CITY COUNCIL MEETING
OCTOBER 28, 2014, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

Mayor Lucero led the Pledge of Allegiance,

C. MOMENT OF MEDITATION/ INVOCATION

Mayor Pro-Tem 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:	Pedro Valdez
Councilors:	Peggy Sue Martinez
	Adrianna T. Ortiz
	Dennis Tim Salazar
	Michelle R. Martinez
	Eric S. Radosevich
Absent:	John Hernandez
	Cory Lewis

E. APPROVAL OF AGENDA

Mayor Lucero presented the following agenda for approval:

---BEGIN---

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/ ANNOUNCEMENTS
H. MATTERS FROM THE MAYOR (ACTION ITEMS)
   1. Employee of the Month of October 2014- Desiree Miranda, Aquatics Coordinator
   2. Appointment of Regional Water Planning Committee Representative
I. BUSINESS WITH VISITORS
   3. Presentation of Awards to the City of Española & Mayor Alice A. Lucero- RAC STOP Director Louise R. Sanchez

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

4. Request for Approval of Co-Sponsorship for the 18th Annual Electric Light Parade/Christmas on the Plaza- DATE Member Christine "Teeny" Bustos
5. Approval of Budget Adjustment for Purchase of Poly carts for Citizens' Solid Waste Disposal- ASD Joyce Sandoval
6. Finance Report for the month of September 2014- ASD Joyce Sandoval
7. Approval of City of Española Administrative Policies, Procedures & Permit Application for Parks and Sports Facilities- Community Services Director Mark Trujillo
8. Approval of Recommendation for purchase of vehicle for the Water Department- Water Operations Supervisor Adrian Martinez

K. EXECUTIVE SESSION

L. ADJOURNMENT

---END---

Motion to approve the agenda by Councilor Salazar; seconded by Councilor Radosevich.

Motion carried 6-0.

M. PUBLIC COMMENTS

Dr. Tamara Singleton stated that Española was now the Most Dangerous City in New Mexico. She stated that she had spoken with a Mr. Anderson who was involved in crisis management training in Minneapolis and several other areas. She stated that they wanted policemen to go home alive and Mr. Nelson's program had saved countless lives and jail costs. She recommended that the Española Police Department have a police officer trained in crisis management on each shift. She stated that with that knowledge, she could rest and know that Victor Villapando's death was not in vain.

Ms. Rebecca Tarin stated that she was a teacher and a parent whose son was a student at Moving Arts Española. She explained that the previous Wednesday had been the National Day of Organizing Against Police Violence. She reported that she had been involved with a demonstration to protest the grand jury decision regarding Victor Villapando. She asked the Governing Body to think about what could happen to rectify that situation as the grand jury did not have to be the only opinion. Ms. Tarin cited the Taos incident where the grand jury said the officer's actions were allowable and the police chief fired him. She submitted a petition to Mayor Lucero to remove Officer Jeremy Apodaca. She explained that the demonstration group had made signs shaped as guns which had messages written on back. Ms. Tarin read a portion of the signage used at the protest.

Ms. Mary Shoemaker stated that she was one (1) of Victor Villapando's mothers. She read a portion of the sign used at the protest. Ms. Shoemaker echoed the comments of Dr. Singleton. She stated that Española had both a challenge and an opportunity. She expressed the belief that Española was not the most dangerous place and the citizens could come together. Ms. Shoemaker continued reading portions of the signage.

Ms. Lorraine Gray stated that she typically spoke on behalf of the environment but was present as a parent of six (6) children. She read a portion of the signage from the protest. Ms. Gray stated that she was in attendance to urge for the resignation or termination of Officer Jeremy Apodaca from the Española Police Department. She announced that the second annual One Billion Rising event on February 14, 2015 would be in honor of Victor Villapando.

Ms. Serena Rascon stated that she was a teacher and a performing artist. She stated that the Council had the ability and power to change how things were done and murder should not be an option. She continued that

nobody should have the right to take the life from another human being especially a boy who had just turned sixteen (16). Ms. Rascon read a portion of the protest signage.

Ms. Lorraine Gray stated that the story that came out was different than what really happened. He asked that if they could not trust the police to tell the real story, how they could trust them with their lives. He commented that if the Officer did not have enough sense to not shoot straight in the chest, he could not protect them. Mr. Gray stated that the Española Police Department should remove the phrase "serve and protect" from their squad cars. He continued reading the signage from the demonstration.

Ms. Patricia Shure stated that she was another one of Victor's mothers. She read a portion of the signage from the protest.

Mr. Thomas Gray read a portion of the protest signage.

Ms. Sat Guru Khalsa stated that she had always felt that the community was full of angels. She stated that this had been an unbelievable act as she knew the young man and his talents. She stated that he had been headed for an incredible career. Ms. Khalsa read a portion of the demonstration signage.

Mr. Mateo Peixinho stated that he was a contractor in the Valley and Victor Villapando had worked with them for a while. Mr. Peixinho stated that Victor had touched the heart of everyone he interacted with. He stated that he did not know a lot about the case, but did hear the 911 call. He expressed the feeling that he and the community had failed Victor. He agreed with the previous speakers that indicated that the officer needed to be sanctioned or trained. Mr. Peixinho stated that everyone had goodness in their heart. He reported that he had four (4) children and all lived in Española. He continued that everyone needed to take the loss and grow from it. Mr. Peixinho communicated that he was not clear on the Council stance and what actions they could take. He expressed the hope that they would move in the proper direction and stated that he looked forward to hearing something good come from this.

Ms. Lillian Burke stated that instances of police violence were not isolated and were happening all over the country. She stated that the culture around police needed to change and they needed to be held accountable. She added that they had an opportunity to shape things and change the culture. Ms. Burke read a portion of the signage from the October 22, 2014 demonstration.

Ms. Alessandria read a portion of the signage. She expressed hope that the police and City of Española could be a leader in the nation and show people an alternative way to deal with what had happened.

N. Councilor Comments/ Announcements

There were no Councilors wishing to comment.

O. Matters From The Mayor (Action Items)

4. Employee of the Month of October 2014- Desiree Miranda, Aquatics Coordinator

Community Services Director (CSD) Mark Trujillo stated that Ms. Desiree Miranda had worked for the City for over eight (8) years, prior to which she worked during school break. He reported that Ms. Miranda had taken the initiative to get certified to be a Certified Pool Operator (CPO). He stated that Ms. Miranda worked diligently and approached him all the time about grants or new opportunities. CSD Trujillo stated that Ms. Miranda's ideas were thought out and researched. He stated that not only was she a CPO, but worked as a lifeguard. He stated that he was honored to nominate her as Employee of the Month.

5. Appointment of Regional Water Planning Committee Representative

Mayor Lucero appointed Councilor Peggy Sue Martinez as the Regional Water Planning Committee Representative and Water Supervisor Adrian Martinez as the alternate.

Motion by Councilor Radosevich to ratify the appointment; seconded by Mayor Pro-Tem Valdez.

Motion carried 6-0.

P. BUSINESS WITH VISITORS

6. Presentation of Awards to the City of Española & Mayor Alice A. Lucero- RAC STOP Director Louise R. Sanchez

Ms. Louise Sanchez stated that she was in attendance to express appreciation for the $4,000 that the City had supported the program with. She reported that they had a successful year. Ms. Sanchez presented a packet that they created to report their annual finances. She expressed the belief that youth today need support.

Ms. Sanchez presented certificates to each Councilor and Mayor Lucero.

Councilor Peggy Sue Martinez thanked RAC STOP for their collaboration. She agreed that there were numerous places where everyone could devote time to improving the community. She stated that she was glad that RAC STOP was part of that vision. She expressed the belief that there were three (3) types of people- those that roll their eyes, those that roll away and those that roll up their sleeves.

Mayor Lucero acknowledged and thanked them for their participation in checkpoints.

Q. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)

9. Request for Approval of Co-Sponsorship for the 18th Annual Electric Light Parade/Christmas on the Plaza- DATE Member Christine "Teeny" Bustos

Ms. Christine Bustos stated that she had participated in the Electric Light Parade for eighteen (18) years. Mayor Lucero commented that they did a very good job.

Motion by Councilor Peggy Sue Martinez to approve the co-sponsorship of the 18th Annual Electric Light Parade; seconded by Councilor Michelle R. Martinez.

Ms. Bustos announced that the parade would be held on December 13, 2014.

Councilor Peggy sue Martinez commented that she could not believe it had been eighteen (18) years since the first Electric Light Parade. She expressed the hope that fellow councilors would consider putting a float together.

Ms. Bustos stated that the theme was Enchanted Valley Christmas. She reported that the Downtown Action Team Española (DATE) had not held the Taste of the Enchanted Valley event yet and were hoping to hold it the night before the parade.

Motion carried 6-0.

10. Approval of Budget Adjustment for Purchase of Poly carts for Citizens' Solid Waste Disposal- ASD Joyce Sandoval

Administrative Services Director (ASD) Joyce Sandoval stated that the City did the billing for solid waste and North Central Solid Waste Authority (NCSWA) worked with the City and provided the service. She stated that during the budget process she had only budgeted $30,000; however, felt like she should have been more thoughtful and pulled from available prior year cash for a full $60,000 which was what the quote was for. She stated that the City did have the funds available and encouraged the Council to authorize the Budget Adjustment Resolution. She stressed the importance of providing polycarts to the citizens.

NCSWA Manager Gino Romero stated that he had worked with the City and had Mayor Pro-Tem Valdez on the board as an active member. He reported that NCSWA had been using a tow company out of Arizona and had piggybacked off of a price agreement out of Tucson, AZ. He stated that in the last two (2) years, there had been a price escalation in the amount of $300 per load. Mr. Romero continued that the price agreement had gone up about 1-2%. He commented that for the previous two (2) orders NCSWA had contributed the last $600; however, they were not in that position at this time. He offered their assistance for the delivery of the polycarts.

Motion by Mayor Pro-Tem Valdez to approve the Budget Adjustment Request for the Purchase of the Polycarts; seconded by Councilor Salazar.

Councilor Radosevich asked who got the polycarts. Mayor Pro-Tem Valdez explained that this order would replace old or broken polycarts. Mr. Romero stated that the new polycarts had a two (2) year warranty and were different form the old polycarts. He explained that they worked better with the four (4) new trucks which was a much more efficient way of picking up trash.

Councilor Ortiz asked about the replacement process. ASD Sandoval stated that any city customer that had a polycart in need of replacement would have to call the City. Mr. Romero stated that NCSWA did not have access to the City system; therefore they were forced to have customers return to City Hall. He suggested that the simplest way to avoid the confusion would be for the City to allow NCSWA to have access to the system so they could identify the customers.

Councilor Ortiz asked if this order would replace all of the polycarts. ASD Sandoval stated that it was an ongoing process. Mayor Pro-Tem Valdez stated that constituents call him sometimes and he gets their address, name, etc.

Councilor Ortiz asked if the City planned to spend any more money on this going forward. ASD Sandoval replied that they would do an assessment and try and plan for similar replacement in the next fiscal year. Councilor Ortiz verified that the big push was to get citizens the new style of carts. Councilor Peggy Sue Martinez stated that it was the second large push. ASD Sandoval stated that the City had 3,000 customers and the City needed to make sure they all had the new style of polycarts. She noted that although they had a warranty, the City would need to replace the polycart until the repaired cart was returned.

Councilor Michelle R. Martinez stated that was also to replace county carts that were being used in the city. NCSWA Manager Romero stated that they had agreed to lend Rio Arriba County polycarts to the City until the order was received.

Motion carried 6-0.

11. Finance Report for the month of September 2014- ASD Joyce Sandoval

Councilor Radosevich exited at 6:56pm.

ASD Sandoval stated that expenditures had gone out in excess of cash received by $105,932. She stated that the Water fund had more money going in than going out by $250,698. She stated that Wastewater was similar as they were $133,464 in the black.

She stated that General Fund revenues were slightly lower than they were for the prior year by $1,000-$2,000. She explained that compared to budget, revenues were lower by about 3%. She commented that this was far lower than what had been experienced in the past. She reminded everyone that the City was trying maximize revenues and minimize expenditures. She cited page three (3) of her report where expenditures were significantly higher during September 2013.

Councilor Radosevich re-entered at 6:58pm.

ASD Sandoval asked everyone to remember that the reason there was a cash deficit was because there were some large expenditures made in August and there had been three (3) payrolls. She stated that there had been some IRS fees and some insurance settlements that came through in the same month. She continued that she did not anticipate those costs being repeated and noted that everyone would have to watch what money they had and continue to monitor it closely. ASD Sandoval explained that for the general fund, the largest revenue source was GRT. She cited page 4 of her report and stated that GRTs were trending at 6-7% over the previous year's receipts. She expressed hope that this would continue. She added that the trend was going higher in the next month.

ASD Sandoval stated that under the use of funds section, the largest player was Administrative but that accounted for Governing Body, Attorney, City Manager, City Clerk, Finance, IT, Human Resources and Central Administration. She explained that all utility bills were paid from the Central Administration budget. ASD Sandoval commented that Public Safety was the other large player and that accounted for the Police Department, Interim Detention costs and the Fire Department.

ASD Sandoval cited page 6 of her report and stated that due to the month of August, the City had not gotten into the black. She stated that she anticipated that in October, the City would return to the black until the next three (3) payroll month.

12. Approval of City of Española Administrative Policies, Procedures & Permit Application for Parks and Sports Facilities- Community Services Director Mark Trujillo

Motion by Councilor Radosevich to approve the City of Española Administrative Policies, Procedures & Permit Applications for Park and Sports Facilities; seconded by Councilor Peggy Sue Martinez.

Councilor Radosevich cited page 10 and stated that the $200 cost per field per day for tournaments should match the cost per day and per field for non-tournament use. CSD Trujillo said that this had been discussed during the work session for a non-tournament or something non-softball related. He said they had done some research and did not understand why Councilor Radosevich was attempting to change at that point. Councilor Radosevich stated that he felt that if someone were using the field, there should be a standard price. Mayor Pro-Tem Valdez stated that he believed that this would be for use by the community not tournaments where fees were charged. Councilor Radosevich stated that he did not see someone paying $100 to play a softball game.

Councilor Peggy Sue Martinez stated that they had agreed that no practices should be held there and when they discussed the non-tournament situation, it was to utilize it for other purposes. She stated that she did not think it was really fair to not have a flat fee, but did not wish to lower it. Councilor Peggy Sue Martinez suggested a flat $200 fee per day per field considering the cost of the upkeep.

Councilor Radosevich expressed the belief that softball players should not be singled out to pay more.

Councilor Michelle R. Martinez asked if this would be for a single game. She stated that the tournament fee would encompass all sports, such as a soccer tournament.

Motion amended by Councilor Radosevich to approve the City of Española Administrative Policies, Procedures & Permit Applications for Park and Sports Facilities with an amendment stating that it would cost $200 per day per field for any use; seconded by Councilor Peggy Sue Martinez.

Councilor Michelle R. Martinez stated that the language was already differentiated on the fees schedule. She expressed the belief that polices were fine as they were written.

Councilor Ortiz recalled the differentiation being included for the use of a game and for tournaments of any kind. She asked if she could offer a substitute motion.

Councilor Radosevich withdrew his motion; Councilor Peggy Sue Martinez withdrew her second of the motion.

Motion by Councilor Ortiz to approve the City of Española Administrative Policies, Procedures & Permit Applications for Park and Sports Facilities as presented; seconded by Councilor Peggy Sue Martinez.

Motion carried 5-1, with Councilor Radosevich voting in the negative.

13. Approval of Recommendation for purchase of vehicle for the Water Department- Water Operations Supervisor Adrian Martinez

Water Supervisor Adrian Martinez stated that after going through the formal bid process, local vendors had bid the lowest. He stated that the prices remained the same from his previous presentation before Council.

Motion by Mayor Pro-Tem Valdez to approve the purchase of vehicles for the Water Department; seconded by Councilor Peggy Sue Martinez.

Councilor Martinez commented that she was happy to see local vendors. She stated that she was thrilled the Governing Body was helping to improve the City's economy.

City Manager Kelly Duran pointed out the positive repercussions regarding a local vehicle. He stated that they would be serviced locally which could save up to eight (8) hours of employee work time.

Motion carried 6-0.

City Clerk Mascareñas stated that Public Works Committee Chairman Pedro Valdez had requested that the date of the Public Works meeting be moved to November 5, 2014 in order to allow Councilor Ortiz to attend. She stated that although that was the regularly scheduled night for the Public Safety Committee to meet, the Public Works Committee could meet in the Committee Room. She ensured that everyone was amenable to that suggestion.

R. 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.

There was no need to enter into Executive Session.

S. ADJOURNMENT

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

Motion carried 6-0.

The meeting was adjourned at 7:19pm.

SIGNED, ADOPTED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2014

Alice A. Lucero, Mayor

ATTEST

Anna Squires, Deputy City Clerk