

**CITY COUNCIL MEETING
SEPTEMBER 9TH, 2014, 6PM
CITY HALL COUNCIL CHAMBERS
405 PASEO DE OÑATE ESPAÑOLA, NM**

A. CALL TO ORDER

The meeting was called to order at 6:00 pm by Mayor Alice A. Lucero

B. PLEDGE OF ALLEGIANCE /MOMENT OF MEDITATION/INVOCATION

Mayor Lucero led the Pledge of Allegiance and 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:	Eric Radosevich
	Cory Lewis
	Michelle R. Martinez
	Dennis Tim Salazar
	Peggy Sue Martinez
	John Hernandez

Absent: Adrianna Ortiz

D. APPROVAL OF AGENDA

Agenda as presented:

---Begin---

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE/MOMENT OF MEDITATION

C. ROLL CALL/ DETERMINATION OF QUORUM

D. APPROVAL OF AGENDA

E. PUBLIC COMMENTS

F. COUNCILOR COMMENTS/ANNOUNCEMENTS

G. MATTERS FROM THE MAYOR

1. Employee of the Month- Sherry Aragon, Librarian
2. Certificate of Recognition- Cuts for Kids
3. Announcement of Tourism Department Award to Municipal Court

H. REPORTS

4. **Council Appointed Liaisons** (NCSWA, NCRTD, E911, Beautification Committee, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)
5. **Staff Reports**

I. ITEMS PROPOSED FOR COUNCIL CONSIDERATION AND/OR DISCUSSION – ACTION ITEMS

6. Approval of Co-Sponsorship of Family Health Day
7. Approval of Placement of Commemorative Monument at Veteran's Memorial
8. Approval of Co-Sponsorship of Walk Against Drugs
9. Approval of Resolution 2014-13: Resolution Urging Approval of Preliminary Mediation Agreement Between Tri-State and its New Mexico Member Cooperatives
10. Approval of Resolution 2014-14: Infrastructure Capital Improvements Plan (ICIP)
11. Consideration of 99-year Lease of Land to Santa Fe Civic Housing Authority (178 Units of Public Housing)

J. 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.

K. ADJOURNMENT

--End--

Motion by Councilor Peggy Sue Martinez to approve the agenda; seconded by Councilor Lewis.

Motion Carried 7-0.

E. PUBLIC COMMENTS

Mr. Roger Life a resident of Calle Cunyo alongside Prince Drive stated that during the last City Council Meeting, the prevention of flooding damages alongside Price Drive was to be addressed. He acknowledged that although the entirety of Prince Drive was not within City Limits, he would like to discuss the locations that were flooded and deemed as City areas. Mr. Life asked why the meeting had not yet taken place.

Mayor Lucero reported that Rio Arriba County had filed a resolution which declared areas affected by flooding as disaster areas and Governor Susana Martinez had issued a Statewide Declaration of Emergency Due to Flooding. Mayor Lucero explained that the City of Española did not adopt a resolution because the Governor had already declared the State of N.M. to be in a state of disaster in flooded areas.

Mayor Lucero explained that the City could apply and request reimbursement for costs to rectify flooding damages from the Federal Emergency State Management Agency (FEMA) and/or State Government. She clarified that the monies received would not go towards new projects, but as reimbursement for the time and materials used to rectify flooding damages which had already occurred. Mayor Lucero stated that General Services Director Juanito Maes was examining ways that the City could participate in improving the area to avoid flooding within legal parameters.

Mayor Lucero stated that it was important to accommodate and acquire proper planning documentation which aided development and future development. Mayor Lucero stated that she had a recent and similar discussion with Mayor Pro-Tem Valdez and they had cited independent contractors and/or individuals who chose not to abide by the Code requirements prior to building a home or establishment. Mayor Lucero further stated that improper planning occurred with regard to appropriate floodplain and drainage documentation within the City district of North Price Drive prior to annexation.

Mayor Lucero stated that Mayor Pro-Tem Valdez' past and recent efforts to rectifying the flooding problems within the district had included attempts at discussion with the neighboring Santa Clara Pueblo. Mayor Lucero explained that the land surrounding the river was pueblo-owned and important easement agreements needed to be made to rectify flooding could properly occur.

Mr. Life thanked Mayor Lucero for explaining the information. He stated that he was unaware of tribal easements and land. He stated that to his knowledge legal parameters of North Price Drive within the City were annexed in an effort to potentially provide City water and sewer to the homes within the area. He expressed disappointment of the lack of City efforts and expressed that he believed the City had not made any attempts of providing sewer hook-ups. Mr. Life continued that to his knowledge he and other residents of the area had paid monies to the City in an effort to hook onto City sewer and water. He questioned why communities such as Valley Estates were provided with sewer and water hookups and the community of North Prince Drive had not yet been provided with sewer hook-ups.

Mayor Lucero stated that the community of Valley Estates was annexed into the City in 1988. She further stated that during that time, monies were available to provide for infrastructure and installation. Mayor Lucero stated that initially the amount to provide for water utility infrastructure for North Prince Drive cost

approximately (6) six million dollars. She further stated that appropriate planning and funding must be made available in order to accommodate for wastewater. Mayor Lucero apologized to Mr. Life stating that Federal monies were not available and the City could not afford to move forward with wastewater infrastructure until further notice.

Mr. Life thanked Mayor Lucero for her honest and direct information. He questioned when a meeting would take place with regard to flood prevention on North Prince Drive. Councilor Peggy Sue Martinez stated that Mayor Pro-Tem Valdez had previously made a commitment to hold a Special Meeting and/or Work Session with regard to preventing or diverting flood waters.

Mayor Pro-Tem Pedro Valdez explained that in order to facilitate a Special Public Works Committee Meeting in an effort to address the concerns of the North Prince Drive district, collaboration with Rio Arriba County, the N.M. Department of Transportation and Santa Clara Pueblo Tribal officials would need to occur in order to discuss effective drainage, easement and flooding prevention methods. Mayor Pro-Tem Pedro Valdez assured to Mr. Life that he would inform him prior to the next Public Works Committee Meeting.

Mr. Life expressed concern about future rains and the potential of repeated flooding within the area. He stated that he hoped the meeting would take place in the near future and the community would be notified in advance. Mr. Life thanked Mayor Lucero as well as Council for their time and efforts.

Mr. Ray Dominguez, Lead Security Officer from Pat Holmes Promotion Boxing & Events, announced that local professional female boxer Monica Lovato would be fighting at Buffalo Thunder Resort and Casino on October 4, 2014 beginning at 7pm. He reported that he was a representative for Ms. Lovato and explained that Ms. Lovato wanted to encourage the youth of the Valley to attend the event and make it viable for the youth that could not afford to attend to otherwise do so.

Mr. Dominguez stated that he would like to be placed on the appropriate Committee Agenda or City Council Agenda to better discuss the possibilities of promoting the event through the City of Española in an effort to encourage youth participation and support for the local professional female fighter. Mr. Dominguez stated that Ms. Lovato would offer the City (100) one hundred tickets at half the price if they were made available to the youth of the Valley or a youth related organization that could provide the safe, supervised transportation to and from the event.

Mayor Lucero explained that City Council could not take action on the discussion because it was not on the City Council Agenda. She thanked Mr. Ray Dominguez for his comments and announcements and encouraged him to provide a proposal so that it could be reviewed appropriately at the next City Council Meeting.

Councilor Dennis Tim Salazar stated that he was not sure if the City was in a position to purchase the (100) one hundred tickets at half price for the youth. He stated that if it were feasible, the concept to encourage youth participation and raise awareness of local talent within the community was extraordinary. Councilor Salazar thanked Mr. Dominguez for his time and acknowledged that Ms. Monica Lovato was a former City employee who had continued to do well and represent the community positively.

Councilor Radosevich exited at 6:22pm.

Mr. Dominguez stated that Rio Arriba County Commissioner Barney Trujillo was in support of the event and Ms. Lovato's intent to encourage youth participation. He suggested that if the City was not able to help in the capacity of purchasing tickets, the listening audience may be able to help to promote youth participation by purchasing the tickets at the reasonable half price rate.

Councilor Radosevich re-entered at 6:23pm.

Ms. Mary Lou Apodaca, President of the Valley Estates Mutual Water & Sewer Association, Incorporated stated that a resident from Valley Estates, Mrs. Janette Salazar, had recently spoken during the Public Comment portion of the July 22, 2014 City Council Meeting. Ms. Apodaca stated that she requested a copy of the draft minutes from that meeting and after reviewing them, she did not agree with the comments made by Mrs. Salazar. Ms. Apodaca stated that the comments were a misrepresentation of the Valley Estates Mutual Water & Sewer Association information. She asked the Governing Body if it was feasible to correct the information which Mrs. Salazar recited.

Mayor Lucero thanked Ms. Apodaca for her time and concerns. She stated that the Governing Body could not control what individuals said during the Public Comment section of a City Council Meeting. Mayor Lucero explained that comments made during the Public Comment section could not be corrected. She stated that it was a decision by Council to either approve the City Council Meeting Minutes during the Consent Agenda or recommend edits for approval at a later date.

Councilor Peggy Sue Martinez stated that she would like to have the information which Ms. Apodaca stated to be the correct. Councilor Martinez stated that when she was able to review the City Council Meeting Minutes of July 22 2014, she could then compare details that were given from both parties. Councilor Peggy Sue Martinez thanked Ms. Mary Lou Apodaca for voicing her concerns.

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Councilor Lewis questioned the feasibility of placing Mr. Ray Dominguez on the next Community Services Committee Meeting Agenda. Community Services Director Mark Trujillo replied in the affirmative.

Councilor Peggy Sue Martinez stated that she would like to recognize two (2) former City employees who had recently obtained employment outside the City of Española. She stated that former Recreation Coordinator Andrew Herrera had recently moved on to working for the New Mexico Secretary of State's Office and Julie Sanchez former Administrative Assistant to the Interim City Manager had begun working for Los Alamos National Laboratory (LANL). She thanked both individuals for their hard work and dedication to the City of Española.

Councilor Peggy Sue Martinez stated that she was concerned that there appeared to be a lack of City Council Meeting Minutes for approval on the Consent Agenda. She questioned when the meeting minutes would be provided. Deputy City Clerk Anna Squires stated that, in accordance to the New Mexico Open Meetings Act, a draft of the meeting minutes needed to be prepared within ten (10) working days after the meeting. She stated that the draft which she prepared did not have all the critical edits that were typically conducted by the City Clerk for final submission. Deputy City Clerk Squires stated that she would be happy to provide Council with all drafts of the meeting minutes.

Councilor Peggy Sue Martinez thanked DCC Squires and requested that all draft City Council Meeting Minutes which were not placed on the current Consent Agenda be sent to her City email for review. She stated that she appreciated draft minutes because it helped her remember important details, discussion and decisions.

Councilor John Hernandez thanked Chamber of Commerce Executive Director Kelly Duran for his weekly Chamber of Commerce Smart Start email notices. Councilor Hernandez stated that the information provided within the notices was very informative. He encouraged Department Heads to read the notices and requested status updates from Department Heads regarding initiatives towards increasing fees. Mayor Lucero stated that the initiative would affect current ordinances and a Public Hearing would need to take place prior to implementing any changes.

Interim City Manager Mascareñas stated that research conducted by Planning & Zoning Director Naranjo found that many other municipalities throughout the State of New Mexico consolidated all department fees through a common City Fees Ordinance. She stated that a weekly Department Head Meeting was being held in an effort to maintain communication. Interim City Manager Mascareñas stated that Department Heads would be meeting to discuss proposals by each department. She explained that after the information was carefully drafted by P & Z Director Naranjo, it would be presented to the Governing Body for changes and approval.

Councilor Michelle R. Martinez stated that a Work Session should have taken place in August to discuss the increase of rates and fees. She stressed that any fees issued by City departments would be subject to the lower rates. Councilor Michelle R. Martinez urged Council and Department Heads to be proactive and stated that any lapse in time to implement change delayed progress. Mayor Lucero echoed the comments of Councilor Michelle R. Martinez and urged Council to coordinate with the City Clerk on a mutual time to hold the Work Session. Mayor Lucero directed Interim City Manager Mascareñas to just schedule the work sessions.

G. MATTERS FROM THE MAYOR

1. Employee of the Month – Sherry Aragon, Librarian

Community Services Director Mark Trujillo stated that Librarian Sherry Aragon had been working for the City of Española for over four (4) years. He explained that Ms. Aragon had begun working as a Serial Clerk and thereafter became Interim Library Director. He continued that in the fall of November 2013, Ms. Aragon became the permanent Librarian.

Community Services Director Trujillo explained the he nominated Librarian Aragon for Employee of the Month because she had proven to continually fulfill all the necessary day-to day work duties and proved to undertake a variety of community outreach programs such as the Summer Reading Programs, Literacy Programs and Computer Classes. CSD Trujillo stated that Librarian Aragon invited Channel 4 Co-Host and Weatherman Steve Stucker to the Library to advocate for early childhood reading and comprehension.

Mayor Lucero presented Library Director Aragon with a Certificate of Appreciation. She echoed the sentiment of Community Services Director Trujillo and thanked Librarian Sherry Aragon for her hard work and dedication despite the obstacles she had to face.

2. Certificate of Recognition – Cuts for Kids

Mayor Lucero stated she had spoken with Mr. Antonio Fresquez who owned and operated a local hair salon called, "Classic Cuts by Toner." She explained that during the time of her initial discussion with Mr. Fresquez, he had explained that he was planning on sponsoring a community event on Sunday, September 7th 2014, entitled Cuts for Kids. She stated that the event encouraged young children and teens to take pride in their appearance as well as physical hygiene. Mayor Lucero stated that she was proud to be asked to be a part of the successful event.

Mayor Lucero read a Certificate of Recognition honoring the generosity, dedication, time and efforts to promote a positive healthy self-image to youth within the community by providing free haircuts. Mayor Lucero thanked all the people who helped make the event successful and presented them with certificates.

3. Announcement of Tourism Department Awarded to Municipal Court

Municipal Court Judge Stephen Salazar thanked the Governing Body for their time. He stated that the Municipal Court had been given the award by the New Mexico Department of Tourism and the New Mexico Clean and Beautiful Initiative. Judge Salazar stated that the award recognized and appreciated the Municipal

Department's dedication, commitment and volunteer efforts to make a positive difference within the community.

Judge Salazar stated that the grant awarded was in the amount of \$11,000. He stated that the monies were used to purchase a drought tolerant tree as well as much needed landscaping throughout the City. Judge Salazar stated that beautiful, colorful murals painted on the utility boxes seen throughout the city could be attributed to the funds from the grant as well.

Judge Salazar expressed gratitude to Municipal Court Outreach Coordinator Richard Marquez for being the backbone of the beautification initiative, Grants Administrator Diahann Jacquez for grants research and development, Municipal Court Administrator Jolene Miera for preparing the necessary documentation to aid with the grant process and Municipal Court Graffiti Officer/Bailiff Marcos Armijo for helping to maintain the appearance of structures and businesses throughout the City.

Judge Salazar further stated that there were two (2) cleaning initiatives that took place within the City annually- *Toss No Mas* and *The Great American Clean-Up*. He explained that education played a major factor in the beautification initiative and ten (10) schools participated in the City beautification process. Judge Salazar expressed gratitude to the Governing Body for their continued support and aid to help keep the City of Española beautiful.

Mayor Lucero thanked all who participated in the Clean and Beautiful initiative and congratulated Judge Salazar and his department for applying and obtaining the grant. Judge Salazar thanked Mayor Lucero and stated that his department would be applying for another grant within the upcoming fiscal year in the amount of \$10,000. Judge Salazar acknowledged all Veterans within the City Council Chambers.

Councilor Lewis thanked Municipal Court Judge Stephen Salazar and his department as well as all participants in the initiative. He further commented that Municipal Court had done the City justice.

H. REPORTS

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

Mayor Pro-Tem Valdez stated that he had placed the latest report from the North Central Solid Waste Authority (NCSWA) in Councilor's mailboxes. He further stated that the NCSWA 2015 budget had been passed.

Mayor Pro-Tem Valdez stated that Resolution 2014-08 was adopted and explained that it was a resolution establishing fees for large items and access to solid waste within the City. He continued that a large truck would be picking up large debris such as sofas and/or large unwanted household items within the City. Mayor Pro-Tem Valdez stated that there would be a charge for the pick-up of the large debris but a cost had not yet been determined.

Councilor Salazar announced that North Central Regional Transit District (NCRTD) would be celebrating their ten (10) year anniversary. He explained that NCRTD had been providing transportation to the citizens of Northern New Mexico and further organizational accomplishments would be recognized during the event to be held on September 12, 2014 beginning at 11am at the NCRTD building in Española.

Interim City Manager Mascareñas stated that there was an E-911 meeting held the previous Wednesday in the City Council Chambers. She reported that E911 Director Marti Griego had detailed difficulties working out the logistics of the new School Resource Officer (SRO). Interim City Manager Mascareñas explained that in an effort to aid the schools through the transitional process, Director of Public Safety Richard Gallegos

proposed that a City Officer assist and/or be used as back-up if difficult situations arose. She announced that the next E-911 meeting would be held on December 3, 2014.

Mayor Lucero stated that she and Darian Cabral, Executive Director of the Regional Coalition of LANL Communities (RCLC) had met with U.S. Department of Energy Secretary Moniz along with Interior Secretary Jewell in Santa Fe, NM on August 11th for the Quadrennial Energy Review, an administration-wide effort to receive regional recommendations regarding key infrastructure needed for transmission, storage and distribution of energy. Mayor Lucero stated that in lieu of that meeting, another meeting took place with Los Alamos Field Office Manager and NNSA representative Kim Davis Lebak to further discuss and address the loss of jobs related to the procurement policy adopted by NNSA concerning the Supply Chain Management Center (SCMC) in Kansas City.

Mayor Lucero stated that the RCLC was strongly advocating for environmental WIPP clean-up efforts as well as addressing the loss of jobs within the department. She reported that it was determined that a chromium plume was slowly moving toward the river and although it was not an imminent threat, discussions would be held to determine the possible threat of contamination. Mayor Lucero further stated that one-hundred and thirty four (134) Waste Isolation Pilot Plant (WIPP) employees had already lost their jobs. Mayor Lucero stated that the next RCLC meeting would be held on Friday, September 19, 2014 in Los Alamos, NM.

5. STAFF REPORTS

Interim City Manager Mascareñas notified Council that the previously approved Taste of the Enchanted Valley event that would have taken place September 20, 2014 had been postponed due to planning conflicts. She reported the Waste Water Treatment Plant (WWTP) would be removing sludge during the week and odors may be temporarily apparent from the plant but would not linger.

Interim City Manager Mascareñas reported that Rio Arriba County would be working collaboratively with both the City of Española Police and Fire Departments to conduct a Mass Casualty Incident Training on Saturday, September 13, 2014 at the Santa Claran Hotel Resort and Casino. She added that the Police department would begin to utilize the old Chamber of Commerce building as a police sub-station which would enable a visible presence within the City as the building had been vacant for some time.

Interim City Manager Mascareñas stated that she had initiated weekly Department Head Meetings in order to enhance cooperation and effective communication amongst departments. She reported that she and Mayor Lucero had initiated a project tracking process which would enable projects that were placed on the Infrastructure Capital Improvements (ICIP) list. She stated that several of the projects were awaiting approval and contingent on the previously Council Approved 2014-002 Professional Engineering Services Agreement.

Interim City Manager Mascareñas explained that a meeting had taken place amongst Rio Arriba County and the City of Española administration to further discuss Capital Outlay Projects. She added that the County, as the City's fiscal agent, cautioned spending anything until the monies were actually received.

Councilor Salazar acknowledged Deputy Chief Miguel Maez on his new position with the Department of Public Safety. Councilor Salazar commended Deputy Chief Maez for his loyal service in past years as a Police Officer and added that Deputy Chief Maez would prove to be beneficial to the City.

I. ITEMS PROPOSED FOR COUNCIL CONSIDERATION AND/OR DISCUSSION -ACTION ITEMS

6. Approval of Co-Sponsorship of Family Health Day

Fatherhood Program Coordinator Christopher Alcalá from the Las Cumbres Fatherhood Program stated that he had been in recent communication with City Officials to inform them of the Northern New Mexico Family and Health Day event on Saturday, September 20, 2014 from 10:00am to 6:00pm. He announced that it

would be held at the Rio Arriba Health Commons building on Industrial Park Road and he would be collaborating with Rio Arriba County Director of Health & Human Services Lauren Reichelt to promote the free community event. Mr. Alcalá stated that he was present before Council to request co-sponsorship from the City of Española to assist in aiding with the event by loaning any tables or chairs for the 8x8 booths.

Motion by Councilor Radosevich to approve the co-sponsorship of Family Health Day by the use of tables or chairs for the 8x8 booths; seconded by Councilor Peggy Sue Martinez.

Motion Carried 7-0.

7. Approval of Placement of Commemorative Monument at Veterans' Memorial

Española VFW Post 5610 Commander Ralph Sanchez stated that he and other Veterans from the Veterans Commission Wall designed and developed the initial conceptual commemorative monument sculpture for the Veteran's Memorial. He stated the final commemorative monument would eventually be re-engineered in stainless steel and would be placed at the Veteran's Memorial Wall if approved by the Governing Body. Mr. Sanchez stated the Veteran's Commission would like to donate the conceptual commemorative monument sculpture to the City of Española as a token of appreciation. Mr. Sanchez acknowledged several United States Veterans that were present within Council Chambers.

Councilor Peggy Sue Martinez thanked all Veterans present and acknowledged the military service of her husband Mr. Bond Martinez, a disabled veteran from the Vietnam War.

Community Services Director Mark Trujillo stated that he had been the appointed the City liaison for the Veteran's Memorial Wall Commission. He announced that there had been a dinner honoring the Veteran's Commission in August.

Motion by Councilor Radosevich to approve the Placement of Commemorative Monument at Veterans' Memorial; seconded by Councilor Lewis.

Motion Carried 7-0.

8. Approval of Co-Sponsorship of Walk Against Drugs

Mr. James Luan stated that the Northern New Mexico Youth & Families Against Drugs organization had been established in 2002 by Efren Sanchez, Mike Montoya, Joe M. Mascareñas and Joe Martinez. Northern New Mexico Youth & Families Against Drugs President Efren Sanchez stated that Northern New Mexico Youth & Families Against Drugs was an awareness group established by local citizens to help combat the drug problem in Northern New Mexico and the Walk Against Drugs served as a vehicle for communities and individuals to take a stand for the hopes and dreams of our youth through a commitment to drug prevention and education.

Mr. Lujan stated that the annual Walk Against Drugs had been scheduled for September 27, 2014 from Washington Federal Bank to Valdez Park. He announced that the youth bike raffle would be taking place at Valdez Park following the walk.

Mayor Lucero thanked both gentlemen for their time and efforts. Mayor Lucero acknowledged and congratulated Rio Arriba County Sheriff-elect James Lujan. She further stated that she would proclaim September 27, 2014 as the Walk Against Drugs Day in the City of Española, honoring the Walk Against Drugs during the next City Council Meeting which was scheduled for September 23rd, 2014.

Councilor Salazar stated that he and his family partook in the Walk Against Drugs in the year prior. He reported that the youth participation was both positive and motivating.

Councilor Lewis echoed the comments made by Councilor Salazar. He further stated that he would support the youth bike raffle by sponsoring a bike. Mayor Lucero and Councilor Michelle R. Martinez both agreed to sponsor a bike for the raffle.

Councilor Michelle R. Martinez stated that the students of James H. Rodriguez (JHR) Elementary would be participating in the Walk Against Drugs. She commented that JHR Elementary had the largest number of students participate in the previous year's walk. Councilor Michelle R. Martinez thanked Mr. Patrick and Felicia Baldonado for their efforts in raising awareness through the schools the year prior. She further stated that Mr. and Mrs. Baldonado held a pep rally within the school educating the children of the harmful effects of drugs. Councilor Michelle R. Martinez stated that drug prevention tactics and education at an early age helped to prevent the use of drugs at a later stage.

Councilor Michelle Martinez announced that JHR Elementary would be celebrating Red Ribbon week in October. She thanked all representatives of the Northern New Mexico Youth & Families Against Drugs and applauded their efforts.

Motion by Councilor Cory Lewis to approve the Co-Sponsorship of Walk Against Drugs; seconded by Councilor Michelle R. Martinez.

Motion Carried 7-0.

9. Approval of Resolution 2014-13: Resolution Urging Approval of Preliminary Mediation Agreement Between Tri-State and its New Mexico Member Cooperatives

Mayor Lucero stated that the discussion of Tri-State and its New Mexico Member Cooperatives was originally brought to her attention by Taos Town Councilor Andrew T. Gonzales. She reported that the resolution was adopted by Taos County and Red River. Mayor Lucero explained that Jemez Mountains Electric Cooperative Inc. had been under Tri-State for years and had been taxing the consumer with additional costs in lieu of the monthly utility bill. Mayor Lucero stated that the increase was estimated to be 7.3 cents per kilowatt which equated to an approximate 95% percent increase within fourteen (14) years.

Mayor Lucero stated that the reasoning process behind the resolution was to create rate stability for the consumer, lower the overall utility bill, regulate oversight from Tri-State and obtain more access to the renewable energy supply. She explained that the Public Regulation Commission (PRC) would be holding a meeting on September 10, 2014 to further discuss the Federal Court case between PRC Regulatory and Tri-State. Mayor Lucero further stated that City Attorney John L. Appel from the Coppler Law Firm would be representing the City at the PRC Meeting if the resolution was passed.

Councilor Salazar exited at 7:39pm.

Motion by Councilor Radosevich to approve Resolution 2014-13: A resolution urging approval of Preliminary Mediation Agreement between Tri-State and its New Mexico Member Cooperatives; seconded by Councilor Lewis.

Councilor Salazar re-entered at 7:40pm.

Councilor Radosevich exited at 7:40 pm.

Councilor Peggy Sue Martinez asked City Attorney Coppler to clarify what he believed the outcome of the meeting may bring. City Attorney Coppler replied that the hearing was considered to be mediation and Tri-State did not have to consent to any concessions. He explained that the legal term of "mediation" was a form

of alternative dispute resolution (ADR) between two or more parties with concrete effects which may or may not lead to resolution.

Councilor Radosevich re-entered at 7:41pm.

Councilor Hernandez questioned if the outcome of the mediation discussions may have the opposite effect whereby Tri-State would increase fees further rather than absorb any cost. City Attorney Coppler stated that to speculate the outcome would be premature. He stated that it was optimistic to believe that the mediation discussion would lead to a roadmap for other cooperatives throughout the state to follow with potentially lower consumer rates or potentially allowing cooperatives to opt out of the contact.

Motion Carried 7-0

10. Approval of Resolution 2014-14; Infrastructure Capital Improvements Plan (ICIP)

Mayor Lucero stated that last month Council was sent a copy of the ICIP list which would allow for review and consideration of all Capital Improvement projects. Mayor Lucero stated that the list was provided by Mayor Pro-Tem Valdez.

Motion made by Councilor Hernandez to approve Resolution 2014-14: A resolution approving the Infrastructure Capital Improvements Plan (ICIP); seconded by Councilor Michelle R. Martinez.

Councilor Peggy Sue Martinez stated that she had not received an email regarding the ICIP. She clarified that she had received an email concerning the ICIP list from City Grants Administrator Diahann Jacquez on September 2, 2014. Councilor Peggy Sue Martinez thanked Grants Administrator Jacquez for her informative email as well as working beyond to realm of her normally intensive financial duties.

Councilor Peggy Sue Martinez stated that she was not pleased with the order of priority on the list. She expressed that the sewer line extension to State Road 76 should have been of higher priority due to the current percentage of residences currently hooked up to City sewer. She added that a commitment had been made to the residents of Prince Drive to provide sewer and water utility services. Councilor Peggy Sue Martinez stated that she would like to incorporate the purchase of Public Safety Vehicles on the ICIP list in the following year in an effort to aid the Department of Public Safety. Councilor Cory Lewis replied that he would rather see the City hire more Police and Safety Officers than purchase Public Safety Units.

Director of Public Safety Gallegos stated that eight (8) new police units had been ordered and were budgeted for in the 124 Fund. Chief Gallegos explained that the monies to purchase the vehicles came from a Department of Justice Grant awarded earlier in the year.

Mayor Pro-Tem Valdez stated that discussion with Rio Arriba County had been progressive. He commented that because the City had legal boundaries adjoined to the County, discussion regarding developments of the sewer lines needed to take place first. Mayor Pro-Tem Valdez stated the list was a representation or a "wish list" because monies had not yet been received. He expressed that in his opinion the City would be subject to a higher interest rate because of the sheer cost to develop the sewer line without county support. He further stated that Council did not provide input despite the adequate amount of time to review the list which he helped to facilitate.

Councilor Hernandez noted that an approximate amount of ninety (90) million dollars in Capital Outlay projects was developed and monies had not been received. He stated that it was preemptive to dissect the list.

Councilor Peggy Sue Martinez stated that she was not opposed to approving the list but was opposed to what appeared to be an unfair advantage. Councilor Peggy Sue Martinez stated that the list reflected only the viewpoint and development of Mayor Pro-Tem Valdez not the entire Governing Body.

Councilor Michelle R. Martinez questioned who should oversee the ICIP list other than a single member of the Governing Body. She stated that she appreciated information via email. Mayor Lucero stated that the ICIP list was developed by Grants Administrator Diahann Jacquez in coordination with Mayor Pro-Tem Valdez. Mayor Lucero further stated that she had asked Mayor Pro-Tem Valdez to facilitate and coordinate with City Grants Administrator Jacquez with regard to the ICIP list, as to adhere to all the necessary protocols required by DFA. Mayor Pro-Tem Valdez stated that he placed the ICIP list within the mailboxes of all Councilor a month prior which was what he believed was ample time to review the ICIP list as well as provide any necessary feedback.

Councilor Radosevich stated that he relied on his City email and he was not always able to check his physical City mailbox due to work hour conflicts. He urged Mayor Pro-Tem Valdez to consider sending documents via email. Mayor Pro-Tem Valdez stated that he relied on his ability to provide physical documentation and further stated that modern and old communication was as easy as a phone call.

Mayor Lucero stated that some of the ICIP projects had been partially funded.

Grants Administrator Jacquez stated that \$1 million dollars was budgeted for the Veterans Memorial Drainage and Amphitheater from beginning to the end and included the design, construction and acquisition of land. She clarified that \$300,000 dollars of that money was designated to planning and designing of the new public library.

Grants Administrator Diahann Jacquez stated that if she were to be entering further data onto the ICIP list, she would need to research how the list began to develop prior to future input. She stated that it was essential to have correct figures to effectively aid future development as well as reporting to the Department of Finance and Administration accurately. Grants Administrator Diahann Jacquez reported that she had requested an extension from DFA to submit the ICIP list because the list was due a week prior. She added that an approved resolution was required by DFA prior to the submittal of the ICIP list in order to be considered for funding.

Motion Carried 6-1, with Councilor Peggy Sue Martinez voting in the negative.

11. Consideration of 99-year Lease of Land to Santa Fe Civic Housing Authority (178 Units of Public Housing)

12.

City Attorney Coppler stated that, in the fall of 2012, Santa Fe Civic Housing Authority (SFCHA) had gone before the City of Española Governing Body and asked for approval of a ninety-nine (99) year lease for the three (3) sites that contained 178 Units of Public HUD owned housing to be built or restored within City limits. City Attorney Coppler explained that during that time, SFCHA was told to go through the process deemed by state statute which required the passage of an ordinance. He stated that due to the long term lease, under NMSA 1978 Section 3-4-12(D), the ordinance was required to be advertised for a public hearing allowing the public to speak objectively or file a petition on the matter. He further stated that the consideration of the ninety-nine (99) year lease passed, allowed for a two (2) year term to potentially develop the housing project.

City Attorney Coppler stated that the Santa Fe Civic Housing Authority (SFCHA) allowed the ninety-nine (99) year lease to expire as of December 2013. He recalled that on August 26th, 2014, a City Council Meeting was held reconsidering the ninety-nine (99) year lease for the three (3) sites. City Attorney Coppler reported that during that meeting, SFCHA Executive Director Ed Romero requested another ninety-nine (99) year lease. Mr. Coppler stated that the Governing Body had determined that a sixty-seven (67) year lease term was a more realistic time frame. He explained that during that meeting, Mr. Romero stated that he needed to discuss the new terms with all equity investor(s) prior to finalizing any further developments. At the time, Mr. Romero stated that the equity investors may need a ninety-nine (99) year lease to acquire the four percent

(4%) low income tax credit bond.

City Attorney Coppler stated that Mr. Romero had discussed the new terms with the equity investors and explained that if the sixty-seven (67) year lease were to be considered, a simultaneous sub-lease to a profit making corporation would need to be determined in order for the equity investor(s) to account the four percent (4%) low income tax credit bond.

City Attorney Coppler stated that if council were to consider the new lease agreement contingent on the new sub-lease terms, Council would then be subject under State Statute to advertise the ordinance for a public hearing allowing the public to speak objectively or file a petition on the matter. City Attorney Coppler stated that Mr. Romero explained to him that if that process were to be followed, the equity investors would not be inclined to honor the agreement.

City Attorney Coppler stated that he attended a meeting with the Department of Finance & Administration Local Government Division on September 5, 2014 and discussed a section in State Statute which would allow the Governing Body to take action if it were pre-determined that the lessee was a political subdivision of the State of New Mexico and/or Federal Government. City Attorney Coppler stated that Santa Fe Civic Housing Authority (SFCHA) was determined to be a political subdivision of the State of New Mexico, but by stating terms of a simultaneous sub-lease would incorporate them into a profit making corporation category, hence they would no longer qualify.

Motion made by Mayor Pro-Tem Valdez to approve 99-year Lease of Land to Santa Fe Civic Housing Authority (178 Units of Public Housing); seconded by Councilor Hernandez.

City Attorney Coppler stated that Mr. Romero had informed him that in order for the equity investors to account the four percent (4%) low income tax credit bond, a simultaneous sub lease would need to be determined. Councilor Peggy Sue Martinez stated that she would not be in favor of the motion because they would no longer qualify as a political subdivision of the State of New Mexico and/or Federal Government. Councilor Michelle R. Martinez echoed the sentiments of Councilor Peggy Sue Martinez.

Roll Call Vote:

<i>Mayor Pro-Tem:</i>	<i>Pedro Valdez</i>	<i>In favor</i>
<i>Councilors:</i>	<i>Eric Radosevich</i>	<i>Against</i>
	<i>Cory Lewis</i>	<i>Against</i>
	<i>Michelle R. Martinez</i>	<i>Against</i>
	<i>Dennis Tim Salazar</i>	<i>Against</i>
	<i>Peggy Sue Martinez</i>	<i>Against</i>
	<i>John Hernandez</i>	<i>In favor</i>

Motion Failed 5-2, with Councilor Radosevich, Councilor Lewis, Councilor Michelle R. Martinez, Councilor Salazar and Councilor Peggy Sue Martinez voting in the negative.

J. 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.

K. ADJOURNMENT

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

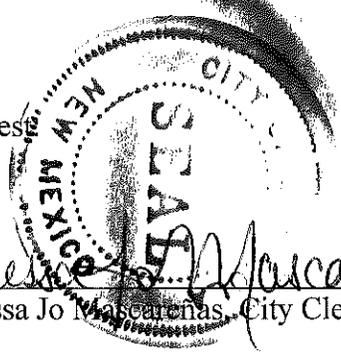
Motion carried 7-0.

The meeting was adjourned at 8:01pm.

SIGNED, ADOPTED AND APPROVED THIS 14th DAY OF OCTOBER 2014.

Attest


Alice A. Lucero, Mayor



Tessa Jo Mascareñas, City Clerk