



**CITY COUNCIL MEETING**  
MAY 28, 2013, 6PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM

**A. CALL TO ORDER**

Mayor Lucero called the meeting to order at 6:07pm.

**B. PLEDGE OF ALLEGIANCE**

Mayor Lucero led the Pledge of Allegiance.

**C. MOMENT OF MEDITATION/ INVOCATION**

Councilor Pedro Valdez led the moment of meditation/invocation.

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

The following Governing Body members were in attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Dennis Tim Salazar
	Elaine Herrera
	Eric Radosevich
	Cory Lewis
	Peggy Sue Martinez
	Pedro Valdez
	Robert Seeds

**E. APPROVAL OF AGENDA**

Agenda as presented:

---Begin---

- F. CALL TO ORDER**
- G. PLEDGE OF ALLEGIANCE**
- H. MOMENT OF MEDITATION/ INVOCATION**
- I. ROLL CALL/ DETERMINATION OF QUORUM**
- J. APPROVAL OF AGENDA**
- K. PUBLIC COMMENTS**
- L. COUNCILOR COMMENTS/ ANNOUNCEMENTS**
- M. BUSINESS WITH VISITORS**
  - 1. Hector Balderas, New Mexico State Auditor
  - 2. Regional Coalition of LANL Communities
- N. MATTERS FROM THE MAYOR (ACTION ITEMS)**
  - 3. Proclamation- Rev. Dennis and Mrs. Dee Dee Heffner
  - 4. Proclamation- Finding that Severe, Extreme and Exceptional Drought Conditions Exist and are Expected to Continue in the City of Española; Prohibiting the Sale and Use of Certain Fireworks

within the City; Authorizing the Governing Body to Prohibit the Possession or Use of Fireworks within the Española Bosque Area; Authorizing the Governing Body by Resolution to Prohibit the Sale or Use of Certain Additional Types of Fireworks; Providing for Reaffirmation or Extension of this Proclamation as Necessary to Protect the Health, Safety, Property and Welfare of the Residents of the City.

**O. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)**

5. Review of Appointed Employees (Councilor Martinez and Councilor Lewis)
  - a. City Attorney
  - b. City Manager
  - c. City Clerk
  - d. Chief of Police/Director of Public Safety
6. Approval of Public Celebration Permit Application by Black Mesa Winery.
7. Award of RFP 2013-3 Attorney Services for Water Litigation
8. Contract between the United States of America Department of the Interior Bureau of Reclamation and the City of Española to lease the use of San Juan-Chama project water
9. Resolution 2013-11: Recognizing the Existence of Severe, Extreme and Exceptional Drought Conditions in the City of Española; Prohibiting the Sale or Use of Certain Fireworks within the City during the Continuation of Drought Conditions; Prohibiting the Possession or Use of Fireworks in the Española Bosque Area and on Lands Owned by the City; and Authorizing Officers of the City to Enforce the Prohibition on Sale or Use of Fireworks by Appropriate Action.
10. Resolution 2013-12: Resolution of the City of Española Approving the Transfer of the Cable Franchise
11. Co-Sponsorship of the 2013 Española Arts Festival- Andrew Herrera, Board Member Española Valley Arts Festival
12. Rental of Parks for Fundraisers
13. Continuation of Budget Review and Approval of Resolution 2013-13: Approving Preliminary Budget

**P. EXECUTIVE SESSION**

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

**Q. ADJOURNMENT**

---End---

***Motion by Councilor Valdez to approve the agenda as amended; seconded by Councilor Herrera.***

***Motion Carried 6-0.***

**F. PUBLIC COMMENTS**

Española Fiesta Council President Ruth Ann Vargas, Husband Joel Vargas and Vice President Jeremy Maestas greeted the Council cordially. Ms. Vargas stated that the Fiesta Council was in the process of fundraising for the upcoming Fiestas del Valle de Española scheduled to take place July 12<sup>th</sup>-14<sup>th</sup>, 2013. She announced that fundraising concepts included functions, such as: dances and luncheons. She requested that funds allotted from the Lodger's Tax Fund be made available to the Fiesta Council in order to schedule payment and pre-arrange for portable toilet placement at the Fiestas. Mr. Vargas urged the Council to help in any way possible. He further stated that due to the 2012 Fiesta Council's inadequate fundraising, monies were not provided to the 2013 Fiesta Council. Mr. Vargas concluded that many times costs had been paid for solely by the Vargas Family.

Mayor Lucero requested that the City Clerk's Department look into the Lodger's Tax Fund amount which was agreed upon in a prior Lodger's Tax Committee Meeting. Mayor Lucero advised Ms. Vargas to coordinate with the City Clerk's Department and schedule a future Lodger's Tax Committee Meeting so that details surrounding the 2013 Fiestas could be ironed out. Mayor Lucero reminded Ms. Vargas that once decisions were made at a committee level and/or meeting, information should be brought to the next City Council Meeting for discussion.

Ms. Vargas concluded her statement by thanking DeVargas Funeral Home and Del Norte Credit Union for donating their time and monies. She reported that both businesses had reached out to the community and made charitable donations toward the 2013 Fiestas del Valle de Española.

Mayor Lucero thanked Ms. Vargas and the other members of the Fiesta Council for their hard work.

#### **G. COUNCILOR COMMENTS/ ANNOUNCEMENTS**

Councilor Martinez announced that Amigos Del Valle was holding a fundraising golf tournament to help the senior citizens of the community on June 23<sup>rd</sup> 2013. She informed the Council that anyone seeking more information should contact Stephanie Quintana.

Mayor Lucero stated that the Memorial Day Ceremony in honor of U.S. Army First Lieutenant Judge Advocate Phil R. Lucero was a beautiful event. She further stated that Lt. Lucero had served in the Korean War. She thanked all that participated and helped to make the event possible. She reported that the Memorial Day Ceremony had been held at the Veteran's Memorial Wall at the Plaza de Española on May 27, 2013.

#### **H. BUSINESS WITH VISITORS**

##### **1. Hector Balderas, New Mexico State Auditor**

Mayor Lucero called upon Rev. Dennis and Mrs. Dee Dee Heffner. They were not yet present at the council meeting. Mayor Lucero moved the agenda forward stating that the Proclamation for Rev. Dennis and Mrs. Dee Dee Heffner would commence at their time of arrival. She then stated that the representatives from the New Mexico State Auditor's office would speak next.

N.M. Deputy State Auditor Carla Martinez and N.M. State Audit Supervisor Miranda Mascareñas greeted council. State Auditor Martinez stated that Miranda Mascareñas would be the main point of contact for the City of Española audit. Deputy State Auditor Martinez reported that the City of Española was working closely with the State Auditor's office to resolve financial audit issues for fiscal year 2010. She further stated that the State Auditor's office was in the process of getting the FY11 audit contract signed. Deputy State Auditor Martinez added that they were working on the Request for Proposal (RFP) for fiscal years 2012, 2013, and 2014.

Councilor Martinez questioned how Capital Outlay would affect the community. She clarified her question by commenting on how the audit had not yet been completed.

Deputy State Auditor Martinez stated that she was not in a position to discuss the outcome pertaining to the allocated Capital Outlay funds. She stated that her office would continue to work closely with the City of Española on the audit. She concluded that progress reports would be updated for fiscal years 2012 and 2013.

Councilor Valdez asked Deputy State Auditor Martinez about the status of the City audits dating back to 2009. Deputy State Auditor Martinez replied that the City of Española was current with audits through fiscal year 2009. She informed the Council that the City of Española was in the process of completing the audit for fiscal year 2010.

Mayor Lucero thanked both Deputy State Auditor Martinez and Audit Supervisor Miranda Mascareñas for their time and effort to communicate with the Governing Body.

## 2. Regional Coalition of LANL Communities

Regional Coalition of LANL Communities Executive Director DeAnza Sapien introduced herself to Council along with Program Assistant Caitlyn Terry. Executive Director Sapien explained that the Regional Coalition of LANL Communities (RCLC) was comprised of eight cities, counties and pueblos surrounding the Department of Energy's Los Alamos National Laboratory (LANL) which included the City of Española, Rio Arriba County, City of Los Alamos, Los Alamos County, City of Santa Fe, Santa Fe County, City of Taos, Taos County and Ohkay Owingeh Pueblo. She further stated that RCLC worked in a regional partnership to create one (1) voice to ensure national decisions incorporated local needs and concerns.

Executive Director Sapien stated that RCLC monitored federal and state funding provided for environmental cleanup and advocated for increased funding. She stated that they also trained local residents for jobs at LANL. Executive Director Sapien informed the Council that among RCLC board members were Santa Fe Mayor David Coss (RCLC Board Chairman) and City of Española Mayor Alice Lucero (RCLC Vice- Chair). She stated that RCLC had become an effective advocacy organization providing strategic direction and adopting federal legislative priorities. She announced that RCLC had hosted meetings with the New Mexico Congressional Delegation and advocated with the U.S. Department of Energy for cleanup funding. Executive Director Sapien concluded her presentation by stating that the effort had been successful as the request for the U.S. Department of Energy to fully fund the completion, cleanup and remediation of LANL's Area G had passed on March 14<sup>th</sup>, 2013.

Councilor Valdez asked Executive Director Sapien how many contractors had lost work due to the 2013 Sequestration. Executive Director Sapien replied that, unfortunately contractors and subcontractors had been the first group to feel the financial cutbacks. She affirmed that the RCLC was working hard to make sure that contractors and subcontractors who had previously worked to support LANL communities were given top priority when monies were appropriated. She informed the City Council that RCLC was preparing to go to Washington in June 2013 and ask the U.S. Department of Energy for an additional \$200+ million dollars for environmental waste removal. She explained that the RCLC was asking for a minimal portion of the already allocated \$5 billion dollars. Executive Director Sapien thanked Mayor Lucero for her efforts and

leadership as RCLC's Vice-Chair as well as all members of City Council for the opportunity to meet with them in person.

Mayor Lucero thanked Executive Director Sapien and Program Assistant Caitlyn Terry for the insightful update.

#### **I. MATTERS FROM THE MAYOR (ACTION ITEMS)**

##### **3. Proclamation- Rev. Dennis and Mrs. Dee Dee Heffner**

Rev. Dennis Heffner and Mrs. Dee Dee Heffner both stated that they were humbled by the Proclamation in their honor as well as being recognized by the Governing Body and the community. Rev. & Mrs. Heffner thanked Mayor Lucero and the City of Española. Both expressed that they would return to visit the area as it had been their home.

Brian Thompson, a member of Valley View Methodist Church, thanked the Council for the recognition of Rev. Dennis Heffner and Mrs. Dee Dee Heffner. He expressed gratitude for the many services and programs that they had developed in the Española community. Mr. Thompson communicated that due to United Methodist Church policy, once a minister retired, he/she must move away from their congregation.

Mayor Lucero stated that Rev. & Mrs. Heffner would be missed and added that their influence had left behind a positive legacy.

Mayor Pro-Tem Salazar expressed gratitude to both Rev. Dennis Heffner and Mrs. Dee Dee Heffner. He stated they were true, good and honest people who exemplified the phrase "lead by example." He also stated that their presence would be missed. Councilor Seeds stated that he believed they had always stood for the community.

***Councilor Martinez exited at 6:49pm.***

Councilor Radosevich echoed the sentiments of the Council and thanked Brian Thompson for informing him of the relocation of Rev. & Mrs. Heffner.

***Councilor Martinez re-entered at 6:50pm***

4. Proclamation- Finding that Severe, Extreme and Exceptional Drought Conditions Exist and are Expected to Continue in the City of Española; Prohibiting the Sale and Use of Certain Fireworks within the City; Authorizing the Governing Body to Prohibit the Possession or Use of Fireworks within the Española Bosque Area; Authorizing the Governing Body by Resolution to Prohibit the Sale or Use of Certain Additional Types of Fireworks; Providing for Reaffirmation or Extension of this Proclamation as Necessary to Protect the Health, Safety, Property and Welfare of the Residents of the City.

Mayor Lucero stated that she would not read the entire proclamation aloud but it could be referenced within the packets. She further stated that due to a severe statewide drought and

intense weather conditions, she felt it was imperative to approve the proclamation so that the public would be made aware of the severe potential for fire hazards. Mayor Lucero stated that due to the upcoming sale of certain fireworks, she believed it was important to act fast. She explained that the matter would be open for discussion whereby the City Council could vote to approve or disapprove the provisions of the resolution.

**J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)**

5. Review of Appointed Employees (Councilor Martinez and Councilor Lewis)
  - a. City Attorney

Mayor Lucero stated that Councilor Martinez and Councilor Lewis had requested the review of all appointed positions within the City. She stated that the first appointee to be discussed would be the City Attorney.

Councilor Martinez stated that she had specifically requested this department because she was very concerned about the legal counsel she had received from City Attorney Frank Coppler. Councilor Martinez expressed the feeling that she had been misled by the City Attorney's guidance and also felt his contract with the City should be reviewed prior to renewal. She further stated that she had researched what other neighboring Cities paid for attorney's services. She concluded that City Attorney Coppler's retainer amount was exceptionally more in comparison. Councilor Seeds expressed his belief that the items should be discussed in Executive Session and could be voted upon in open session.

City Attorney Coppler stated that because it was a personnel issue it was proper to discuss the employment of the City Manager, City Clerk and Chief of Police/Director of Public Safety in Executive Session but was not mandatory. He advised the Council that the City Attorney's Department could only be discussed in open session because the appointment involved a contractual services agreement with the City of Española.

Mayor Lucero stated that although the City Attorney's contracts may be subject to review. She reminded the Council that both City Attorney Coppler and City Attorney A.J. Salazar were still appointed officials.

Councilor Martinez reaffirmed her disappointment with City Attorney Coppler and stated that she believed the community had been misled by his efforts. She commented that he had appeared to be bias, coming to the aid of Mayor Lucero's personal agenda. Councilor Martinez stated that City Attorney Coppler had not addressed concerns and assisted the other members of council. She felt that his actions had been more than partial in favor of Mayor Lucero. She requested the review and termination of the contract for City Attorney Coppler.

Councilor Martinez further stated that after comparing the salary of the City of Santa Fe's Attorney to the salary of the City of Española Attorney's, she concluded that an additional \$100,000+ was absorbed by the City of Española Attorney's in comparison to Santa Fe.

***Motion by Councilor Martinez to cancel the contract with City Attorney Coppler; seconded by Councilor Seeds.***

Councilor Elaine Herrera questioned Councilor Martinez as to where she gathered her information. Councilor Martinez stated that her information was based off of the City of Santa Fe website.

Councilor Herrera stated that she had researched the City of Santa Fe website as well. Councilor Herrera disagreed with Councilor Martinez and explained that the City of Santa Fe employed seven (7) City Attorneys. She stated that the amount Councilor Martinez discussed was not factual in comparison.

Councilor Valdez stated that when Council disagreed with the City Attorney's legal advice it appeared foolish because the attorney could not make up the law. He expressed his belief that it was a disservice to the City of Española when the Council took a personal stance against an appointed official whose job was to help run the city.

Councilor Seeds echoed the sentiments of Councilor Martinez. He expressed his belief that City Attorney Coppler had come to the partial aid of Mayor Lucero more so than in the best interest of the City. Councilor Seeds mentioned the termination of Len Cata. He stated that every employee should be entitled to due process and he felt that Len Cata had not afforded that.

Interim City Manager Duran stated that there had been many instances where he called upon City Attorney Coppler's legal services. He stated that he had been more than satisfied with the Attorney's professional advice and assistance. He urged the Council to consider how effective City Attorney Coppler had been in numerous legal scenarios prior to making any harsh and final decisions.

Mayor Lucero echoed the comments made by Interim City Manager Duran. She stated that City Attorney Coppler had over 43 years of experience in municipal law and had served as the Director of the New Mexico Municipal League for five (5) years. Mayor Lucero expressed her belief that City Attorney Coppler was the best Municipal Law Attorney in the State of New Mexico. She concluded that she merited his opinions as well as his professional advice.

Councilor Valdez stated that he believed certain members of Council were attempting to micromanage departments. He stated that the Valley would not progress if this type of mentality continued.

Administrative Services Director (ASD) Sandoval asked the Council who would be the next point of contact for questions pertaining to legal matters. Mayor Lucero stated that if the contract with City Attorney Coppler was terminated, it would not take effect for 30 days as stated in the contractual services agreement. She stated that this would enable City of Española departments to conduct business with legal counsel until the replacement was established.

**Roll Call Vote:**

<b>Mayor Pro-Tem:</b>	<b>Dennis Tim Salazar</b>	<b>In Favor</b>
<b>Councilors:</b>	<b>Elaine L. Herrera</b>	<b>Against</b>

<b>Eric Radosevich</b>	<b>Against</b>
<b>Cory Lewis</b>	<b>In favor</b>
<b>Peggy Sue Martinez</b>	<b>In favor</b>
<b>Pedro Valdez</b>	<b>Against</b>
<b>Robert Seeds</b>	<b>In favor</b>

*Motion failed 4-3, Mayor Lucero stated that the removal of an appointed official required a majority vote from all members of the Governing Body in order for a termination to take effect.*

Mayor Lucero asked council if they wanted to review City Attorney A.J. Salazar before she moved on to another topic on the agenda.

Councilor Martinez stated that she was very pleased with the work accomplished by City Attorney A.J. Salazar. She commended his efforts and encouraged his progress at Municipal Court.

Mayor Pro-Tem Dennis Salazar stated that he was not prepared to review the contract of City Attorney A.J. Salazar. He stated he would like to discuss the contract upon its termination.

Councilor Seeds stated that he would be contacting the Attorney General's office to obtain a second opinion regarding the voting process which occurred and the outcome. He stated that he believed the majority voted. City Attorney Coppler encouraged Councilor Seeds to conduct his research regarding the vote pertaining to the termination of an appointee.

#### 6. Approval of Public Celebration Permit Application by Black Mesa Winery.

Española Opera Guild Members Gretchen Yost and Laura Fitzgerald greeted the Council. Ms. Yost explained that in conjunction with the Black Mesa Winery, the Española Opera Guild was planning an event inside the Plaza de Española Mision y Convento on June 8<sup>th</sup> called Opera Wine & Cheese.

Ms. Yost announced that the event was in support of educating local residents about the Santa Fe Opera's history and current program. She stated that special guests at the event would include Opera Baritone Carlos Archuleta, a native of Española. Ms. Yost continued that Mr. Archuleta had performed in operas throughout Europe and would be returning to the Valley for the event to encourage and inform enthusiasts.

Ms. Yost informed the Council that the Española Opera Guild was 1 of 6 guilds in support of the Santa Fe Opera and was a non-profit organization supported by educational events. She explained that the Black Mesa Winery had agreed to provide wine at the function pending the approval by the Governing Body of the Public Celebration Permit Application. Ms. Yost reassured the Council that there would be a designated person at the entry doors checking that proper identification was provided and a \$10 admission fee would be charged.

Mayor Lucero thanked both members of the Española Opera Guild and encouraged their efforts. She stated that she was in support of raising recognition and education of the Santa Fe Opera.

***Motion by Councilor Radosevich to approve the Public Celebration Permit Application; seconded by Councilor Lewis.***

Councilor Valdez stated that although he was in support of the Española Opera Guild he was not in support of alcohol being served in the Mision. Councilor Seeds echoed the comments of Councilor Valdez.

***Motion carried 4-3, with Councilor Valdez, Councilor Seeds and Councilor Martinez voting in the negative.***

7. Award of RFP 2013-3 Attorney Services for Water Litigation

ASD Sandoval explained that in accordance with the RFP, the evaluation committee had met on May 15<sup>th</sup> 2013, to review the three (3) bids. She announced that Law & Resource Planning Associates had scored 226, Robles, Rael and Anaya had scored 202, and Stein & Brockman had scored 278. ASD Sandoval continued that the committee had recommended Stein & Brockman to provide attorney services to the City of Española with regard to Water Rights Litigation.

***Motion by Councilor Valdez to approve RFP 2013-3 contract for attorney services with Stein & Brockman for water rights litigation; seconded by Councilor Radosevich.***

Councilor Radosevich stated that the Stein & Brockman contract read that it "shall not exceed \$270,000 for the term of the contract." He asked what line item the funds were taken from to pay for the contract. Mayor Lucero replied that the money came from the Water Rights Fund.

Councilor Seeds asked who was on the Evaluation Committee. ASD Sandoval stated that the Evaluation Committee consisted of herself, Procurement Officer Georg-Ann Salazar and Grants Administrator Diahann Jacquez. ASD Sandoval affirmed that the criteria to make the determination were followed. Councilor Seeds questioned if there was a possibility of a conflict of interest. ASD Sandoval replied in the negative.

***Motion Carried 7-0.***

8. Contract between the United States of America Department of the Interior Bureau of Reclamation and the City of Española to lease the use of San Juan-Chama project water

The Contract Between the United States of America Department of the Interior Bureau of Reclamation and the City of Española to lease the use of San Juan-Chama Project Water.

Mayor Lucero requested that Interim City Manager Duran discuss the item in further detail. Interim City Manager Duran explained that the City had water stored in Heron Lake and entered

into an annual contract with the N.M. Bureau of Reclamation. He stated that the contract allowed the City of Española to charge the Bureau of Reclamation \$47,000 for the use of 100 acre feet of water. Interim City Manager Duran stated that if the contract was signed by September 2013, the City would receive the funds.

Councilor Radosevich asked where the monies would go after payment was received. Mayor Lucero stated that the monies from the contract would be placed in the Water Rights Fund which was used to pay for water litigation services, as mentioned previously.

***Motion by Councilor Valdez to approve the contract between the United States of America Department of the Interior Bureau of Reclamation and the City of Española to lease the use of San Juan-Chama Project Water; seconded by Councilor Radosevich.***

***Motion Carried 7-0.***

9. Resolution 2013-11: Recognizing the Existence of Severe, Extreme and Exceptional Drought Conditions in the City of Española; Prohibiting the Sale or Use of Certain Fireworks within the City during the Continuation of Drought Conditions; Prohibiting the Possession or Use of Fireworks in the Española Bosque Area and on Lands Owned by the City; and Authorizing Officers of the City to Enforce the Prohibition on Sale or Use of Fireworks by Appropriate Action.

Interim City Manager Duran explained that due to severe drought throughout the City and along the Española Bosque Area, many houses were at risk because of the potential fire hazards. He encouraged the Council to act on Resolution 2013-11 which would prohibit the sale or use of certain fireworks in the area and deter campfire burns as well as small controlled debris burning. Interim City Manager Duran concluded that all instances could lead to potential wildfire within the small community.

Councilor Radosevich stated that rainfall had not occurred for months and asked what the process would be to ban fireworks on a state-wide level. City Attorney Coppler answered that state statute would not allow a total ban of fireworks. He affirmed that Resolution 2013-11 prohibited the use of certain fireworks within the Española area and Española Bosque Areas. He explained that the only exception would be the use of handheld sparklers and/or smaller controllable non-aerial fireworks ignited in an open 400 sq. ft. area. City Attorney Coppler stated that the City could not ban neighboring Native American Reservations from the sale of such fireworks.

***Motion by Councilor Radosevich to approve Resolution 2013-11; seconded by Councilor Valdez.***

Councilor Seeds asked the opinion of Chief of Police/Director of Public Safety Eric Garcia. Director of Public Safety Garcia stated that Resolution 2013-11 was a preliminary step in helping the Fire Department control potential hazards. He then called upon Lt. Ron Padilla to elaborate on the topic.

Lt. Padilla stated that Mayor Lucero and the Director of Public Safety Garcia had declared a moratorium on open burning within city limits which prohibited open flames within the city. Councilor Seeds asked if the City of Española Fire Department had been in communication with the neighboring pueblos regarding the moratorium on open burning. Lt. Ron Padilla stated that he had not personally attempted such a discussion but would communicate with neighboring pueblo fire departments regarding the moratorium.

***Motion Carried 7-0.***

10. Resolution 2013-12: Resolution of the City of Española Approving the Transfer of the Cable Franchise

Mr. Kelly Duran of Satview Broadband Ltd. thanked the members of the Governing Body for allowing the matter to be discussed. He elaborated on the topic stating that Baja Broadband, LLC owned, operated and maintained a cable television station within the City of Española. He reported that Baja Broadband, LLC proposed to sell the franchise and assets to Satview Broadband Ltd., a company who promised to promote growth and opportunity for the City of Española. Mr. Duran stated that he was looking forward to the transfer of the cable franchise if the resolution was adopted by Council.

Councilor Seeds questioned why the past contract with Baja Broadband, LLC was not included in the packet. He stated that he expected the new contract to remain intact with the provisions of the previous contract. He added that he needed that reassurance prior to his decision. Mayor Lucero reaffirmed that the decision was basically the transfer from one broadband company to another. She stated that the new company was buying the old and all terms and conditions would be incorporated from the existing contract.

Councilor Valdez stated that the City would continue to receive franchise taxes. He explained that the transfer was a very basic procedure and encouraged the Council to review the Federal Communications Commission's (FCC) Form 394 which contained all information necessary.

***Motion by Councilor Valdez to approve Resolution 2013-12 as presented; seconded by Councilor Lewis.***

***Motion Carried 7-0***

11. Co-Sponsorship of the 2013 Espanola Arts Festival- Andrew Herrera, Board Member Espanola Valley Arts Festival

***Councilor Lewis exited at 7:32pm.***

Espanola Valley Arts Festival Board Member Andrew Herrera stated that the event had been held for the past five (5) years within the Plaza de Española. He stated that the event sparked a lot of local talent and interest. He announced that the event was scheduled to take place on September 28<sup>th</sup> and 29<sup>th</sup>, 2013. Mr. Herrera stated that in order for the event to take place, the City Council must agree to co-sponsor.

***Councilor Lewis re-entered at 7:35pm.***

***Motion by Councilor Seeds to approve the Co-Sponsorship of the 2013 Española Arts Festival; seconded by Councilor Radosevich.***

***Motion Carried 7-0.***

## 12. Rental of Parks for Fundraisers

Recreation Coordinator Herrera stated that he had no previous knowledge of a rate schedule. He stated that he had researched rate schedules from neighboring communities and claimed that these communities charged \$15 per hour for the use of the softball park which did not incorporate the use of stadium lighting. He added that an additional \$12 per hour would be charged for the use of the park at night. Recreation Coordinator Herrera suggested that if the City were to charge for ballpark event tournaments, the amount the City could receive was in the range of \$450 to \$2500 per tournament depending on what was required.

He stated that other neighboring communities had incorporated a concession stand which generated more income. Recreation Coordinator Herrera stated that at the last Community Services Meeting, it was discussed that all non-profit organizations wishing to use the softball park for fundraisers must be present at a City Council Meeting, whereby the Governing Body may be able to provide a reduced rate or co-sponsorship.

Mayor Lucero stipulated that a separate rate should be generated for the use of the concession stand and should reflect an additional charge if the City was providing manpower, services and/or goods for sale. She stated that it should reflect a different rate if the concession stand was being manned, stocked and maintained by the organization for their personal use.

Councilor Radosevich questioned if the rate included trash pick-up and maintenance. He mentioned that portable bathroom facilities must be functioning properly in order to avoid problems. Recreation Coordinator Herrera stated that there were trash polycarts available at the park and maintained on a regular basis. He explained that bathroom facilities were maintained by the Parks Department.

Mayor Lucero stated that all pertinent information should be stated in a policy. She explained that if Council were to adopt the concept, a final policy could be drafted for review.

***Motion by Councilor Seeds to approve the concept of the Rental of Parks for Fundraisers; seconded by Councilor Radosevich.***

Councilor Seeds asked Recreation Coordinator Herrera to draft a policy stipulating rates for additional use of lights and the use of the concession stand.

Mayor Lucero requested that the policy be drafted and presented at the next Community Services Meeting. She stated that after the initial concerns were discussed, it could be brought for City Council review.

***Motion Carried 7-0***

13. Continuation of Budget Review and Approval of Resolution 2013-13: Approving Preliminary Budget

Mayor Lucero proposed that the City go with a flat budget. She stated that she had spoken with State Auditor Hector Balderas who recommended that the finance department be fully staffed in order to fulfill the audit process.

***Motion by Councilor Valdez to approve Resolution 2013-13: FY 14 Preliminary Budget; seconded by Councilor Herrera.***

Mayor Pro-Tem Salazar questioned the budget review process concerning how it may affect Public Safety. He stressed that Public Safety should be a main priority, fully funded and supported. He added that the City could not sustain economic development without the efforts of Public Safety.

Mayor Lucero stated that the Director of Public Safety/Chief of Police had received monies from a COPS grant which enabled the department to hire an additional officer. She stated that she had spoken with Director of Public Safety Garcia and he advised her that there were vacancies within the department that had to be filled.

Councilor Valdez urged the Council to submit the flat budget to DFA in order to meet the June 1<sup>st</sup> deadline. He stated that changes could be made after monies were received.

Councilor Seeds expressed disappointment with Mayor Lucero and stated that the Governing Body was never presented with a Flat Budget but rather a \$300,000 dollar deficit. He stated that he recognized the shortcomings but was optimistic that the Council would be able to present an adequate budget with appropriate changes and/or cutbacks. Councilor Seeds commented about issues being procrastinated upon and being pushed through at the last minute. He concluded his statement by adding that he believed Public Safety should be the top priority.

Councilor Radosevich stated that he had walked out on meetings in the past because certain Councilors wasted too much time squabbling with one another for hours on end. He mentioned that he was not yet adequately represented in his district and it was a true disservice to the community when Council could not approve the appointment of another Councilor.

Interim City Manager Duran stated the City had not gone into a deficit in the previous year and employees had not had to take furloughs. He strongly expressed that through teamwork this was possible. He stated that no department was more important than the other. As an example, Interim City Manager Duran stated that without the Water Department doing their job to secure an adequate supply of water and functioning hydrants it could not enable the Fire Department the

ability to put out fires. Interim City Manager Duran stated that he was tired of hearing Council express Public Safety as the most important department. He stated that all departments were important but they must work together. He concluded his statement by adding that a flat budget should be submitted to the Department of Finance and Administration.

Mayor Lucero stated that she had a fiduciary responsibility to the City of Española to submit a balanced budget which was a flat budget.

**Roll Call Vote:**

<b>Mayor Pro- Tem:</b>	<b>Dennis Tim Salazar</b>	<b>Against</b>
<b>Councilors:</b>	<b>Elaine Herrera</b>	<b>In favor</b>
	<b>Eric Radosevich</b>	<b>In favor</b>
	<b>Cory Lewis</b>	<b>Against</b>
	<b>Peggy Sue Martinez</b>	<b>Against</b>
	<b>Pedro Valdez</b>	<b>In favor</b>
	<b>Robert Seeds</b>	<b>Against</b>

***Motion Failed 4-3, with Mayor Pro-Tem Salazar, Councilor Lewis, Councilor Martinez and Councilor Seeds voting in the negative.***

14. Review of Appointed Positions (Continued)
  - a. City Manager
  - b. City Clerk
  - c. Chief of Police/Director of Public Safety

Mayor Lucero stated that they still had the review of the remainder of appointed positions. She asked Interim City Manager if he preferred that the issue be discussed in open or closed session. Interim City Manager Duran responded that he had nothing to hide and would prefer that his position be discussed in open session.

Mayor Lucero asked City Clerk Tessa Jo Mascareñas if she preferred her position to be discussed in open session or in closed session. City Clerk Mascareñas replied that she was amenable to discussing her appointed position in open session; however, she would agree to whatever the Governing Body felt was appropriate. Chief of Police/Director of Public Safety Garcia echoed the sentiments made by Interim City Manager Duran and City Clerk Mascareñas.

Councilor Cory Lewis stated that he was satisfied with all departments mentioned.

***Motion by Councilor Lewis to allow Interim City Manager Duran, City Clerk Mascareñas and Chief of Police/Director of Public Safety Garcia to continue their work as appointed officials; seconded by Councilor Radosevich.***

***Motion Carried 7-0.***

**K. EXECUTIVE SESSION**

There was no need to enter into Executive Session.

**L. ADJOURNMENT**

*The meeting was adjourned at 8:09pm.*

APPROVED AND ADOPTED THIS 12<sup>th</sup> DAY OF AUGUST, 2013.



*Tessa Mascareñas*  
Tessa Mascareñas, City Clerk

*Alice A. Lucero*  
Alice A. Lucero, Mayor