



CITY COUNCIL MEETING
MAY 29, 2012, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

Mayor Lucero led the Pledge of Allegiance.

C. MOMENT OF MEDITATION/ INVOCATION

Councilor 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
Councilors:	Robert Seeds
	Pedro Valdez
	Peggy Sue Martinez
	Cecilia Lujan
	Cory Lewis
	Eric Radosevich

E. APPROVAL OF AGENDA

Mayor Lucero requested the removal of Item #14 and explained that enough information had not been provided to the Council.

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

Motion carried 6-0.

F. PUBLIC COMMENTS

There were no members of the public wishing to comment.

G. COUNCILOR COMMENTS

Councilor Seeds stated that he had spoken with Interim City Manager Joe Duran regarding the shutdown of the Cooks entrance from the Fairview lane extension within a ten (10) day period of

time. He expressed his concern that this would devastate the area and requested that Interim City Manager Joe Duran draft a letter in support of Transit Mix.

Councilor Seeds stated that he would like to discuss the Police Department. He explained that he understood some cuts had been made in the Police Department budget and stated that the City should make a positive attempt to provide a police presence. Councilor Seeds added that Chief Branch needed enough manpower and expressed his hope that there would be more meetings dealing with budget issues.

Mayor Lucero stated that this item would be discussed later in the meeting.

Councilor Lujan stated that she would like to follow up regarding an email that she sent to Interim City Manager Duran. She announced that she had discovered a program that offered grants to municipalities and thanked him for forwarding the email.

Councilor Martinez commented on the Veteran's Memorial Wall event on Memorial Day. She complimented City staff on a job well done preparing the site. In addition, Councilor Martinez recognized the employees who prepared the Lucero Center for the visit from Governor Martinez for the kickoff of the summer Reading Program. Mayor Lucero echoed Councilor Martinez' remarks and stated that the Lucero Center had never looked more beautiful.

H. MATTERS FROM THE MAYOR

1. Employee of the Month- Jolene Miera, Court Administrator

Judge Salazar stated that it was his honor to nominate Ms. Jolene Miera as Employee of the Month. He stated that Ms. Miera worked tirelessly and efficiently. He reported that she worked well with all City staff and possessed 16 years of experience. He added that this nomination had been highly recommended by Public Works Director Marvin Martinez.

Mayor Lucero presented Ms. Miera with her certificate.

Councilor Martinez thanked Ms. Miera for her willingness to provide information.

2. Business of the Month- Country Farm Supply

Mayor Lucero credited Councilor Martinez with the idea to recognize an outstanding business each month.

Councilor Martinez read the certificate.

3. Appointment of City Council Member, District 2

Mayor Lucero stated that she had met with three (3) people regarding this position and requesting ratification of the appointment of Elaine Herrera. She stated that Ms. Herrera was a lifelong resident of District 2. She added that Ms. Herrera possessed a Bachelors' Degree in Business Administration majoring in Financial Management as well as a Master's degree in Business Administration. Mayor Lucero stated that she believed Ms. Herrera's heart was in the right place. She stated that she came from a prominent and well respected family and served as an excellent role model.

Motion by Councilor Lujan to ratify the appointment; seconded by Councilor Lewis.

Councilor Seeds stated that the Governing Body had struggled to work together and he was surprised with this appointment. He stated that he was concerned with the committees for the selection of City Manager and Chief and disagreed with the way the mayor chose to appoint. Councilor Seeds asked why the appointment had been done so hastily.

Mayor Lucero stated that this matter had taken priority over the searches for City Manager and Chief because there were interims in place doing well. She expressed her feeling that District 2 needed to be represented. She added that there were quite a few applicants for City Manager from out of state and because the City of Española was a unique community, she wanted to be very careful and do thorough background checks. Mayor Lucero added that, if people come from out of state to interview, she did not wish to waste their time. Mayor Lucero thanked Councilor Seeds for asking so that the public would be informed. She added that for the past two (2) months, the management team had concentrated on the budget.

Councilor Seeds stated that he felt he represented District 2. He expressed his belief that Mayor Lucero was not showing a good faith effort to communicate. Mayor Lucero replied that it was against state law for her to poll the council or ask for support on any issue. She stated that she had not called all of the councilors because she wanted to avoid a rolling quorum.

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

Councilor Seeds clarified his vote by stating that he did not have anything against the appointee, just how the process was done.

Mayor Lucero administered the oath of office to Ms. Elaine Herrera.

4. 2012 Española Fiestas Schedule of Events

Mayor Lucero presented the 2012 Española Fiesta Schedule of Events for the information of the Council.

I. REPORTS

5. Council Committees (Public Safety, Public Works, Community Services, Finance)

Officer Salomon Romero stated that the department had begun to put together a burglary task force in February.

Councilor Lujan exited at 6:27pm.

Chief Branch stated that the program was showing an impact as there had been seven (7) burglary arrests over the last couple of days.

Officer Romero added that one (1) phone call to Santa Fe had assisted the other agency with making an arrest on several burglaries they were investigating.

Chief Branch expressed his hope that they could branch off of this division.

Councilor Martinez asserted that Public Safety was everyone's number one (1) concern because on her street, less than 200 yards away, a woman was robbed and shot.

Councilor Seeds asked what the Governing Body could do to help Public Safety. Chief Branch replied that more money would help. Councilor Seeds stated that it was shameful that there had only been one meeting regarding the budget. Mayor Lucero stated that there had already been a work session that Councilor Seeds did not attend. Councilor Seeds continued that he felt it was shameful that the budget had not been discussed even more. Mayor Lucero stated that Councilor Seeds was out of order as this item was scheduled later on the agenda. Councilor Seeds replied that he was not in Elementary school and did not appreciate the Mayor calling him out order.

Chief Branch complimented his staff on their continued hard work.

Mayor Lucero stated that she felt it was a reflection of his leadership. Councilor Lewis commended all of the public safety employees.

Mayor Lucero yielded the floor to Judge Stephen Salazar. Judge Salazar stated that there was an unsung hero of the justice triangle which was the 911 staff. He stated that they do an outstanding job.

Community Services Director Cata stated that they hoped to get some help from council regarding the lighting at Valdez Park following core testing of the poles.

Councilor Radosevich asked what progress had been made on the proposed softball fields. Community Services Director Cata stated that he needed to get in touch with a gentleman for an estimate on sod. Councilor Radosevich asked if the sod could be obtained from the University of New Mexico. Community Services Director Cata stated that he had been so consumed with the Governor's visit, he had not looked into it. Councilor Valdez asked about the status of the purchase of the truck. Community Services Director Cata stated that they had put out the RFP, but had not yet received any bids.

Councilor Seeds stated there had been a lot of discussion about the fields and questioned why it had taken so long. Mayor Lucero clarified that we had not received the money as DFA had not yet approved it. Councilor Seeds suggested using some of that money to replace the light poles.

Councilor Martinez stated that Recreation Coordinator Andrew Herrera had contacted City Attorney Coppler regarding the usage of the Lucero Center for employee families. She stated that it was important that the gym be used for the youth of the area. Councilor Martinez reported that they felt it would be important to allow children to donate some time to help clean up so that in order to build character along with allowing access. She stated that all of the committee had been in agreement and would like to see the council move forward. Mayor Lucero asked that staff bring information to the City Manager.

Mayor Lucero stated that the allowance of employees to use the facilities was a benefit to compensate for low salaries. Councilor Martinez agreed and stated that if her child wanted to go she could pay but there were kids who could not.

Councilor Martinez suggested creating a Youth Liaison committee. Mayor thanked her for bringing it up and asked that she take the lead.

Councilor Valdez stated that a preliminary budget would be presented tonight and expressed his hope that everyone would be in favor.

Councilor Radosevich exited at 6:46.

6. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Beautification Committee)

Councilor Valdez stated that North Central Solid Waste had not yet had their meeting.

Councilor Lewis stated that Hands Across Cultures would be having a golf tournament.

Councilor Radosevich reentered at 6:47pm.

Councilor Martinez stated that planters had been ordered and would be placed throughout the city. She added that that they were built on a skid so they could be picked up by a forklift and moved. Councilor Martinez reported that the Espanola Hospital had agreed to place one on their property as had the Northern New Mexico College Student Senate.

7. City Manager, including Finance Report and Staff Reports

Finance Report

ASD Sandoval cited Page 1 of 6 which discussed the review of April. She stated that the General Fund had \$394,258 revenues over expenditures. She added that the water fund was \$117,000 in the positive and wastewater was close to breaking even. Mayor Lucero thanked the staff for their efforts.

ASD Sandoval continued with Page 2 of 6 and compared the current year to the prior year.

Mayor Lucero asked if the month of May would show an increase in expenditures. ASD Sandoval stated that purchasing had been cut off except in emergency situations and high priority issues. She added that the Police Department and Fire Department were usually considered critical so their expenditures would continue.

Councilor Seeds asked how ASD Sandoval had decided upon \$50,000 for the animal shelter. She replied that the amount was typical of previous budget sessions. Councilor Seeds asked if they showed a need. ASD Sandoval answered that that the animal shelter had presented a request to increase the monthly allowance at approximately \$8,000.

J. CONSENT AGENDA

8. Minutes

- a. April 24, 2012 City Council Meeting Minutes

9. Municipal Court Renovations –Change Order Approval

10. Northern New Mexico Regional Arts Center Contract Renewal

11. Approval of Veteran’s Memorial Wall 90MM Cannon

12. Senior Center Rental Fees

13. San Gabriel Historical Society Lease

Mayor Lucero stated that the items on the consent agenda had been discussed during the work session.

Motion by Councilor Martinez to approve the Consent Agenda; seconded by Councilor Radosevich.

Motion carried 7-0.

K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

14. Fiesta Council Requests

Mayor Lucero stated that Community Services Director Cata had offered the space that he planned to occupy to the fiesta council.

Mr. David Garcia stated that they needed the space for events. Mayor Lucero added that the transportation was for the queens and caballeros to go to other fiestas.

Councilor Martinez stated that she did not have a problem with helping the fiesta council out.

Mayor Pro-Tem Salazar entered at 6:59pm.

Councilor Martinez suggested that this issue go through committee first. Councilor Radosevich stated that several people had spoken with him regarding their desire to not have beer at the fiestas due to a lack of police presence. Mr. Garcia replied that this had been requested as a fundraiser because funds had been very limited. He added that it was not a necessity and it would be controlled.

Mayor Lucero requested a vote on each issue individually.

a. Office Space at the Convento

Motion by Councilor Lewis to approve the use of office space at the Convento for the fiesta council; seconded by Councilor Seeds and Councilor Radosevich.

Councilor Martinez asked Community Services Director Cata if this would encumber him in any way. Community Services Director Cata replied in the negative and stated that they would merely have to move some things around.

Motion carried 7-0.

b. Bus Transportation for Fiesta Council Activities

Mayor Lucero asked if the council would pay for gas or the City would pay. Mr. Garcia stated that the fiesta council would pay for their gas. Mayor Lucero clarified that the City would provide a bus and a driver. Mayor Lucero asked Community Services Director Cata if the budget was available to fulfill this request. Community Services Director Cata replied in the affirmative and stated that Tracy Naranjo had driven the bus in past while working a flexed schedule.

Motion by Councilor Valdez to approve bus transportation for the fiesta council; seconded by Councilor Seeds.

Motion carried 7-0.

c. Beer Garden fundraiser at Española Fiestas

Mayor Lucero stated that liquor had been eliminated in order to make it a family event. She stated that she had agreed to put this on the agenda for the council to consider and suggested that it be limited to the evening hours.

Councilor Radosevich stated that if people drank all day, it could cause others not to show up.

Councilor Seeds stated that the bottom line was money and economics. He agreed that perhaps they should allow liquor after a certain point in the evening. Mr. Garcia stated that he had run a bar for twenty (20) years and worked at the casino for ten (10) years and they worked if there were controls put into place.

Councilor Lewis stated that he was concerned with their being a lack of public safety and asked who would staff the beer garden. Mr. Garcia stated that they would have a security company watching the gate. He added that before they even considered it, they would meet with the Alcohol and Gaming Commission and find alcohol-certified individuals to man the booth.

Councilor Radosevich said it was a good revenue maker. Mayor Lucero added that they would also have to get a license from a licensed distributor. She explained that these individuals often wanted to handle it because it was their license at stake.

Councilor Lewis asked if the fiesta council had found someone with a liquor license. Mr. Garcia stated that they did have someone in mind but they still had leg work to do.

Councilor Seeds asked if they could return with all of the questions answered prior to taking a vote.

Mayor Pro-Tem Salazar apologized for arriving late and asked what the bylaws stated regarding liquor. He added that he recalled a possible prohibition of liquor. Mr. Garcia replied that each fiesta council formulated their own set of bylaws.

Councilor Lewis stated that he was worried because the City did not have a jail and it would cost the city a lot of money to transfer people for detoxification to San Miguel County.

Councilor Seeds suggested directing staff to meet with the fiesta council and draft a solid plan. Mr. Garcia requested that they be allowed to prove that they could handle the undertaking of a beer garden.

Motion by Councilor Lewis not to approve; seconded by Councilor Martinez.

Councilor Seeds asked how much money they were lacking from fiestas. Mr. Garcia stated that fiestas cost approximately \$65,000 and they had only raised about \$25,000 thus far.

Motion carried 6-0.

15. Purchase Agreement between the City of Española and Española Public Schools-
Provision of transfers by Quitclaim deed

City Attorney Coppler stated that the sale had already been approved and the City had signed a joint letter. He explained that, forty-five (45) days after that, DFA had communicated that they would not approve a special warranty deed. A month following that decision, the Espanola Public Schools stated that they would not require a special warranty deed and would accept a quitclaim deed. He stated that this required approval by the City Council. He explained that there was money held in escrow in the form of a check and recommended approval as a quitclaim deed was less onerous and required fewer obligations than a special warranty deed.

Motion to approve by Councilor Lewis; seconded by Councilor Seeds.

Councilor Lewis clarified that the money would be used solely for Community Services.

Motion carried 7-0.

16. Approval of FY10 Auditor

ASD Sandoval stated that an RFP had gone out once again after the original auditor withdrew from the engagement. She explained that they received two (2) proposals and opened them on May 9th with the evaluation committee present. She reported that the two (2) respondents had been Kubiak and Melton and Harshwal and Co. ASD Sandoval stated that, after much consideration, the committee made a recommendation to approve Harshwal and Co.

Motion by Councilor Valdez to approve the FY10 Auditor; seconded by Councilor Radosevich.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	Against
Councilors:	Robert Seeds	For
	Pedro Valdez	For
	Peggy Sue Martinez	Against
	Cory Lewis	Against
	Eric Radosevich	For
	Elaine Herrera	For

Motion carried 4-3.

17. FY 2012-2013 Preliminary Budget Adoption

Mayor Lucero stated that the budget had been discussed during the work session and changes were included in the packet.

ASD Sandoval stated that after the work session, they had a remaining deficit of approximately \$90,000 to balance the budget. She stated that they had come up with a portion of the difference by cutting \$36,000 from the animal shelter funding due to the in-kind services the City provided. Mayor Lucero explained that when the budget process began, the City was \$400,000 in the

negative. ASD Sandoval stated that the last \$60,000 was taken from the Police Department. She specified that they had received a grant for a tactical officer and they had not yet tapped into that funding. She stated that Chief Branch had worked with the Grants Administrator to get it extended and he now planned to move one of his officers from being funded by the General Fund and have him or her funded by the grant. She stated that this would give the Police Department the same vacancies as originally discussed.

She stated that, with that change, the City would arrive at a balanced budget and reminded everyone that it was a preliminary proposal. She stated that during the months of May and June, they would have the opportunity to see if there were any carryover funds or deficits. She added that she did not anticipate any deficit funding.

Councilor Radosevich asked what the animal shelter got from Santa Fe County. ASD Sandoval replied that she was not aware of the amount off the top of her head. Mayor Lucero stated that she believed that Santa Fe County gave \$20,000 and Rio Arriba County gave \$20,000.

Mayor Lucero asked if the one-twelfth (1/12) of a percent had been set aside as required by DFA. ASD Sandoval replied in the affirmative.

Councilor Seeds stated he felt uncomfortable and stated that felt the City should support the animal shelter.

Mayor Lucero assured Councilor Seeds that there would be more meetings to discuss the budget.

ASD Sandoval explained that they had gone through the typical cycle. She stated that she had begun discussions with department heads in February, met with them in March and made modifications in April. She stated that it had been presented at the workshop and had always been discussed at the May City Council meeting for approval. Councilor Seeds replied that, in the past, they had interviewed department head.

Councilor Valdez stated that if they examined the detail, there would still be a chance to make changes as there were two (2) more months of actual revenues. He stated that if there was not an increase in monies, they may have to consider furloughs. Councilor Valdez explained that a preliminary budget was for DFA to examine our finances.

Councilor Radosevich stated that it would be like cutting the City's throat if Public Safety were cut. Councilor Lewis agreed with Councilor Radosevich.

Mayor Lucero clarified that a position would not be cut, but rather be funded by a grant.

Councilor Seeds suggested the approval and requested that staff commit to meeting several times in June to resolve their concerns.

Councilor Martinez asked if everyone would be willing to do a full day workshop. ASD Sandoval replied in the affirmative, but explained that June was still within the current fiscal year. She stated that July may be a more appropriate time because of the end of the fiscal year.

Mayor Lucero stated she was in favor of a workshop. Councilor Martinez suggested a Saturday.

Motion by Councilor Valdez to approve the FY2012-2013 Preliminary Budget; seconded by Councilor Martinez.

Motion carried 7-0.

L. 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.

Mayor Lucero stated that there was a need for Executive Session.

Motion by Councilor Seeds to enter into Executive Session; seconded by Councilor Valdez.

Roll Call Vote:

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

Motion carried 7-0.

The Governing Body entered Executive Session at 7:51pm.

Mayor Pro-Tem Dennis Tim Salazar exited at 7:51pm.

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

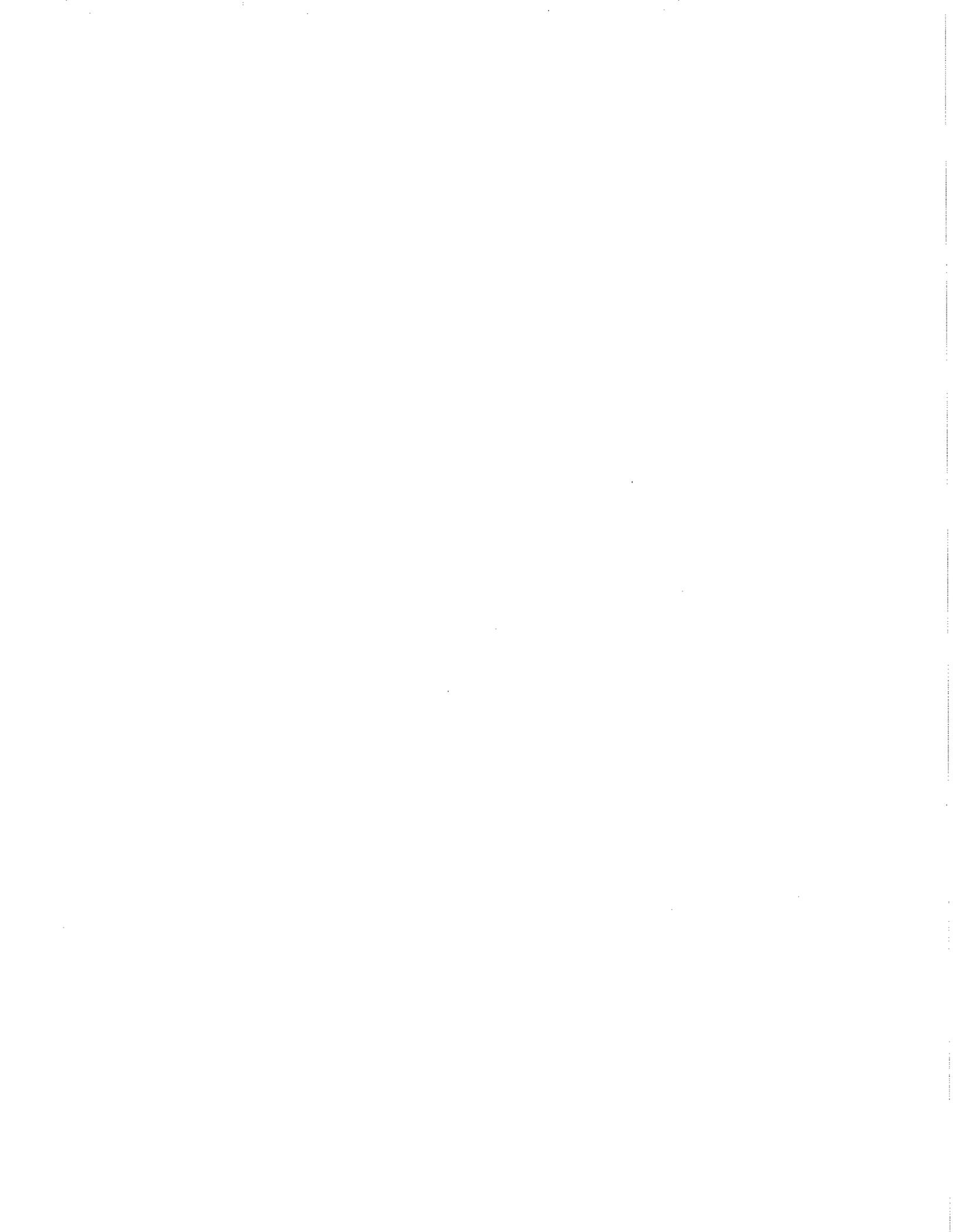
Councilor Radosevich exited at 8:10pm.

Roll Call Vote:

Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	Cory Lewis	In Favor
	Elaine Herrera	In Favor

Motion carried 5-0.

The Governing Body exited Executive Session at 8:11pm.





Tessa Jo Mascarenas
Tessa Jo Mascarenas, City Clerk