everyone pray for rain and for those affected by the fire.

Councilor Seeds stated that he would like to address the agenda. He stated that he hoped that the city could create a register for those who are staying shelters. Mayor Lucero informed Councilor Seeds of the Emergency Operations Center who had relayed the message that they would call when they needed services. Mayor Lucero mentioned that the nursing home had received 30 patients and she and her husband had delivered pillows the night before. However, she stated that they would need more water.

City Manager Lujan stated that a location to house animals and facility-use had been offered. Mayor Lucero commended Interim Fire Chief Ron Padilla and explained that they had spoken Sunday and everything had already been taken care of. Mayor Lucero stated that she had spoken with Governor Martinez and offered to help as needed. She added that the Lucero Center could not be offered as a shelter until the Red Cross authorized it because they have cots and other necessary items. However, those taking shelter had been offered use of the pools, library, and recreation center.

H. MATTERS FROM THE MAYOR

1. Certificate of Appreciation- Daniel Garcia, Fundraiser for Relay for Life

Mayor Lucero explained that Daniel Garcia had been raising money for Relay for Life by standing outside of Zia Credit Union with a purple toilet, in which people would place their donations. She stated that his parents are Ms. Sylvia Bustos and Mr. James Salazar and there had been some people who had donated and given Daniel Garcia money for himself. However, Mr. Garcia would then place that money into the toilet- adding to the donation. Mayor Lucero asked Mr. Garcia to tell the Governing Body how old he is. Mr. Garcia stated that he was 4 years old and that Relay for Life was for the Cancer Society. He asked for help to raise money for the American Cancer Society to fight cancer. Mayor Lucero read the certificate. Mr. Garcia asked the members of the Governing Body for a donation to the American Cancer Society. Mayor Lucero stated that donations were welcomed from everyone in the audience.

Ms. Yvonne Trujillo stated that Mr. Garcia had raised \$300 by himself and had walked the entire track all night long during the event. She announced that they had raised \$21,300 since January 1, 2011 and would be taking donations until August 1st.

2. Introduction of Jr. Police Cadets

Chief Leo Montoya introduced the Police Cadets.

Mayor Lucero thanked the cadets for their participation. She explained that Ms. Lynette Baca had approached Chief Montoya to begin the program. She stated that she was interested in becoming a crime scene investigator. Mayor Lucero thanked Chief Montoya for getting uniforms for the cadets.

3. Appointment of Northern New Mexico Citizen's Advisory Board

Mayor Lucero stated that she would like to appoint Mr. Diego Guillen and Mr. Arthur Mascarenas, retirees from LANL, to the Northern New Mexico Citizen's Advisory Board. She explained that the Department of Energy put this board in place in order to get information on initiatives from LANL.

Motion by Councilor Seeds to ratify the appointments; seconded by Councilor Kain-Salazar.

Motion carried 6-0.

4. Appointment of E-911 Board Member

Mayor explained that this was a formality as one position on the board shall always be filled by the Police Chief. However, this would make it official for this specific Chief.

Motion by Councilor Salazar to ratify the appointment; seconded by Councilor Valdez.

Councilor Seeds asked about the entities involved. City Manager Lujan stated that this involved Rio Arriba County and the City of Española.

Motion carried 6-0.

5. Employee of the Month- Ron Padilla, Española Fire Department

Mayor Lucero stated that Interim Fire Chief Ron Padilla had been willing to take on additional responsibilities and had been effective in his position. She added that the members of the Fire Department respect him and he has done an excellent job. City Manager Lujan commended Interim Fire Chief Padilla and stated that he had brought a lot of respect to the department.

Mayor Lucero presented Interim Fire Chief Padilla with a certificate and a \$50 check.

Interim Fire Chief Padilla thanked the council and his staff. He stated that he would like to donate the \$50 check to the fiesta council.

Councilor Salazar thanked him for his work. Councilor Kain-Salazar added that any time she has needed Chief Padilla, he had always been professional and willing to help. She stated that he always returns calls. Councilor Garcia thanked Chief Padilla on behalf of the fiesta council.

Mayor Lucero mentioned that a few months prior, Chief Padilla had come to her office and asked to adopt an open burning moratorium.

6. Open Burning Moratorium

Councilor Seeds exited at 6:42 p.m.

Mayor Lucero stated that she, in conjunction with the Interim Fire Chief, had ordered a moratorium on open flame, which would include cigarettes and fireworks. Mayor Lucero urged the public to not purchase fireworks and reiterated that the use is banned. She explained that the sale of fireworks cannot be banned. In addition, she encouraged the public to attend organized fireworks displays at several different locations, such as: Ohkay Casino, Camel Rock Casino, Santa Fe High School, and Balloon Fiesta Park.

Mayor Lucero implored the public to be responsible and take care of the city.

Councilor Seeds re-entered at 6:46pm.

Interim Fire Chief Padilla stated that the Fire Department had been receiving 12-18 calls per evening regarding the use of fireworks. In addition, the public has called to inquire as to why fireworks had not been banned. He stated that there were four (4) citations issued the prior evening.

Councilor Seeds asked about the smoking provision of moratorium for clarification to the public. Interim Fire Chief Padilla cited an incident at Wal-mart where people were smoking and threw a cigarette down on wood chips causing them to ignite.

7. Summer Program Report- Drug Summit Implementation Team

Mayor Lucero read a list of programs throughout the area and stated that schedules would be available at the City Clerk's office.

I. PUBLIC HEARINGS

8. ORDINANCE 2011-03: Establishing the City of Española Social Host Ordinance

City Attorney Coppler stated that he had redrafted the ordinance and the only major change had to do with public property. He explained that it had also been brought to his attention that some parties occur at a park or spill out to the street. He stated that the effect was expanded to cover those situations where the social host holds a party that begins on private property and goes into public property. He stated that his additions provide a method for the City of Española to regulate the social host. City Attorney Coppler clarified that he did not add in criminal liability because after studying the statutes, he found there is existing criminal law in place.

Mayor Lucero stated that this Ordinance is one of the initiatives of the Drug Summit Implementation Team.

Mayor Lucero opened the public hearing at 6:55 p.m.

Mr. Diego Lopez stated that he is an employee of Hands Across Cultures and a member of the La Vision del Valle Advisory Council. He stated it is important to change the social and cultural norms and this would be a good step forward. Mayor Lucero thanked Mr. Lopez for his comments.

Mr. Joshua Martinez from RA County DWI program stated that they are in favor of the ordinance and there is a big problem in the Valley and surrounding communities. He stated that the approval of this ordinance would be a big step forward for the City and added that the City of Santa Fe has approved it.

Mayor Lucero asked if there was anyone else in attendance wishing to comment. With no response, she closed the hearing at approximately 6:59 p.m.

Motion by Councilor Salazar to approve the Social Host Ordinance; seconded by Councilor Kain-Salazar.

Councilor Salazar stated that he believed this to be an excellent ordinance.

Councilor Valdez stated that he had a few questions regarding possible taxation of the landowners. He stated that he had noticed that the landowner would be the one held responsible for whatever costs were associated with the violation of this Ordinance. Councilor Valdez said that he thought that it could have been written to hold the youth, family or parents responsible as opposed to the landowner. He explained that he could anticipate instances where there were renters, but the landowner would be required to pay the bill and added that he understood that the intent of the Ordinance was to make someone responsible but it should not be owner of the property. He declared that if the Ordinance had been written in a different way, he would have supported it. Mayor Lucero asked if Councilor Valdez had any specific changes.

Mayor Lucero explained that for the first offense, there would be a warning issued and a cost would be assessed only upon the return of the officers. City Attorney Coppler agreed and cited the provision on Page 6. He stated that the draft had originated from another jurisdiction and this had been one of the provisions. He explained that the warning would last for a period of one (1) year.

Councilor Seeds asserted his belief that this Ordinance would be the first step of an overall process to combat the problem of underage drinking. He agreed with Mr. Valdez regarding his comments about the responsible party. He stated that it may be unfair for people who rent their properties and live elsewhere; however, he expressed the feeling that something needed to be put into place. He added that he felt that whatever parents had a problem child should be required to pay their dues. Councilor Seeds agreed with Mayor Lucero's statement that this Ordinance would not be set in stone as the Police Department would use common sense and tact in the administration of this ordinance.

Motion made by Councilor Lewis to approve the Social Host Ordinance; seconded by Councilor Garcia.

Roll Call Vote:

Councilors:

Cory Lewis	In Favor
Rosario (Chayo) Garcia	In Favor
Dennis Tim Salazar	In Favor
Helen Kain-Salazar	In Favor
Pedro Valdez	Against
Robert Seeds	In Favor

Motion Carried 5-1.

J. BUSINESS WITH VISITORS

9. Presentation by Christine Bustos, 25th Anniversary of the Wildlife Center

Ms. Bustos stated that they were requesting co-sponsorship of an event they had been planning. She clarified that on September 10, 2011, the Wildlife Center would host event at the plaza. She yielded the floor to Director Katherine Eagleson and Board member Teresa Lucero. Ms. Eagleson stated that 25 years prior, Dr. Kathleen Ramsey began the center and since that time they had cared for over 30,000 animals. She stated that they had also made presentation to over 10,000 children from Española alone.

Ms. Eagleson mentioned the fires and stated that the fallout for wildlife could be worse than for humans as they often have nowhere to go. She stated that they already had four (4) baby bears. Teresa Lucero introduced herself as the newest board member for the Wildlife Center. She stated that without education, they would be unable to preserve important wildlife. She announced that their event would go from 10 a.m. to 2 p.m. and would be for families. In addition, they would be providing refreshments, having animals on-site, and inviting other non-profits to participate.

Mayor Lucero stated she had been out to the center on more than one occasion and was impressed by the golden eagles. Ms. Eagleson stated there were five (5) golden eagles at the center at that time. Mayor Lucero joked that the only time she hadn't enjoyed it was when there was a live snake. She asked what the group would need from City as a co-sponsor. Ms. Bustos replied that they would need to use the City of Española's liability insurance and help with the teardown.

Motion by Councilor Seeds to approve co-sponsorship; seconded by Councilor Salazar.

Motion carried 6-0.

Ms. Bustos asked the Mayor if she would be willing to issue to proclamation to thank Dr. Ramsey for her effort. Mayor Lucero agreed to issue the proclamation and stated it would be done during the course of the August City Council meeting and presented on the day of the event.

K. CONSENT AGENDA

10. Approval of Minutes

- a. March 21, 2011 City Council Workshop/Finance Board Meeting Minutes
- b. May 24, 2011 City Council Meeting Minutes
- c. **RESOLUTION 2011-07:** Amending Resolution 2010-19; Resolution to accept New Mexico Department of Transportation Co-op Award in

the amount which consists of State Award \$54,013.00 (75%), with a local match of \$18,004.00 (25%) for the maintenance of various local streets.

d. **RESOLUTION 2011-08: Open Meetings Resolution**

Mayor Lucero read the items on the Consent Agenda.

Motion by Councilor Seeds to approve.

Councilor Kain-Salazar asked that a portion of the March 21, 2011 minutes be amended that stated Councilor Garcia motioned and seconded her motion. Deputy Clerk Jessica Martinez stated that she would correct that typographical error.

Seconded by Councilor Valdez.

Motion carried 6-0.

L. REPORTS

11. **Council Committees** (Public Safety, Public Works, Community Services, Finance)
12. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Regional Development Corporation)

Councilor Seeds stated that he had asked the RTD board to lower the age limit for travel on the buses and there are mothers who should have the right to use the system with their children. He stated that he has also asked them to consider making the buses available for the use of non-profit groups. Councilor Seeds added that there are certain people who were unable to get to the bus stops and expressed his hope to convince the board to allow the buses to stop at locations on-demand.

Mayor Lucero thanked Councilor Seeds and stated that she thinks those are great suggestions.

Councilor Kain-Salazar stated that they had not had a public works meeting, but one was planned for July 5th.

13. City Manager (Finance Report and Staff Reports)

City Manager Lujan stated that the budget would make it to the end of the year without a deficit by a slim margin. He added that, during the last council meeting, he had been asked to look into the land exchange with Espanola Public Schools. He yielded the floor to City Attorney Coppler to discuss the items in disagreement.

City Attorney Coppler stated that an email had been provided to council in which he received information from the attorney for the school board. He explained that her name is Mary Jenke and in working with her, he had found her to be nice, reasonable, and professional. He stated that he been informed by Ms. Jenke that she did not have the authority to negotiate any of the provisions on behalf of the board and he felt it was necessary to get direction from the council on how to proceed.

City Attorney Coppler stated that he had no issues with page 1; however, page 2 paragraph #2, Item B. He added that he believed Item C, requiring City-use to not conflict with the use of the school City use was not in agreement with the wished the council had advised him of previously. He also called the attention of the Governing Body to Item D which stated that any such use could be canceled at discretion of superintendent. He stated that he had no issues with Item E; however, he was concerned with how the condition would be identified. He stated that he would like to add provisions that would require a City representative and a District representative to be present at the commencement of use.

He stated that he does not take issue with Item F on page 3 as long as there is an inspection procedure. He added that Page 3, Item G which referenced property damage would not be a problem as long as the process for identifying the conditions was completed. City Attorney Coppler clarified that, with regard to personal injury, the district should be responsible as they would be responsible for maintenance.

City Attorney Coppler stated that according to Item L on page 3, the agreement to share usage would end when the City of Espanola developed their 12 acres. He stated that his issue would be the definition of what constitutes development and he would like to know whether council would like for it to terminate at that time.

City Attorney Coppler explained that he had included a provision requiring the differences be mediated with no lawsuits and that had not been included in the counterproposal. He urged the Governing Body and the School District to keep that provision.

Councilor Seeds stated that he had spoken with school board members and they had informed him that control would have to be with the district because of the money. He stated that while he does not understand their assertion, the overall of intent of the Mayor and Council had been the building of a recreational facility. Councilor Seeds asked what would happen if the City of Española were to build the facility on their own property. City Attorney Coppler stated that we would not have the right to use the school facilities unless they were willing to negotiate usage. Councilor Seeds asked Mayor Lucero if this was the reason that the Governing Body was working with the School District and added that the City would be giving up a lot of property in this effort.

Mayor Lucero yielded the floor to Mr. Len Cata. Mr. Cata agreed with City Attorney Coppler that there should be a checklist for usage checked by both representatives and that the schools should be responsible when it comes to liability as there is an inherent

risk with sports. Mr. Cata addressed Councilor Seeds and agreed that they should work together. He recommended that a proposal be submitted to schools with a schedule. He stated that he would be able to provide a schedule six (6) months in advance of any events he wished to hold.

Councilor Valdez stated that he has several issues. He specified that he did not agree with Item L and throughout the document they assume the right to cancel events. He stated that he would prefer to assist the district with the leveling the hills and arroyos and have them build something on their own property.

Councilor Salazar agreed with Mr. Cata and voiced concerned about the cancellation without notice provision. He added that Section E required clean-up 24 hours following the event. He stated that if it is cleaned and vandals cause issues during that time period, the City of Española could be liable.

Councilor Kain-Salazar asked how soon after the exchange the district would use the property.

Councilor Seeds replied that the school district would be unable to tap into money from the last bond election until the money earmarked for this project was used which may motivate the school district to proceed faster.

Mr. Cata stated that he has worked with the schools in the past and has never had a problem with a pre-approved schedule. However, the provision allowing cancellation would be unfair. Mayor Lucero recalled a prior document that required maintenance by the Public Schools. City Attorney Coppler suggested that there be a committee of councilors that does not equal a quorum to hash out the details. He added that he would be happy to attend or make himself available by telephone.

City Manager Lujan answered Councilor Valdez by stating that the City of Española had leveled this property and could help to level the remaining property, if need be.

Mayor Lucero asked the pleasure of the council and asked if anyone would object to the appointment of committee. No objections were made. Mayor Lucero asked which councilors would be interested in serving on this committee. Councilors Salazar, Seeds, and Valdez volunteered. Mayor Lucero asked that they include Mr. Cata.

Councilor Garcia asked if this appointment could be made since it was not on the agenda. Mayor Lucero stated that no official action had been taken and thanked Councilor Garcia for her diligence.

Councilor Valdez asked City Manager Lujan if he would bring the final budget before the finance board. He stated that he is still concerned with the investments in CDs.

City Manager Lujan stated he had met with NMDOT and they had informed him that he would receive a letter announcing their decision on the Bank of America median. He

announced that during the weekend of July 15th and 16th, they would close one lane of the Oñate bridge for resurfacing and detours would be made. He stated that they had focused it after the fiestas.

Councilor Garcia asked the status of Riverside. City Manager Lujan promised that he would express to NMDOT that they are not work on the Santa Cruz bridge during the same hours.

Mayor Lucero asked about the lights on the Oñate bridge. City Manager Lujan stated that NMDOT was having some difficulty as the fixtures do not meet the standard and they will need to do some rewiring which will be of added cost.

M. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

14. Request from Diego Lopez and Bajito Productions for Use of Stroke Center Offices

Mr. Diego Lopez introduced Ms. Alicia Keys-Touche. He stated that she would be the producer of a movie that they hoped to film in the City of Española in the month of September. He explained that they would be going into pre-production in August and had asked Mayor Lucero if the City had any space available to house production offices. He stated that he was proposing the use of the offices behind the Senior Stroke Center. Ms. Key-Touche informed the Governing Body that Mr. Lopez is actually the Director of the film and co-wrote the film along with Mateo from Northern New Mexico College. Mayor Lucero clarified that the use would run from August to October and asked City Attorney Coppler if there was any problem with leasing this. Mr. Lopez stated they were willing to pay to cover utility expenses. City Attorney Coppler stated that he could not imagine this amount being in excess of \$25,000.

***Motion made by Councilor Salazar to allow City Manager Lujan to negotiate;
Seconded by Councilor Kain-Salazar.***

Councilor Valdez asked what type of movie this would be. Mr. Lopez stated that this would be a full-length feature film, written and directed by himself and Mr. Mateo Frasier. He explained that this is a local piece and all of the narrative is fiction. It would be a Rated R film. He stated that the premise of the story was about a female MC trying to come up in the Valley seeking out her sister who was involved in the drug trade in the pueblo.

Councilor Seeds asked if the City of Española would see any royalties stemming from the filming of this movie and suggested that it be considered. Ms. Keys-Touche stated that any royalties could be negotiated, if any were earned. She expressed her gratitude regarding the opening of the space.

Mayor Lucero mentioned that the film would hire locally and be giving back to the economic development of Española.

Councilor Salazar stated that Mr. Lopez is an inspiration to him and commended him on his efforts.

Motion carried 6-0.

Councilor Garcia exited at 7:59pm.

15. Mining Lease

City Attorney Coppler stated there is a request for the lease of the pumice mine and as this would be considered a disposal, an RFP or bid would be unnecessary. He advised that the Governing Body could make a motion to accept proposals for lease of the city-owned pumice mine and set a date for when proposals should be in. Mayor Lucero mentioned that the mines are not gaining any money at this time.

Motion made by Councilor Valdez to accept the proposal for lease of the city-owned pumice mine with closing date of August 30; seconded by Councilor Seeds.

Councilor Seeds commented that he would hope that this would be advertised well to provide notice. City Attorney Coppler replied that once proposals are received, whoever has the proposal will have to appraise it and publish the lease with a summary title in ordinance form for a certain period of time. City Attorney Coppler explained the only thing legally required is the notice in paper.

Motion carried 5-0.

16. AFSCME Local 923 Contract, Española Police Officers

City Manager Lujan reminded the Governing Body that this contract had been discussed and rejected at the Workshop the week before and had requested he examine the possibility of renegotiation. He stated that the Governing Body did not have benefit of their legal representation at that meeting and yielded the floor to City Attorney Coppler.

City Attorney Coppler stated that the union attorney has stated that where the city has agreed to a contract, the city is required to sign it. He added that he understood that the City of Española had negotiated a contract and the negotiations took place between appointed liaisons. He explained that, under labor management regulations, the council is not obligated to approve the contract but to negotiate in good faith. He elaborated that this would require both sides to exchange proposals. City Council is required to examine the proposals, identify specific items, make reference, and provide those citations to the union. He stated that, under the Open Meetings Act, they did have the right to have a discussion with the union in executive session. City Attorney Coppler added that he understands that the union does not agree with his position and if an agreement could not be reached with regard to what can be done going forward, he would suggest the council

go through with the contract tonight and communicate the provisions to the union in the form of a proposal.

Councilor Valdez stated that this agreement would be in effect until the end of June. He stated that he had several questions with regard to annual leave and sick leave on page 12 & 13 and wanted to know if they could agree to this contract and begin negotiations on July 1st. City Attorney Coppler stated that they could approve the contract, subject to negotiations beginning on July 1st. Councilor Valdez stated that he believed the personnel ordinance also needed some work at the same time.

Mayor Lucero clarified that until the new contract is negotiated, this contract would be in effect. Councilor Valdez stated that, with that in mind, he felt that something should be in place and acted upon before the end of July. City Attorney Coppler stated that if the Council made a motion that stated they would approve a contract through the end of June, after the end of June it would remain in effect. He also stated that if the union agreed to negotiate by August 1st, the agreement would be binding.

Councilor Seeds stated that this process should have taken place over the last 11 months and he would support it only so that a new agreement could be resolved. He expressed his belief that if it is accepted that the negotiations must be complete by August 1st, it would help the Police Department to have stability.

Councilor Lewis yielded the floor to Det. Bryan Martinez. Det. Martinez stated that the last contract had been negotiated and agreed upon by August and had been brought before the Public Safety Committee. He added that the issues had been resolved to create more equality with other city employees. He stated that this was completed in October, but it had been held up at the Governing Body level.

Motion by Councilor Lewis to accept contract with an expiration date of June 30th and to require negotiations be completed by September 1; seconded by Councilor Seeds.

Mr. Sam Chavez from AFSCME Council #18 stated that there is nothing in PEBA (Public Employee Bargaining Act) that states a limitation of time can be set; however it does state that good faith negotiations should be concluded as soon as possible and he agreed that they would negotiate in good faith.

Councilor Valdez stated that he wished to ensure that council had specific input. Mayor Lucero suggested providing recommendations to the City Manager so that the management team has this information prior to the commencement of negotiations.

Motion carried 5-0.

N. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (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.

Motion by Councilor Valdez to enter Executive Session; seconded by Councilor Lewis.

Roll Call Vote:

Councilors:

Cory Lewis	In Favor
Dennis Tim Salazar	In Favor
Helen Kain-Salazar	In Favor
Pedro Valdez	In Favor
Robert Seeds	In Favor

Motion carried 5-0.

Executive Session began at approximately 8:29 p.m.

Motion by Councilor Kain-Salazar to exit Executive Session; seconded by Councilor Salazar.

Roll Call Vote:

Councilors:

Cory Lewis	In Favor
Dennis Tim Salazar	In Favor
Helen Kain-Salazar	In Favor
Pedro Valdez	In Favor
Robert Seeds	In Favor

Motion carried 5-0.

Executive Session ended at approximately 9:00 p.m. No action was taken in Executive Session.

Motion by Councilor Salazar to authorize City Attorney Frank Coppler to file a counterclaim against Molzen-Corbin for professional negligence and to name Former City Manager Veronica Albin as a co-defendant; seconded by Councilor Kain-Salazar

Roll Call Vote:

Councilors:

Cory Lewis	In Favor
Dennis Tim Salazar	In Favor
Helen Kain-Salazar	In Favor
Pedro Valdez	In Favor
Robert Seeds	Against

Motion carried 4-1.

O. ANNOUNCEMENTS

None.

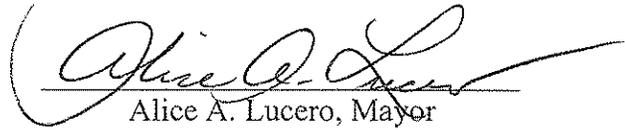
P. ADJOURNMENT

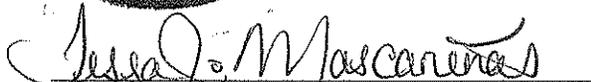
Motion by Councilor Valdez to adjourn; seconded by Councilor Lewis.

Meeting was adjourned at approximately 9:02 p.m.

APPROVED AND ADOPTED THIS 26th DAY OF July, 2011.




Alice A. Lucero, Mayor


Tessa Jo Mascareñas, City Clerk