

**CITY COUNCIL MEETING
SEPTEMBER 8TH 2015, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM**

A. CALL TO ORDER

The meeting was called to order at 6:04 by Mayor Alice A. Lucero

B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/INVOCATION

Mayor Lucero led the Pledge of Allegiance. Councilor Tania Sanchez led the Moment of Meditation/Invocation.

Mayor Alice Lucero asked for a moment of silence for Calvin Tafoya who was a leader in the Santa Clara Pueblo Community along with helping our community with many great ideas.

C. ROLL CALL/DETERMINATION OF QUORUM

The following in attendance:

- Mayor Alice A. Lucero
- Mayor Pro-Tem Pedro Valdez
- Councilors: John Hernandez
- Peggy Sue Martinez
- Cory Lewis
- Dennis Tim Salazar
- Michelle R. Martinez
- Tania Sanchez

Absent: Councilor Adrianna Ortiz

- City Manager Kelly Duran- *residing*
- City Attorney Frank Coppler-*residing*
- City Clerk Anna Squires – *residing*
- Deputy City Clerk Jeanne Bustos - *residing*

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**
 - 1. Certificates of Commendation Presented to City of Española Fire Department
- H. BUSINESS WITH VISITORS**
 - 2. JustServe Initiative presented by *Michael S. Zollinger*
- I. MATTERS FROM THE CITY MANAGER**
 - 3. Department Spotlight – Street Operations - *CM Kelly Duran*
- J. REPORTS**
 - 4. Council Appointed Liaisons; NCSWA, NCRD, E911, Veteran’s Commission, Regional Coalition of LANL Communities, Jemez y Sangre Regional Water Plan Subcommittee, Redi-Net
- K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS /ACTION ITEMS**
 - 5. Consideration of Co-Sponsorship for “Fall Clean-Up Day”- *Municipal Court Outreach Coordinator Richard Marquez*

6. Consideration of Resolution 2015-14; A Resolution Adopting the 2017-2021 Infrastructure Capital Improvement Plan - *Grants Administrator Diahann Jaquez*
7. Memorandum of Understanding (MOU) between the City of Española and the Española Public School District to approve the School Resource Officer (SRO) at the Española Valley High School. - *Grants Administrator Diahann Jaquez & CM Kelly Duran*
8. Discussion of the Process by which the Council will Evaluate Exempt City Employees & Contractors.

L. EXECUTIVE SESSION

MATTERS FROM THE CITY ATTORNEY

9. Executive session pending litigation, Cities of Española and Las Cruces vs. Santa Fe, Doña Ana counties and the New Mexico Taxation and Revenue Department.
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. **NOTE:** New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

M. ADJOURNMENT

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

-End-

E. PUBLIC COMMENTS

-None-

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Councilor Peggy Sue Martinez stated that the Española Fire Department is selling Pink T-Shirts for Breast Cancer Awareness for the month of October and the Fire Department will be at Walmart on Saturday's if anyone is interested in purchasing a t-shirt, all proceeds collected for this cause will stay in the Española Valley. Councilor Peggy Sue Martinez also stated that there will be a community cleanup day on 10/3/15.

Councilor Dennis Tim Salazar extended congratulations to Councilor Michelle R. Martinez for a job well done with completing and graduating from MOLI (Municipal Official Leadership Institute). Councilor Dennis Tim Salazar also extended congratulations to Councilor Tania Sanchez who received 1st place for completing the 5k run that was organized by the NMML (New Mexico Municipal League).

G. MATTERS FROM THE MAYOR

1. Certificates of Commendation Presented to City of Española Fire Department

Councilor Cory Lewis presented Certificates of Commendation to our Deputy Fire Chief Eric Tafoya, Lieutenant Ron Padilla, Fire Fighter Pedro Valdez and Police Chief Richard Gallegos for a job well done. Mayor Lucero thanked Police Chief Richard Gallegos for his leadership and direction. Deputy Fire Chief Eric Tafoya thanked his crew for a job well done.

H. BUSINESS WITH VISITORS

2. JustServe Initiative presented by Michael S. Zollinger

Michael Zollinger stated that he was the State President of the Church of Jesus Christ of Latter-Day Saints in Santa Fe NM along with Steve Betts and Steve Clark. These gentlemen would like to collaborate a partnership to provide a service for the poor and needy and the hungry in the

community to provide humanitarian efforts, community service and lastly Mr. Zollinger stated the program does not provide any of these services for fund raising purposes or for profit organizations. They can be reached at www.justserve.org.

Councilor Peggy Sue Martinez thanked the three (3) gentlemen for providing the Council with a presentation. Councilor John Hernandez also thanked the gentlemen; he also asked if a back ground check is performed for those who work with children.

Councilor Michelle R. Martinez stated that this program is a wonderful program and will be utilizing the program herself, and would like some literature to hand out as needed.

Councilor Tania Sanchez also thanked the gentlemen and looks forward to working with them.

I. MATTERS FROM THE CITY MANAGER

3. Department Spotlight – Street Operations - *CM Kelly Duran*

CM Kelly Duran thanked Mayor Lucero for allowing this item to be placed on the agenda, CM Duran would like this item to be placed on the CCM agenda every 1st City Council Meeting to highlight a department within the City of Española. CM Duran thanked the Streets Department of which included Lawrence Aragon, Billy Law, Adam Trujillo, Robert Deaguero, Elisha Mares and Johnny Padilla for a job well done and for many years of services.

Mayor Pro-Tem Pedro Valdez thanked the Streets Department for a job well done he also stated that when he sees these guys working on the streets he will stop and give them a coke and check on them to see if they need anything.

J. REPORTS

4. Council Appointed Liaisons; NCSWA, NCRTD, E911, Veteran's Commission, Regional Coalition of LANL Communities, Jemez y Sangre Regional Water Plan Subcommittee, Redi-Net

Mayor Pro-Tem Pedro Valdez briefed the Council of NCSWA of the meeting between the County and the City regarding the Preliminary Engineering Report, the report shows how the City and the Pueblos are doing their part, the audits are up to date and he thinks that the City should have a plan B.

Councilor Dennis Tim Salazar stated there is no report on NCRTD.

CM Kelly Duran stated that all discussions have been tabled for a later date for the E911 Board. Mayor Pro-Tem Pedro Valdez asked CM Duran, if there is a State Law to distribute funds that are coming in, CM Duran responded by saying the monies will be a 60/40 split, 60 % of the tax revenue shall go to Emergency Communication and 40 % shall go to Medical Services by which the County renders. The taxes will primarily fund E911 Operations and 2nd the Medical Services by which the County serves. CM Duran stated that his primary concern is, E911 does not receive the allocated funding it needs to operate and it jeopardizes the safety of the people.

Mayor Lucero stated that E911 is only being funded about Nine Hundred Thousand Dollars (900). Councilor Michelle R. Martinez asked CM Duran, if the City is paying more than what is court ordered, Mayor Lucero responded by saying that question will need to be addressed by CA Frank Coppler.

CM Duran reported on the Veteran's Commission by stating the Commission has postponed their regular meeting and attended an Appreciation Dinner for those that support the Veteran's at La Cocina Restaurant. Mayor Lucero reported on the Regional Coalition of LANL Communities, the Coalition will meet on Friday, 9-11-15.

Councilor Peggy Sue Martinez reported on the Jemez y Sangre Regional Water Plan Subcommittee by stating, that this committee has been put in place to organize and prioritize Water and Waste Water throughout the State. Those in collaboration with us are Los Alamos County City of Santa Fe, County of Santa Fe, Rio Arriba County and the City of Española, Councilor Peggy Sue Martinez has been selected to Co-Vice Chair to sit on this Committee.

IT Tech Joaquin Maestas reported on Redi-Net by stating that Redi-Net is in a transition state by which North Central Regional Economic Development District has been Redi-Net fiscal agent for a number of years and after having gone thru the Grant phase and moving on to more of an operational phase, we plan to continue with that Fiscal Agent, because of their fiscally and economically we will have to decide to continue with them or not. We will also be issuing a RFP for Management Services for Redi-Net to grow as an entity.

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

5. Consideration of Co-Sponsorship for "Fall Clean-Up Day"- Municipal Court Outreach Coordinator Richard Marquez

Judge Stephen S. Salazar of the Española Municipal Court spoke on behalf of Outreach Coordinator Richard Marquez for the "Fall Clean-Up Day", which is scheduled for 10/3/15. Everyone is invited to join the City in this clean-up; anyone interested to participate will meet on the Plaza at 8:00 am. There will not be any free dump passes. Sponsors this year are as follows: Española Rotary, Amantes de Flores Garden Club, Española Chamber of Commerce, D.A.T.E, Lovin Oven, Lowes Super Save, Wells Fargo Bank, The Española Valley Board of Realtors, Atlas Fitness Center, Downtown Action Team, KDCE Radio, Army JROTC, EVHS, North Central Solid Waste and Iron Fist Boxing.

Councilor Cory Lewis donated marking flags to identify Hypodermic Needles.

Motion to Co-Sponsorship for the use of the Plaza and the Senior Center made by Councilor Michelle R. Martinez and 2nd by Councilor Peggy Sue Martinez

Motion Carried 7-0

6. Consideration of Resolution 2015-14; A Resolution Adopting the 2017-2021 Infrastructure Capital Improvement Plan - Grants Administrator Diahann Jacquez

Motion for Consideration of Resolution 2015-14; a Resolution Adopting the 2017-2021 Infrastructure Capital Improvement Plan Made by Councilor Peggy Sue Martinez and 2nd by Mayor Pro-Tem Pedro Valdez

Motion Carried 7-0

7. Memorandum of Understanding (MOU) between the City of Española and the Española Public School District to approve the School Resource Officer (SRO) at the Española Valley High School. - Grants Administrator Diahann Jaquez & CM Kelly Duran

CM Kelly Duran deferred comment for the MOU between the City of Espanola and the Española Public School District to CA Frank Coppler, CA Frank Coppler states that the City of Española's Insurance Policy will not ensure claims against employees that are not under the direction of the City. CA Coppler also states, because the SRO policy is under the direction and supervision of the School District, the School District must be primary and the City of Española Insurance is secondary.

Motion to approve for discussion by Councilor Cory Lewis and 2nd by Councilor Michelle R. Martinez

Motion Carried 7-0

*Councilor Michelle R. Martinez stepped out at 7:16 pm
Councilor Michelle R. Martinez back in at 7:17 pm*

8. Discussion of the Process by which the Council will Evaluate Exempt City Employees & Contractors.

Councilor Michelle R. Martinez stated she would like to have all appointed (exempt) employees evaluated at least once a year.

Mayor Lucero states the employees to be evaluated are as follows: CM Kelly Duran, City Clerk Anna Squires, Police Chief Richard Gallegos, CA Frank Coppler and CA AJ Salazar. Mayor Lucero stated she would like to hear from Council via email with any questions they would like asked to the said individuals. Mayor Lucero stated that there will be a Closed Meeting on 9/21/15 for an Exit Audit Conference for year 2012 in the Council Chambers.

**L. EXECUTIVE SESSION
MATTERS FROM THE CITY ATTORNEY**

9. Executive session pending litigation, Cities of Española and Las Cruces vs. Santa Fe, Doña Ana counties and the New Mexico Taxation and Revenue Department. CA Frank Coppler discussed Executive Session in an open session. On 10/5/15 at 1:00 pm, District Judge Sarah Singleton has set the hearing on the County and NM Taxation and Revenue Department have motioned to dismiss.

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. **NOTE:** New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

Motion to enter into Executive Session made by Councilor Peggy Sue Martinez and 2nd by Mayor Pro-Tem Pedro Valdez

Roll Call Vote:

Mayor Pro-Tem: Pedro Valdez in Favor
Councilors: Tania Sanchez in Favor
Michelle R. Martinez in Favor
Dennis Tim Salazar in Favor
Peggy Sue Martinez in Favor
John Hernandez in Favor

Motion Carried 7-0

The Governing Body entered into Executive Session at 7:25 pm
Councilor Peggy Sue Martinez made a motion to come out of Executive Session, Motion 2nd by Councilor Michelle R. Martinez

Roll Call Vote:

Mayor Pro-Tem: Pedro Valdez in Favor
Councilors: Tania Sanchez in Favor
Michelle R. Martinez in Favor
Dennis Tim Salazar in Favor
Peggy Sue Martinez in Favor
John Hernandez in Favor

Motion Carried 7-0

The Governing Body came out of Executive Session at 8:16 pm.

Councilor Peggy Sue Martinez stated that there was no action taken in Executive Session only discussion.

M. ADJOURNMENT

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

N. ADJOURNMENT

Motion to adjourn made by Councilor Cory Lewis; 2nd by Mayor Pro-Tem Pedro Valdez

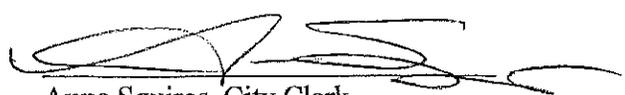
Motion Carried 7-0

Meeting Adjourned at 8:18 pm

ADOPTED AND APPROVED by the Governing Body of the City of Española this 27th day of October 2015.


The Honorable Alice Alarid Lucero
Mayor, City of Española

ATTEST:


Anna Squires, City Clerk

