CITY COUNCIL MEETING
JULY 8TH, 2014, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

The meeting was called to order at 6:01 pm by Mayor Alice A. Lucero.

B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/INVOCATION

Mayor Alice A. Lucero led the Pledge of Allegiance; Mayor Pro-Tem Pedro Valdez led the Moment of Meditation/Invocation.

C. ROLL CALL/DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

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

D. APPROVAL OF AGENDA

Agenda as presented:

---Begin---

A. CALL TO ORDER
B. PLEDGE OF ALLEGIANCE/MOMENT OF MEDITATION/ INVOCATION
C. ROLL CALL/ DETERMINATION OF QUORUM
D. APPROVAL OF AGENDA
E. PUBLIC COMMENTS
F. COUNCILOR COMMENTS/ ANNOUNCEMENTS
G. MATTERS FROM THE MAYOR (ACTION ITEMS)
1. Proclamation- La Fiesta del Valle de Española

H. BUSINESS WITH VISITORS
2. Matthew Martinez, Associate Professor of Pueblo Indian Studies at Northern NM College

I. REPORTS
3. **Council Appointed Liaisons** (NCSWA, NCRTD, E911, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)
4. **City Manager Report**
5. **Finance Report** by Joyce Sandoval, Administrative Services Director

J. CONSENT AGENDA
6. 5.22.14 Finance Board Meeting Minutes

K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)
7. Approval of City of Española Regional Sportsplex Policy & Procedures

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.

M. ADJOURNMENT

--End--

Motion by Councilor Lewis to approve the agenda; seconded by Mayor Pro-Tem Valdez.

Motion Carried 6-0.

E. PUBLIC COMMENTS

There were no members of the public wishing to comment.

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Mayor Lucero announced the Ribbon-Cutting Ceremony for the City of Española Regional Sportsplex on July 11, 2014 at approximately 10am. She stated that all City Council members were invited to attend. Mayor Lucero stated that the City Clerk's Department had sent invitations. She added that the Española Fiesta Lunch with the Mayor would be held at the Beatrice Martinez Senior Center on July 11, 2014 at noon.

Mayor Lucero reported that the 2014 Fiestas del Valle de Española would be taking place from Thursday, July 10th through Sunday, July 13th, 2014 at the Plaza de Española. She encouraged the public to attend.

Mayor Lucero commended the 2014 Española Fiesta Council for their hard work in making Las Fiestas del Valle de Española a great success. Española Fiesta Council President Antoinette Vigil introduced members of the 2014 Fiesta Council. She stated that the theme for the 2014 Fiesta del Valle de Española was "Cultura de hoy, para mañana y el future." The English translation is, "Culture for today, for tomorrow, and the future."

MATTERS FROM THE MAYOR (ACTION ITEMS)

1. **Proclamation- La Fiesta del Valle de Española**
Mayor Lucero honored the 2014 Fiesta del Valle de Española with a proclamation acknowledging Royal Court and Cuadrilla Representatives. Mayor Lucero proclaimed the July 10, 2014-July 13, 2014 as Las Fiestas del Valle de Española Days in the City of Española, New Mexico.

G. BUSINESS WITH VISITORS

2. **Matthew Martinez, Associate Professor of Pueblo Indian Studies at Northern NM College**
Associate Professor of Pueblo Indian Studies at Northern New Mexico College Matthew Martinez stated that he had written a letter addressed to the City of Española in care of Mayor Lucero and City Attorney. Dr. Martinez stated that the letter addressed Spanish Colonial Conquistador Don Juan de Oñate and his exile from New Mexico four-hundred (400) years prior in 1614. Dr. Martinez discussed the mismanagement and excessive cruelty under which Acoma warriors were subjected to the amputation of their right foot.

Dr. Martinez suggested addressing the sensitive subject matter and the history which embodied the City of Española and neighboring native tribes. Dr. Martinez explained that the icon which had been celebrated and revered within the City of Española during the time of Fiestas had notably inflicted suffering amongst Northern New Mexican native tribes. He stated that, in an effort to provide added historical content and

background on the subject, the question needed to be raised with regard to the appropriate way to celebrate the 400th year anniversary of Don Juan de Oñate's exile.

Mayor Pro-Tem Valdez stated that historic figure Don Juan de Oñate represented a time when the Americas were being colonized. He acknowledged that during that time, there were methods which were not diplomatic and very cruel. Mayor Pro-Tem Valdez stated that the colonization represented the presence and settling of the Spanish within the community and believed the City celebrated the good from history, not the bad.

Mayor Lucero stated that Dr. Martinez was invited to present at the City Council meeting in an effort to provoke open discussion regarding issues noted in the Valley's rich historical fabric. Mayor Lucero thanked Dr. Martinez and encouraged continued positive collaborative efforts between the City of Española and neighboring native tribes in order to gain a better understanding of the shared past.

Councilor Hernandez echoed the sentiments of Mayor Lucero and noted that many of the local surnames were of Spanish decent. Councilor Hernandez suggested that efforts be made to further unite the surrounding communities, with a focused interest on the similarities shared. Dr. Martinez explained that his objective was from an educator's standpoint and in order to move the community forward, it needed to learn from its complicated history in an effort to celebrate the future.

Mayor Lucero encouraged Dr. Martinez to communicate with the Española Fiesta Council in an effort to better understand the time period which was celebrated annually. She added that she would like to see the neighboring tribes of Ohkey Owingeh and Santa Clara appropriately represented and celebrated during Las Fiestas del Valle de Española.

H. REPORTS

3. Council Appointed Liaisons (NCSWA, NCRTD, E911, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)

Mayor Pro-Tem Valdez stated that the North Central Solid Waste Authority (NCSWA) did not have a meeting during the month of June 2014. He reported that the meeting had been rescheduled for July 9, 2014 at 9am.

Councilor Dennis Tim Salazar stated that the North Central Regional Transit District (NCRTD) meeting was cancelled for the month of July but had been rescheduled for Friday, August 8th, 2014 at 9:00am at the RTD building.

Interim City Manager Joe Duran stated that the next E-911 meeting would take place on September 2014. He announced that the Veteran's Commission Meeting would be taking place on July 9th, 2014 at 5:00pm at the Española Plaza Convento.

Mayor Lucero stated that the Regional Coalition of LANL Communities (RCLC) would be having a meeting July 24, 2014 at 9:00am in the City Council Chambers. She reported that critical information would be discussed regarding W.I.P.P.

IT Manager Joaquin Maestas stated that a last mile internet service provider business was in the process of negotiating the possibility of mounting wireless high speed towers within the City in an effort to provide high speed internet services. He confirmed that the company wanting to establish business within the City was named Black Mesa Wireless. IT Manager Maestas explained that if negotiations were reached between the City of Española and Black Mesa Wireless, the community would eventually benefit from the accessibility of high speed internet services.

4. City Manager Report

Interim City Manager Duran stated that he anticipated good attendance during the upcoming Española Fiestas. He added that heavy traffic usually existed and all departments were fully aware and prepared for the activity.

5. Finance Report

Administrative Services Director (ASD) Sandoval stated that General Fund revenues were below projections by approximately fifteen percent (15%). She explained that the majority of revenues came from local taxes and state shared taxes. ASD Sandoval explained that FY 2014 Gross Receipts Taxes (GRTs) were budgeted at approximately $7,227,764 and an estimated $820,199 had not yet been received. She cited this fact as the reason why FY 2015 General Fund (GF) revenues were projected lower by fifteen percent (15%).

ASD Sandoval stated that property taxes in Rio Arriba County came in slightly higher than they had in years prior. She added that Motor Vehicle Taxes had also come in at a slightly higher rate than fiscal years prior.

Councilor Ortiz asked ASD Sandoval to clarify if the $820,199 was only from the General Fund. ASD Sandoval replied in the affirmative and added that the State Taxes which contributed to the General Fund equated to $3,243,241.55 with an additional $24,584.24 Municipal Equivalent Distribution funds. Councilor Adrianna Ortiz determined that the Municipal Equivalent Distribution fund was lower by approximately $4,000.00. ASD Sandoval replied in the affirmative.

I. CONSENT AGENDA

6. 5.22.14 Finance Board Meeting Minutes

Motion by Mayor Pro-Tem Valdez to approve the Consent Agenda; seconded by Councilor Lewis.

Motion Carried 6-0.

Councilor Michelle R. Martinez asked the City Clerk's Department when the Governing Body would be current with the approval of City Council Meeting Minutes. City Clerk Mascareñas stated that the minutes for the May 22, 2014 had taken longer as they had utilized the recording to ensure that the figures listed were correct. She stated that the minutes of the meeting following that date had already been approved. Deputy City Clerk Squires responded that, in accordance with the NM Open Meetings Act, a draft of the minutes was available ten (10) day after the meeting for review. She stated that the draft(s) may not be perfect, but were available to review prior to edits and final approval.

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

7. Approval of City of Española Regional Sportsplex Policy & Procedures

Community Services Director Mark Trujillo explained that during the last Community Services Committee Meeting, the City of Española Regional Sportsplex Policy & Procedure agreement had been reviewed and discussed with City Attorney Frank Coppler. Community Services Director Trujillo stated that he was open to any suggestions, changes, amendments, edits and/or questions which the Governing Body wanted.

Councilor Michelle R. Martinez asked why item number(s) 25, 26, and 27 repeatedly dictated the prohibited use of metal spikes and/or cleats on synthetic turf. She expressed the belief that the terminology appeared to be too redundant. Community Services Director Trujillo stated that the Policy & Procedures agreement could be amended, but due to the expense to maintain the synthetic turf, the prohibited use of metal spikes and/or cleats was repeated as a precautionary measure as well as a method to enforce the issue.

Mayor Pro-Tem Valdez questioned the feasibility of having a City employee present at all scheduled

tournaments or events taking place at the Sportsplex. Councilor Lewis asked Mayor Pro-Tem Valdez where the funding to pay a City employee would come from. Councilor Lewis stated that he believed the presence of a City employee may not be feasible until revenues were generated from the City of Española Regional Sportsplex. Councilor Lewis further stated that maintenance costs would also need to be considered.

Councilor Ortiz echoed the comments of Councilor Lewis and Mayor Pro-Tem Valdez and asked whether or not the version of the City of Española Regional Sportsplex Policy & Procedures document was from legal counsel or was the original draft presented at a previous Community Services Committee Meeting. Community Services Director Trujillo stated that the document that Council had was from legal counsel.

Mayor Lucero stated that she did not feel it was feasible to have a City employee present at the Sportsplex during odd hours. She stated that the concept was a good idea and should be revisited once revenues were generated from the use of the facility. Mayor Lucero stated that it was feasible to require that a Designated Person fulfill all requirements necessary. She explained that she wanted to avoid any liability issues that may arise and impact the City.

City Attorney Coppler explained that prohibiting the use of alcoholic beverages and/or consumption of alcoholic beverages within the City of Española Regional Sportsplex property and/or grounds was an important component to ensure the City was not subject to potential problematic situations and/or liability.

City Attorney Coppler asked Community Services Director Trujillo about the lighting usage at the Sportsplex. Community Services Director Trujillo stated that seventeen dollars ($17) per hour and per field would be charged for the use of the lights during an evening game or tournament. City Attorney Coppler stressed the importance of generating revenue in order to maintain the Sportsplex and have a City employee man the establishment for liability purposes. City Attorney Frank Coppler added that he felt the seventeen dollars ($17) per hour and per field for lighting was not a sufficient amount and should be raised to a larger amount at some point.

Mayor Pro-Tem Valdez stated that he was strictly against alcohol consumption. He stated that he would not vote in favor of the Policy & Procedures if the terms allowed for the use of alcohol. He stressed that children may be present during a game or tournament held at the Sportsplex and it should be an example of quality of life for family. Mayor Pro-Tem Valdez stated that allowing for the potential use of alcohol would not promote City facilities in a positive manner.

Mayor Pro-Tem Valdez stated that number thirty (#30) within the policy referred to the deterrent of personal tables or chairs within the field and/or on the synthetic turf and should allow absolutely no tables or chairs on the synthetic turf or in close proximity.

Councilor Lewis questioned policy number nineteen (#19) which stated that twenty-four (24) hour tournaments were discouraged and needed to be approved by the City Council prior to use. He clarified that the agenda did not reflect the approval of the City Council for the use of a twenty-four (24) hour Fiesta softball tournament taking place on July 11- July 13. Councilor Lewis stated that he strongly believed that the City of Española Regional Sportsplex would bring needed revenues into the community and also promoted the Española Fiestas in a positive way.

Councilor Lewis stated that he understood the current City of Española Regional Sportsplex Policy & Procedures agreement needed to be passed in order to allow for the tournament to take place. He expressed that he was willing to vote in in favor of passing the Policy & Procedures document in an effort to secure the Sportsplex for the tournament. Councilor Lewis stated that his vote would be contingent on the agreement being addressed and thoroughly reviewed at the next Community Services Committee Meeting.

Councilor Michelle R. Martinez stated that the terminology in item eighteen (18) needed to be re-addressed if

a tournament were to take place and that the lights may need to remain on after 11:30pm. She referenced item nineteen (#19) and explained that twenty-four (24) hour tournaments typically took place over a three (3) day period of time, whereas a league could take place over three (3) months. Councilor Michelle R. Martinez stated that the terminology needed to be revised to suit both a league and a tournament.

Motion by Councilor Lewis to approve the City of Española Regional Sportsplex Policy & Procedures agreement for the use of the First Annual Softball Tournament subject for future revision at the next Community Services Meeting; seconded by Councilor Hernandez.

Interim City Manager Duran discussed the use of City facilities provided that the party acquiring City facilities agreed to obtain liability insurance. Councilor Michelle R. Martinez referenced item twenty three (23) under the Liability portion of the agreement which required insurance prior to the use of the facility. She stated that the term *"may be required"* should state *"shall be required"*. City Attorney Coppler strongly agreed with Councilor Michelle R. Martinez. Community Services Director Trujillo responded in the affirmative and stated that the change would be made.

Councilor Ortiz questioned the security portion of the agreement. Community Services Director Trujillo stated that the portion which Councilor Ortiz was concerned with would be revisited and revised at the next Community Services Committee Meeting.

Motion carried 6-0.

K. EXECUTIVE SESSION

There was no need to enter into Executive Session.

L. ADJOURNMENT

Motion by Councilor Lewis to adjourn; seconded by Mayor Pro-Tem Valdez.

Motion carried 6-0.

The meeting was adjourned at 7:27pm.

APPROVED AND ADOPTED THIS 12th DAY OF AUGUST, 2014.

Alice A. Lucero, Mayor

ATTEST:

Tessa Jo Mascareñas, City Clerk