

TRANSCRIPTION OF AUDIO RECORDING OF  
THE ESPANOLA CITY COUNCIL  
April 22, 2013  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE ONATE  
ESPANOLA, NEW MEXICO

TRANSCRIBED BY: Terri D. Walters, CCR  
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GOVERNING BODY

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Dennis Tim Salazar
Councilors:	Elaine H. Herrera
	Cory Lewis
	Peggy Sue Martinez
	Eric Radosevich
	Robert Seeds
	Pedro Valdez

1           MAYOR LUCERO: Will you please rise for the  
2     pledge of allegiance and a moment of meditation.

3           (Whereupon, pledge of allegiance was recited.)

4           MAYOR LUCERO: Councilor Valdez, will you  
5     please lead us in the moment of meditation?

6           COUNCILOR VALDEZ: We thank you tonight,  
7     Father, for this opportunity of dealing, Lord, with  
8     the budget and also for our city. We also ask that  
9     you enter in on the flood circling on in the east and  
10    the bad weathers. We ask this in Jesus' name, amen.

11          ALL COUNCIL MEMBERS: Amen.

12          MAYOR LUCERO: Thank you, Councilor. Will  
13    the City Clerk please call the roll?

14          TESSA JO MASCARENAS: Councilor Herrera?

15          COUNCILOR HERRERA: Present.

16          TESSA JO MASCARENAS: Councilor Radosevich?

17          COUNCILOR RADOSEVICH: Present.

18          TESSA JO MASCARENAS: Councilor Lewis?

19          COUNCILOR LEWIS: Present.

20          TESSA JO MASCARENAS: Mayor Pro-Tem  
21    Salazar?

22          MAYOR PRO-TEM SALAZAR: Present.

23          TESSA JO MASCARENAS: Councilor Martinez?

24          COUNCILOR MARTINEZ: Present.

25          TESSA JO MASCARENAS: Councilor Valdez?

1 COUNCILOR VALDEZ: Here.

2 TESSA JO MASCARENAS: Councilor Seeds?

3 COUNCILOR SEEDS: Here.

4 TESSA JO MASCARENAS: Mayor Lucero?

5 MAYOR LUCERO: Here. We do have a quorum,  
6 so this meeting will continue. The next item on the  
7 agenda is the approval of the agenda. Councilors,  
8 what's your pleasure?

9 COUNCILOR LEWIS: I move to approve the  
10 agenda as presented by the Mayor.

11 COUNCILOR VALDEZ: Second.

12 MAYOR LUCERO: There's a motion and a  
13 second to approve the agenda as presented. Any  
14 discussion? All those in favor of the motion signify  
15 by saying "aye."

16 ALL COUNCIL MEMBERS: Aye.

17 MAYOR LUCERO: Opposed, same sign? Motion  
18 carries. This evening is a very historic event for  
19 the City of Espanola. I want to welcome our special  
20 guest this evening. And I want to note that this is  
21 the first time in the history of the City of Espanola  
22 that we have had the Director of Los Alamos National  
23 Laboratory present at one of our Council meetings.  
24 So with that, I want to present to you Dr. Charles F.  
25 McMillan, the Director of Los Alamos National

1 Laboratories. Mr. McMillian will say a few words and  
2 then I'll -- in fact, go ahead and take a seat at the  
3 front, if you'd like. And with him we have  
4 Mr. Patrick Woehrle, Director of Governmental Affairs  
5 for LANL. Where is Mr. Woehrle? Oh, there he is.  
6 He's hiding back there. Okay. Johnny Martinez,  
7 who's from the Espanola Valley. He lives in Velarde.  
8 And I know he's in Community Services. We also have  
9 Rick Ulibarri. He's the Governmental Liaison. And  
10 Mr. Chris Fresquez, who is the Small Business Program  
11 Manager for LANL. Thank you all for taking the time  
12 to be here this evening.

13           What we'll be talking about this evening is  
14 the 70th anniversary that is being celebrated by Los  
15 Alamos National Laboratory. And as we all know, the  
16 Espanola Valley had a lot to do with the establishment  
17 of LANL. And I want to turn it over to the Director  
18 now to say a few words. And if any of you want to  
19 join him, please come forward. We are live on KDCE  
20 Radio, so please speak into the microphone and  
21 identify yourself for the record. And thank you again  
22 for being here. Dr. McMillian?

23           CHARLES McMILLIAN: I'm Charles McMillian.  
24 I'm the Director of Los Alamos. And I'm very pleased  
25 and honored to be here in Espanola this evening.

1 It's an honor to be the first of the Directors to be  
2 here, so thank you for the invitation. This year we  
3 celebrate our 70th anniversary at the Laboratory and  
4 we look forward to 70 years more. But that's not  
5 even a drop in the bucket compared to the generations  
6 of people that have lived here in Espanola. And when  
7 we look to our neighbors in the pueblos around us,  
8 it's an even smaller drop in the bucket.

9           With your permission, there are three things  
10 I'd like to talk about at the Laboratory this evening.  
11 First, just a few words about the Laboratory's budget  
12 and where things stand today. Second, I'd like to say  
13 a few words about the contributions that I see that  
14 Espanola has made over the years to the laboratory.  
15 And then third, I'd like to thank you, Mayor, for your  
16 support on the regional coalition. So, first of all,  
17 the Lab budget. For the remainder of 2013, we're  
18 dealing with sequestration. It's the law of the land.  
19 The consequences for us at Los Alamos are that our  
20 budget is down about \$110 million. So that's a lot of  
21 money, but it's less than what we experienced the last  
22 several years. If there's good news in this, it's  
23 that it wasn't a surprise. And so as a Laboratory  
24 we've been preparing, anticipating that this year  
25 would be a difficult budget year. So far we've not

1 had to take work force action. I know some of our  
2 sister labs have talked about furloughs for employees.  
3 That's not part of what's in our plan right now. I  
4 can't, of course, guarantee that nothing like that  
5 will happen, but I think it's very unlikely in the  
6 situation we're in right now. However, the kinds of  
7 actions we've taken from the beginning of the year of  
8 managing contracts and procurements very closely are  
9 things we're going to have to continue to do to get  
10 through 2013.

11 For 2014, as I think many of you have seen,  
12 the President submitted his budget request to Congress  
13 a couple of weeks ago. I'm encouraged. I see support  
14 for a number of key areas that are very important for  
15 Los Alamos in the President's budget request. I see  
16 that, you know, there will continue to be challenges  
17 for things that I think are important for both the Lab  
18 and our community in the environmental area, as an  
19 example, but, you know, the key thing, which I know  
20 you as elected officials understand even better than I  
21 do, is that the President's budget request is not the  
22 budget. It's a long way from the budget request until  
23 a budget gets passed by Congress. And, you know, of  
24 course the Budget Control Act which led to  
25 sequestration is going to continue to be something

1 that we have to deal with as we look into 2014. But  
2 in, approximately, a week I'll be going to talk to  
3 Congress. I'll be speaking to the Senate about NNSA  
4 and about the work that we do at Los Alamos and I'm  
5 very proud of that work. Certainly, I'll keep you  
6 informed about what's going on as things change with  
7 the budget. And, you know, I've got an excellent team  
8 that I know is -- is working those communication  
9 issues.

10 There's an important theme that I've tried  
11 to communicate with Lab employees this year as we look  
12 at our 70th anniversary. And that is, that each and  
13 every Lab employee contributes to the success of the  
14 Laboratory (Inaudible) the two of you. There are more  
15 than 1,600 Lab employees who live here in Rio Arriba  
16 County, according to the latest figures I have. And  
17 there are hundreds more people who are contractors who  
18 live here, who work in the skilled trades, who work in  
19 our protective forces. And from my perspective, the  
20 Laboratory's success depends upon all of those people.  
21 Whether you're a pipefitter or a Ph.D. physicist, the  
22 Lab can't operate without that full range. When you  
23 saw the Curiosity Rover land on Mars back in November,  
24 and I watched that, there were three Los Alamos  
25 components on board and the people of Rio Arriba

1 County shared in that success. I brought this evening  
2 a picture from Mars as sort of a testament to that, so  
3 I invite you to look at that, but this is something  
4 that I hope you will keep here as a memory of the  
5 kinds of contributions. And interestingly when I talk  
6 to the team that's working on this and they show me  
7 pictures from Mars, I say, "That looks like home. I  
8 don't see any trees there, but, you know, it looks a  
9 lot like home." No tumbleweed either.

10 So, you know, when you hear about the letter  
11 that I sign every year that goes to the President and  
12 goes to the Congress about the state of our stockpile,  
13 the people of Rio Arriba County, the people who are  
14 your constituents are key contributors to that. And  
15 when you hear about the records that we're setting,  
16 and I'm proud of, in the Legacy Waste that we're  
17 shipping down to WIPP, the people of Rio Arriba County  
18 contribute to that. I hope that when you hear those  
19 things you smile to yourself and you say, you know,  
20 "The people of my city are part of that," because you  
21 are.

22 Finally, I just want to, again, say a word  
23 of thanks to you, Mayor Lucero for your leadership in  
24 the regional coalition of LANL communities. When I  
25 talk to people in Washington, I hear that you, the

1 people of Espanola, have been there. And I appreciate  
2 that support. It matters. We're very grateful for  
3 the unified voice on Laboratory issues and for the  
4 support on our environmental remediation work because  
5 that's very important to all of us as well as the  
6 economic health of the region. And so with that,  
7 thank you. And if I have a moment to take questions,  
8 I'd be happy to do that.

9           MAYOR LUCERO: Okay. Thank you. Are there  
10 any questions at this point? We do have a  
11 proclamation to present in honor of the 70th  
12 anniversary. Any questions from the Council? Okay.  
13 Let me go ahead and present this, if you can come  
14 forward, Doctor. I'd like to invite the staff  
15 members who are here to also come forward because  
16 this is an important event here in Espanola. And  
17 it's an important event for LANL, as well. Okay?  
18 And I do want to mention that Chris Fresquez is also  
19 from the Espanola Valley. He's from San Pedro.  
20 Okay?

21           Official Proclamation of the City of  
22 Espanola, New Mexico in the year 2013. Whereas, the  
23 State of New Mexico has been at the forefront of  
24 scientific endeavors since April 5, 1943, with the  
25 creation of the Manhattan Project and has achieved

1 recognition as the home of the most celebrated  
2 scientific research laboratory in the world. And  
3 whereas, the location of the Los Alamos National  
4 Laboratory was originally selected for its remoteness  
5 and familiarity to the Laboratory's first Director,  
6 Robert Oppenheimer. And whereas, the City of Espanola  
7 has been called the first capital in America founded  
8 in 1880 as a railroad village and incorporated as a  
9 city in 1925.

10 And whereas, much of the construction of the  
11 Laboratory since its inception is due to the skills  
12 and hard work of Espanola citizens. And whereas, the  
13 laboratory continues to employ many Espanola residents  
14 and actively invests in education, community  
15 development, and the local economy. And whereas, a  
16 special, mutually beneficial relationship has evolved  
17 in the last 70 years between the Laboratory and the  
18 City of Espanola. Now, therefore, I Alice A. Lucero,  
19 Mayor of the City of Espanola, together with the City  
20 Council do hereby congratulate Los Alamos National  
21 Laboratory for their contributions to the United  
22 States of America, Northern New Mexico and the City of  
23 Espanola. And we hereby proclaim the week of  
24 April 22, 2013 as Los Alamos National Laboratory Week  
25 in the City of Espanola, New Mexico. Signed and

1 sealed this 22nd day of April 2013. Signed Alice A.  
2 Lucero, Mayor.

3 Thank you very much to all of you for being  
4 here. Dr. McMillan, thank you so much for your time.  
5 Okay?

6 All right. The next item on the agenda is A  
7 resolution 2013-08 pertaining to a proposal by Father  
8 Terry Brennan. And I want to welcome Father Brennan  
9 to the chambers this evening. We had a reception for  
10 LANL earlier, so I was concentrating on them, but  
11 thank you for being here. Please come forward. Take  
12 a seat. Identify your name -- yourself for the record  
13 and go ahead and proceed with your presentation. And  
14 you can introduce the staff members that you have with  
15 you.

16 FATHER TERRY BRENNAN: Thank you, Madam  
17 Mayor, and members of the City Council. I appreciate  
18 the opportunity to come and discuss, and with Lauren  
19 Reichelt and with Nicole Sanchez-Howell, the Program  
20 Specialist at New Mexico Mortgage Finance Authority,  
21 we hope to be able to answer the questions that might  
22 come up here this evening. I'm here today because a  
23 year ago Lauren asked me to serve on the Rio Arriba  
24 Community Health Council Housing Task Force knowing  
25 that I'd been involved in the past with trying to

1 find alternatives and solutions for housing issues.  
2 And so I was glad to do so and found out by doing so  
3 that in order for the County and for the City to be  
4 eligible for Federal and State funds, one of the  
5 prerequisites is a housing plan, and I thought that  
6 might be a little daunting because we know how thin  
7 finances are these days.

8           And so looking around and finding out that  
9 the Mortgage Finance Authority has some funds  
10 available for a housing plan and that the County is  
11 willing, also, to take the lead and to work together,  
12 it's an ideal opportunity to get this plan in place so  
13 that we do qualify for State and Federal funds and be  
14 able at that point to bring back to the City Council  
15 and to Madam Mayor a few ideas and suggestions and  
16 proposals so we can continue to work together. We  
17 know that, as we just heard, the close connection we  
18 have with Los Alamos means jobs. And when there's  
19 jobs, there's a requirement for housing. There aren't  
20 a lot of apartment complexes in this area and really  
21 in Rio Arriba County entirely, but this will allow  
22 then for families to get a start, new employees,  
23 part-time students. There's a whole group of  
24 qualified applicants that could benefit from  
25 additional housing in Espanola, and so the housing

1 plan is the first step to do that. We're here to  
2 answer any questions that you might have.

3 MAYOR LUCERO: Thank you, Father. City  
4 Council, any questions? Councilor Seeds?

5 COUNCILOR SEEDS: Thank you, Mayor.  
6 Father, we talked a little bit about this project a  
7 couple of weeks ago, you and I, and you had mentioned  
8 a need for possibly property to place this location  
9 within the city. Have you had any more thoughts of  
10 where -- location you'd like to place this?

11 FATHER TERRY BRENNAN: I haven't had --  
12 Councilor Seeds and Madam Mayor, no, I haven't had  
13 any further talks with anybody. Thinking that the --  
14 that we don't want to put the cart before the horse,  
15 really the best idea is to make sure that we start  
16 off all on square one and that we get directions and  
17 ideas and advice from the City Council and the  
18 Mayor's office so we know what would be most  
19 agreeable and would work for the City.

20 COUNCILOR SEEDS: Thank you.

21 MAYOR LUCERO: Councilor Cory Lewis?

22 COUNCILOR LEWIS: I'd like to -- you know,  
23 I've been looking at this information and spoke with  
24 Father on the phone. And, you know, this is --  
25 they're not asking for any money upfront from the

1 City of Espanola. So, you know, I think it's a great  
2 opportunity to help people out in the community. And  
3 with that, I'd like to make a motion to approve  
4 Resolution 2013-08.

5 COUNCILOR SEEDS: I'll second it.

6 MAYOR LUCERO: Okay. There's a motion to  
7 approve 20 -- and a second to approve Resolution  
8 2013-088. Councilor Valdez?

9 COUNCILOR VALDEZ: I noticed it had 088. I  
10 thought it was 8.

11 MAYOR LUCERO: Okay. Well, I just saw  
12 that. Obviously, that's a typo. Let me see  
13 something. It is 08. I apologize. I just saw 88 on  
14 this resolution, but we'll change that.

15 COUNCILOR VALDEZ: So I think -- I think  
16 this is one of the first steps of getting together  
17 with you and also with the County and making  
18 something here in Espanola because we do need -- and  
19 need -- and those people that need the help on  
20 housing. So it's a first step. Thank you.

21 FATHER TERRY BRENNAN: Thank you.

22 MAYOR LUCERO: Okay. Councilor Peggy  
23 Martinez?

24 COUNCILOR MARTINEZ: I was going to yield  
25 to Lauren, but I just wanted her to touch base on the

1 aspects of weatherization and improvements of  
2 existing homes that people may have in the community  
3 and how this will affect that.

4           NICOLE SANCHEZ: Hi, Mayor, Councilors,  
5 thank you so much. My name is Nicole Sanchez. I  
6 work for the New Mexico Mortgage Finance Authority  
7 and we administer all the Federal and State funds  
8 throughout New Mexico towards affordable housing. I  
9 just want -- a point of clarification before I get to  
10 your question, Councilor. Just so you are all aware,  
11 you're not required to do a plan in order to apply  
12 for Federal or State funds for affordable housing.  
13 The Affordable Housing Act allows the City or County  
14 to participate in this plan together to donate land,  
15 money, infrastructure towards affordable housing. It  
16 is definitely not a requirement to apply, so I just  
17 wanted to clarify that.

18           Part of the plan, Councilor Martinez, will  
19 look at the whole spectrum of housing. Rio Arriba  
20 County has -- your AMI for a family is \$40,000.  
21 Basically, it would cover everyone earning zero to  
22 \$40,000. A lot of that would include teachers and  
23 people that work for the City. It includes homeless,  
24 renters, home ownership, so we would look at a variety  
25 of programs that we have available including

1 weatherization, homeowner rehab, rentals, first-time  
2 home buyer, credit counseling, all of those things.  
3 So that entire spectrum would be included in the plan.

4 COUNCILOR MARTINEZ: Thank you.

5 MAYOR LUCERO: Thank you, Ms. Sanchez.

6 Lauren Reichelt?

7 LAUREN REICHELT: My name is Lauren  
8 Reichelt. I'm the County's Health and Human Services  
9 Director. First of all, I want to state that my  
10 office is -- I'm putting up the budget. It's 15,000  
11 to get the plan done and then it's being matched by  
12 the MFA. So the total cost is 30,000 and the City  
13 doesn't have to contribute anything towards that for  
14 us to get the plan done. It's important for us to  
15 put together a plan, because before we move forward  
16 with proposing any specific projects, we really want  
17 to have a clear idea of what is really needed. So  
18 this will be a plan for both the City and the County  
19 with the real focus on the more populated areas of  
20 Rio Arriba which, of course, is the Espanola Valley.  
21 And so in order to qualify for a tax credit, it is  
22 very helpful to have this plan in place first. Those  
23 proposals are extremely competitive and we want to be  
24 able to gather all the points we can. And so  
25 City/County collaboration is important and having the

1 plan in place is really important. We're going to  
2 issue an RFP and the most qualified bidders will be  
3 awarded the contract. And we need to have the plan  
4 in place by September of this year.

5 MAYOR LUCERO: Okay. And I want to  
6 reiterate that this is the first process, the first  
7 step in the process. And I do have a copy of Rio  
8 Arriba County's application -- I mean, resolution  
9 that was already passed and signed. So it would be  
10 in the best interest of the community to provide  
11 affordable housing for this Council to adopt this  
12 resolution this evening. Is there any further  
13 discussion? Okay. All those in favor of adoption of  
14 Resolution No. 2013-08 please signify by saying  
15 "aye."

16 ALL COUNCIL MEMBERS: Aye.

17 MAYOR LUCERO: Opposed, same sign? Motion  
18 carried. Congratulations.

19 FATHER TERRY BRENNAN: Thank you all very  
20 much.

21 MAYOR LUCERO: And thank you very much.  
22 Okay. The next item on the agenda -- the next item  
23 on the agenda is the recommendation to approve the  
24 termination of Community Services Director. And I  
25 don't see him here this evening, but it's up to the

1 Council if you want to discuss this in open session  
2 or if you'd like to go into executive session. I  
3 have no problem with discussing this in open session  
4 if you'd like. So what is the -- Councilor Valdez?

5 COUNCILOR VALDEZ: I would like for us to  
6 go into executive session (Inaudible) we have a lot  
7 of personal questions on this matter.

8 MAYOR LUCERO: Okay. There's a motion to  
9 go into executive session. Is there a second to that  
10 motion?

11 COUNCILOR SEEDS: If I may, if that's going  
12 to be the case, we have another item on the agenda  
13 tonight. There's a lot of people in the audience,  
14 Mayor, here to discuss this item. And if I'd have  
15 known this earlier, I would have suggested it  
16 earlier, but I didn't.

17 MAYOR LUCERO: Well, you can move an  
18 item --

19 COUNCILOR SEEDS: I would hope, Mayor, that  
20 we could --

21 MAYOR LUCERO: -- at anytime.

22 COUNCILOR SEEDS: Yes, ma'am. I would hope  
23 that we could move the Public Hearing Item No. 5  
24 before this so we can allow a lot of people that took  
25 the time off of work to come here and fight for

1 their --

2           MAYOR LUCERO: Okay. Do you want to move  
3 the public hearing or would you rather move this item  
4 to the bottom of the agenda?

5           COUNCILOR SEEDS: Either way. We'll move  
6 this to the bottom, to the back.

7           MAYOR LUCERO: Okay. Is that all right  
8 with you, Councilor Valdez?

9           COUNCILOR VALDEZ: Yes.

10          MAYOR LUCERO: Okay. Since we don't have a  
11 second to that motion right now anyway, we'll go  
12 ahead and move Item 3 to the bottom of the agenda  
13 after Item 10.

14          COUNCILOR SEEDS: Thank you.

15          MAYOR LUCERO: Okay. And with that -- and  
16 I'll go ahead and move the public hearing before  
17 business of visitors. Okay. Is that fine with the  
18 City Council? Okay. Very well. All right. So at  
19 this time I'll go ahead and open the public hearing.  
20 Is our Planning Director in here? I'm sorry. I just  
21 wanted to make sure you were here to do the  
22 introduction. Okay. At this time I'd like to ask  
23 our Planning Director, Russell Naranjo, and Vince to  
24 come forward and present what the actual public  
25 hearing is about before I open it for comment. Mr.

1 Naranjo?

2           RUSSELL NARANJO: Thank you, Madam Mayor,  
3 members of the Council. We're here again to talk  
4 about wide loads and wide load permits going through  
5 the City of Espanola. A little bit of a history on  
6 this. Back in 1971, there was an ordinance created  
7 in the City of Espanola to permit wide loads going  
8 through the city. At that time, it was established  
9 that we were one of 14 municipalities in the City of  
10 Espanola -- this was in 1971 -- that actually didn't  
11 have an alternative route for large trucks to  
12 actually go around. There was a new one -- a new  
13 ordinance that was created in 2011, that was 2011-02  
14 as an ordinance number. This is created. We looked  
15 into many options on how this was going to work. And  
16 this was in place for a period of 18 months.

17           During that time frame, as any new  
18 ordinance, we looked at options that -- what was  
19 working, what wasn't working, what we needed to work  
20 on. When it came down to it, we felt that we would  
21 attempt to actually give discounts, if you will, to  
22 local movers, local large haulers here in the area.  
23 As it turned out, that wasn't to be the case. That  
24 was determined not to be legal. And at that hearing  
25 in 2012, the City Council -- this City Council decided

1 to suspend that ordinance and asked us as staff to  
2 actually do more research on this and see what we can  
3 come up with as far as whether we can make this whole  
4 program work.

5           While in place, this was in place for a  
6 period of 18 months, during that 18-month time frame  
7 there was 969 permits issued for wide-load permits  
8 that came through the City of Espanola bringing in  
9 a -- \$60,000, a little bit more than \$60,000 during  
10 that time frame. Staff went away and we held a  
11 meeting where we invited 423 large-load haulers. This  
12 was gathered from haulers that had been coming through  
13 town that had come through during that time, that  
14 18-month period. These were people -- many of them  
15 were out of state. Many of them were from  
16 Albuquerque. Many of them were from Santa Fe. But  
17 there was 423 e-mails that actually went out to invite  
18 different companies to come and let's find out a  
19 little bit more about this, what the concerns were.  
20 This was held in October of 2012. There were nine  
21 large-load haulers that actually showed up to that  
22 meeting. And we met with them and there was a lot of  
23 information that was shared at that meeting.

24           Issues that were brought up, for starters,  
25 the issue of fees was actually brought up and it was

1 determined at that time that we weren't able to give  
2 any discounts for local movers. However, there were  
3 no -- no movers had any issues as far as the fees that  
4 we were charging. They felt that the fees were  
5 actually acceptable. The big issue had to do with the  
6 service that was being provided. At the time we  
7 were -- movers were being -- were having to move over  
8 to the side of the road on the outskirts of town and  
9 in some cases upwards of an hour were actually the  
10 time frames that people had to wait in order to get a  
11 police escort through town.

12 Another issue that came into play was  
13 signage. Movers that come into town wanted to know if  
14 there was an ordinance in place and there wasn't any  
15 signage and they were afraid of getting stopped in the  
16 middle of town not knowing if there was any sort of  
17 ordinance in place. Another one had to do with the  
18 staging areas. The areas where large-load haulers  
19 actually pull off on the side of the road to actually  
20 wait for escorts. And the last one that really came  
21 up was the situation of what our ordinance actually  
22 reflected that the State -- to get a State permit  
23 didn't associate with.

24 And so we went back to the drawing board on  
25 all of these issues. And in December of 2012 we met

1 with New Mexico DOT and with the Department of Public  
2 Safety who are the people that actually permit and  
3 allow these large loads to go through the State of New  
4 Mexico. At that meeting we brought up these concerns  
5 that they had. And, for starters, DPS -- and now, as  
6 I told you, it was 14 municipalities back in 1971.  
7 Today, by today's numbers, there are now six  
8 municipalities in the State of New Mexico that do not  
9 have an alternative route for truckers to take and we  
10 are one of those. They have to go through two of our  
11 main corridors here in Espanola in order to get  
12 through town.

13           DPS mentioned that they just do not have the  
14 manpower to place somebody up here in the Northern  
15 area. A lot of their truck traffic is I-40 and I-25.  
16 And as a result they just don't have the manpower to  
17 put somebody in this area. They did feel, however,  
18 that it was -- it was a needed program that needed to  
19 be implemented in here. At the time there was -- they  
20 had done a study that they brought up. That there was  
21 a 10-year time frame and during that 10-year time  
22 frame there was five accidents that had taken place  
23 within this corridor, actually. So with that said, we  
24 brought up the situation of staging areas. We brought  
25 up the situation of signage. We brought up the

1 situation of the -- we brought up the situation of the  
2 State requirements. We met with Police Chief Garcia  
3 on this and we actually had a discussion about this.  
4 And we reached a conclusion -- first of all, the State  
5 has worked with us in the past as far as large-load  
6 permits. And they actually inform truckers that  
7 actually get a permit at the outskirts of town whether  
8 it be -- or not at the outskirts of town, but at the  
9 outskirts of the state borders the different roadways  
10 and the different pathway that you're going to be  
11 taking. And at that time they actually established  
12 what municipalities within that time frame that you  
13 need to deal with prior to receiving your permit and  
14 prior to going through.

15           So the State is on standby waiting for us to  
16 let them know whether we have a process or we don't.  
17 And they worked really well with us during that 18  
18 months that we had this set up. The staging areas and  
19 the signage, the signage is not a necessary situation  
20 after discussing this with DOT and DPS and Chief  
21 Garcia in that they are informed prior to entering the  
22 State of New Mexico that they need to contact the City  
23 of Espanola, that there is an ordinance in place  
24 (Inaudible). If you get into Espanola with a wide  
25 load, it's too late at that point. You should have

1 already known at the borders and that's something that  
2 we rely on the State for.

3           The situation with the staging areas, we  
4 talked with DOT about this, and DOT owns the  
5 right-of-ways in -- on the outskirts of town. And  
6 they are looking in the next cycle to see what they  
7 can do. And this is in discussions with Joe Duran who  
8 actually met with DOT, as well, on what they can do  
9 for staging areas on the outskirts of town. Our goal  
10 is to be able to have a -- an escort waiting for a  
11 wide load coming through town so that there is no  
12 staging area that is necessary. In March of 2013,  
13 this ordinance was presented to the Public Safety  
14 Committee, and at that time it was unanimously  
15 approved by the committee to come in front of this  
16 Council.

17           Again, as I mentioned, we are one of six  
18 municipalities that do not have an alternative way  
19 around it. We did do some research of the six places,  
20 and to give you an idea of fees that are charged to go  
21 through these, Taos has a fee of \$250 to get through  
22 town with a wide load. The City of Roswell has a fee  
23 of \$50 to get through the City of Roswell.  
24 Albuquerque charges \$200 to go within the corporate  
25 limits of Albuquerque, not through I-40 or I-25.

1 Angel Fire requires a bond of \$2,500 be posted in  
2 order to take a wide load through town.

3 The reason that fees are actually  
4 established, just to give you an idea, the State does  
5 charge a fee for wide loads to go through the State of  
6 New Mexico. It's understandable. If indeed there is  
7 an accident that happens within the corporate limits  
8 of the City of Espanola, it is our responsibility as a  
9 city to -- we will be the first responders on scene.  
10 It is taxpayer dollars of the City of Espanola that  
11 will be responding to this. We do have a maintenance  
12 agreement with State DOT. In the event that a  
13 signalized intersection gets taken out as a result of  
14 a large load going through or something to that  
15 effect, the City actually picks up the tab on that.  
16 We maintain these things.

17 And so this is the reason for the fees.  
18 That's what it comes down to. We do have the ability  
19 to actually ask for these fees and the State will back  
20 us up on this and DPS does feel that this is  
21 necessary. We have met with a -- one of the wide  
22 load -- mobile home movers today and Chief Garcia met  
23 with them along with Vincent Baldonado. And we went  
24 through what we were dealing with, our application  
25 forms, our time frames, that we were asking for

1 notification prior to coming into the city limits in  
2 order to have an escort ready, you know, all these  
3 issues, and we reached some conclusions and some of  
4 the conclusions were actually helpful toward the  
5 movers.

6           We've increased the times that you can move,  
7 for instance. We've increased the -- and that's going  
8 to be from dawn to dusk. There was a time frame back  
9 in 1971 to present where we only allowed for certain  
10 hours to actually move through town. Our application  
11 fees are -- what's the amount, Vince, on these -- are  
12 \$30 for a police escort, is what we're asking on this.  
13 The -- we've adopted, as part as this ordinance, we've  
14 adopted the State requirements for what a wide load  
15 actually constitutes in getting through the City of  
16 Espanola. Keep in mind we do have two lanes in both  
17 directions. Both on Onate and both on Riverside  
18 Drive. But when you're taking something larger than a  
19 one-lane road, you're taking up two lanes of traffic.  
20 And when you're taking something that's above 16 feet  
21 in height, for the most part, all of our signalized  
22 intersections are less than 15 feet at the height.  
23 And so you're having to really go around intersections  
24 and having to weave in and out of traffic, sometimes  
25 even going through to oncoming traffic, and escorts

1 are just necessary in that regards.

2 In having all of these discussions, it was  
3 reviewed and determined through DPS -- it was kind of  
4 interesting -- people just don't appreciate the amber  
5 light when an amber light is actually doing an escort  
6 through a city, when it comes down to it. However,  
7 you get a red light that's actually doing an escort  
8 and people will not try and pass an officer. They  
9 will not try and do something because that's just  
10 something you don't do. We're trained not to do that.  
11 When you're taking up more than one lane of traffic  
12 and you're in a hurry and there's an amber light in  
13 front of you, some people will try and make that move.  
14 It's unfortunate and accidents do happen. During the  
15 time frame that -- the 18 months that we actually had  
16 this in place for escorts, we did have two accidents  
17 involving wide loads -- wide loads coming through  
18 town.

19 Chief Garcia, is there anything you want to  
20 add to any of our discussions and what we discussed on  
21 this?

22 CHIEF GARCIA: Madam Mayor, City Council  
23 members, respective guests in the audience, as  
24 Russell noted earlier, we did meet with Mr. Romero  
25 this morning in regards to this proposal. It was Mr.

1 Romero's recommendation that we amend a few things,  
2 so that's what we did. We wanted to hear directly  
3 from him. We wanted to hear directly from the  
4 businesses who it will affect. So we sat down, Vinny  
5 and I, with him and he made a few recommendations and  
6 that's exactly what we did. This is not, of course,  
7 set in stone. However, it is amenable to best fit  
8 the interests of our constituents, our business  
9 owners. And later on down the road, if it becomes an  
10 issue where there's not a need for it, we'll  
11 reevaluate it, absolutely, and we'll go from there.  
12 But I think the public safety issue is of the utmost  
13 importance. And Mr. Romero knows that I was speaking  
14 from vast years of experience as from my prior  
15 employer and not just shooting from the hip and  
16 speaking off the cuff. It comes from definitive  
17 experience with the State Police.

18           MAYOR LUCERO: Okay. I'll go ahead and  
19 read the heading of this ordinance and then we'll  
20 open up the public hearing. Please remain at the  
21 desk. (Inaudible) will call people to come forward.  
22 All right? Okay. An ordinance repealing and  
23 replacing Ordinance No. 2011-02 regulating and  
24 controlled moving of any oversized load house -- any  
25 oversized load, house, building or part thereof into,

1 out of, within or through the City of Espanola. Be  
2 it ordained by the governing body of the City of  
3 Espanola that Ordinance 2011-02 be repealed and  
4 replaced with Ordinance 2013-01. And they just gave  
5 you a synopsis of what this ordinance is all about.  
6 So with that, I will open the public hearing.

7 COUNCILOR RADOSEVICH: (Inaudible).

8 MAYOR LUCERO: I was reading the actual  
9 setting of the ordinance itself. I'm sorry.

10 COUNCILOR RADOSEVICH: I don't know if it  
11 matters that it doesn't match, but --

12 MAYOR LUCERO: Okay. That's in the first  
13 part and I didn't read that part. Okay. So,  
14 anyways, that's the ordinance. So now I will open  
15 the public hearing. Are there any members in the  
16 public wishing to speak either for or against the  
17 adoption of this ordinance? Please come forward.  
18 Identify yourself for the record and please speak  
19 into the microphone because we are live on KDCE  
20 Radio.

21 BENNY GARCIA: Madam Mayor, Councilors --

22 MAYOR LUCERO: Please speak into the mic.  
23 Thank you.

24 BENNY GARCIA: I'm Benny Garcia with Benny  
25 Garcia Trucking. First of all, I've got a question.

1 What does your ordinance state? Mr. Naranjo said  
2 here that you've got traffic lights that are lower  
3 than 15 feet. Well, our State permit allows us to go  
4 up to 15 feet without a special permit, up to 14 feet  
5 without a special permit, so I want to know what the  
6 parameters of the permit are here, first. Second of  
7 all, when we did have that meeting, all the people  
8 there were okay with the -- if we'd stick to the  
9 parameters of the State. Anything over what I just  
10 told you needs a super permit in the state and we're  
11 willing to abide by that. But I think anything under  
12 your 15 feet, your 14 to your hundred feet long  
13 should be able to go through like we have been  
14 before. And the cost was one of the concerns.

15 I live north of Espanola. Sometimes I'll  
16 pick up a load in Los Alamos and can't deliver it  
17 until the following morning, so I go home, bring it  
18 across, bring it back the next morning. So if they  
19 give me two escorts to go across town, that's \$60 just  
20 to leave that home and another \$60 in the morning  
21 which comes out of my pocket. We've got to be a  
22 little bit realistic here. Okay. You said that there  
23 have been five accidents in the last five, six years  
24 involving trucks. But in the 18 months that you did  
25 have an escort, you had two, so you had a higher

1 average while you had escorts than before you did.

2 Thank you.

3 MAYOR LUCERO: And so are you for or  
4 against the adoption of this ordinance?

5 BENNY GARCIA: Well, depending what the  
6 ordinance states.

7 UNIDENTIFIED SPEAKER: (Inaudible).

8 MAYOR LUCERO: Just a second. At this  
9 point there's no discussion between the Council and  
10 the person. I'll open it up for Council discussion  
11 after we close the public hearing. But I will allow  
12 you to -- for Planning to respond to your question.

13 BENNY GARCIA: Okay. Well, what is your --

14 RUSSELL NARANJO: Okay. Just so we're all  
15 clear on this, it wouldn't be two escorts that would  
16 be necessary with you coming -- it would only be one.  
17 And that's one thing that we're only going to be  
18 offering is just one escort through town. The State  
19 requirements show 14 feet wide or greater, 15 feet  
20 high or greater, or 86,000 pounds or greater. And  
21 after discussions with Charlie this morning, we  
22 agreed to go greater than 14 feet wide would require  
23 a permit, basically, is what that is.

24 BENNY GARCIA: Right now I guess the State  
25 permit -- it allows us -- the State permit will allow

1 us to go (Inaudible) without a super permit.

2 RUSSELL NARANJO: Okay.

3 BENNY GARCIA: So if that's -- if that's  
4 what's -- if you put that in and do the 14 feet that  
5 the (Inaudible) the State requires the 15 feet  
6 without a special permit, we're not opposed to it if  
7 that's what they'll agree to.

8 RUSSELL NARANJO: That's what -- those are  
9 the numbers that we got off the State. And -- from  
10 the State. And then you're more familiar with this  
11 than I am, but it was 14 feet wide or greater, is  
12 what it was, 15 feet higher or greater, or 86,000  
13 pounds or greater, is what that was.

14 BENNY GARCIA: Well, the 86,000 pounds --  
15 (Inaudible).

16 MAYOR LUCERO: Okay. If I may, on the  
17 ordinance it does say wider than 14 feet or, two,  
18 higher than 15 feet.

19 UNIDENTIFIED SPEAKER: Correct.

20 BENNY GARCIA: Well, the problem I have is  
21 the weight.

22 MAYOR LUCERO: Weighing more than  
23 86,000 pounds.

24 BENNY GARCIA: Yeah, because the State  
25 allows us to go as far as 140,000. I'm trying to

1 read it here on the -- anyway, it's 140,000 that the  
2 State allows without a super permit. Anything over  
3 that has got to be escorted. Being the fact that  
4 you'll need additional axles to axle it out, that's  
5 put you over the hundred feet. But I don't think  
6 anybody will oppose anything within those parameters.

7 MAYOR LUCERO: Thank you, Mr. Garcia. Is  
8 there anyone -- are you done?

9 BENNY GARCIA: Yes.

10 MAYOR LUCERO: Okay. Is there anyone else  
11 wishing to speak for or against the adoption of this  
12 ordinance? Again, come forward and identify yourself  
13 for the record.

14 MR. ROMERO: Madam, members of the Council,  
15 thank you for taking time. It was a blessing this  
16 morning to be able to meet with the Chief and  
17 Mr. Naranjo and Mr. Baldonado. And, you know, what  
18 we did come to a conclusion with is this ordinance  
19 here, what they agreed on. The only problem that I  
20 still have and it's we don't have -- even though  
21 they're going to send somebody to escort us, we don't  
22 have in three -- coming into town in three different  
23 directions, north and then from Los Alamos, you don't  
24 really have places to park which is still dangerous.  
25 Because if the escort's out there, Ben's coming -- I

1 don't know when Ben is coming in and, you know, other  
2 mobile home transporters out of Albuquerque, we don't  
3 know when they're coming in. So if we do have to  
4 park and there's that chance that we do have to park  
5 coming in from Taos, coming in from Los Alamos, or  
6 coming in from -- on 84, we do have to park, there  
7 still is a danger because you take a mobile home and  
8 a super load, you know, it's wider than the shoulder  
9 and so we're going to be sticking out on the highway.  
10 So there's still that liability that's going to fall  
11 back on the City because we can't come through town  
12 because these are the rules. So, you know, it's  
13 still going to fall back on somebody if something  
14 happens, we get hit or something. That's the only --  
15 that's the only issue that I still have. And we  
16 don't know when everybody else is coming through. We  
17 don't know how many people, you know. So that's the  
18 thing that we have to -- we have to take into  
19 consideration, you know. And that's the thing I did  
20 mention this morning when we talked and so that's --  
21 I just needed to do bring that up.

22 MAYOR LUCERO: Thank you, Mr. Romero.

23 MR. ROMERO: Thank you.

24 MAYOR LUCERO: Okay. Anyone else wishing  
25 to speak either for or against the adoption of this

1 ordinance, please come forward and again identify  
2 yourself for the record.

3 COUNCILOR SEEDS: Did Mr. Romero identify  
4 if he was against it or for it?

5 MAYOR LUCERO: He said he was -- he  
6 approved it. However, he had that concern. That's  
7 my understanding.

8 (Inaudible).

9 MAYOR LUCERO: Okay. And I do want to  
10 remind the Council that this is still open just to  
11 the public for comment. And when we're done, the  
12 Council can ask questions of any member of the public  
13 or staff. Okay. We'll continue. Sir, please  
14 identify yourself for the record.

15 ELMER LOMANDA: My name is Elmer Lomanda.  
16 I'm here representing EMCO Construction and Espanola  
17 Transit Mix out of Santa Fe. I'm one of their  
18 companies from Santa Fe. I've been here before and I  
19 thank you, Mayor, and Council people for allowing us  
20 to speak tonight. As far as -- like Ben Garcia said,  
21 I'm for this as long as they stay in the perimeter of  
22 the State permit. I mean, it's in the guideline. We  
23 are set by curfews by the State to come through the  
24 City of Espanola already. It's in our deal with the  
25 State. And he's talking about if we tear something

1 down, we're insured. We have to pay for it, the  
2 damages that we do. If we tear something down, we're  
3 insured to pay for the damage. Espanola doesn't have  
4 to bear that cost. We do as a hauler. That falls  
5 back on us. If we destruct your property, it's our  
6 liability. Not yours, really. You may have to bear  
7 it upfront, but you will get your money back. It is  
8 all insured. Everything we do is insured. We're  
9 required by the State of New Mexico through the PRC  
10 through the Department of Transportation to have  
11 these insurances to cover property damage.

12 But, I mean, they're talking your 86,000.  
13 Our permit says 140,000. I gave -- one meeting I was  
14 here, I brought my oversize permit and all of you had  
15 a copy of that permit at one time, if I'm not  
16 mistaken. Am I correct, Mr. Seeds? I did give a copy  
17 here to the Council one night that I was here, so you  
18 have all the perimeters that the State of New Mexico  
19 sets us by. And that's all we're asking is, you know,  
20 stay in the same guidelines. We have a curfew in the  
21 morning here in Espanola from 7:00 to 9:00. We have  
22 another one in the afternoon from 4:00 to 6:00. Your  
23 Espanola permit all of a sudden threw in a lunchtime  
24 curfew which we're willing to abide by. Santa Fe has  
25 it. I abide by it in Santa Fe. I deal with it in

1 Santa Fe all the time.

2           MAYOR LUCERO: Just a while ago he did  
3 explain that it is now from -- what they're proposing  
4 in the ordinance is from dawn until dusk. So as long  
5 as --

6           ELMER LOMANDA: So, in other words, they --  
7 so if the sun is up, we can move through Espanola.

8           MAYOR LUCERO: Absolutely.

9           ELMER LOMANDA: Okay. So that improves it  
10 for us because we can get in and out of here at a  
11 more amicable time where before we were pushed for  
12 time. But, see, what messes up on that is we're  
13 bound by the State permit. It's not what the City  
14 says, but if we're caught here in Espanola at 8:30  
15 and a DOT catches us, we're in violation because our  
16 State permits says 7:00 to 9:00. We can't move in  
17 Espanola because it's on our State permit. It  
18 doesn't matter what you guys say here from dusk until  
19 dawn. We're bound by the State permit. Do you  
20 follow me on that, Russell?

21           RUSSELL NARANJO: I do. To my  
22 understanding, and this is -- I totally understand  
23 what your concern is on that -- to my understanding,  
24 the reason that the 7:00 to 9:00 curfew and the noon  
25 curfew and everything is in effect is because that's

1 what was in effect. That's what the State had. If  
2 this is actually adopted by the City of Espanola this  
3 evening, this goes to the State, and the State now  
4 has their criteria which is they go off of whatever  
5 the city requires. Well, the city says dawn to dusk.  
6 It's not based on their numbers. It's based on what  
7 we tell them that we allow. Do you know what I mean?

8           ELMER LOMANDA: Okay. If that was adopted  
9 tonight, our permit does not change until January 1  
10 of next year. Our permit is annual. It's January 1  
11 to December 31st. We don't get any revisions until  
12 our new permit comes about or we go pay \$275 for a  
13 new one. We're not going to do that. You know,  
14 we're permitting five trucks. We can't do that on  
15 and off. So, I mean, the State implemented these  
16 years ago. I have known this. I've been moving  
17 heavy equipment in the State of New Mexico for going  
18 on 40 years. The laws really haven't changed in 40  
19 years. We've had the same curfew hours forever. I  
20 mean, they don't change. And that's what I'm saying.

21           If you change this and we come into your  
22 town and there's a DOT sitting out here and it's 8:30,  
23 we get the citation as a driver. Not as a company,  
24 not as the City of Espanola. We bear that. They jerk  
25 our permit because we're in violation of our permit.

1 Do you follow me on that? So then it gets more  
2 expensive not only for a driver, but for a company, as  
3 well. We have to go back, reapply for a permit, and  
4 get a new permit. And it's a \$300 fine to the driver.  
5 And that's -- you know, all we're saying is if you're  
6 going to adopt it, adopt what the State already had.  
7 I mean, it -- like Ben said, with the escorts you  
8 have, your wrecks were more percentage-wise in the  
9 length of time, so that's telling me your escort  
10 system is not working. We don't have communication  
11 with escorts. They don't know what we're doing. They  
12 don't know what we have to do. And it's -- how do we  
13 communicate with your escorts is what we're saying?  
14 What kind of plan do you put in motion for us to talk  
15 to your escort people that you want to put in place?  
16 To us, as drivers, it's nonfunctional. It  
17 didn't work before. We don't think it's going to work  
18 again. And it's -- the staging area is an issue.  
19 Who's the liability if we're out there and somebody  
20 hits our wide load while we're waiting for an escort?  
21 Who's that liability? Us or you guys? And that's all  
22 we're asking. We're asking for a fair -- kind of a  
23 no-nonsense law that we can all live with. And I  
24 think what the State's already got out there has been  
25 working. It's proven that the accidents are very few

1 and far between. And like I told you, our insurance  
2 covers our losses. If we tear your lights down, we're  
3 responsible for it. We have to come up with the money  
4 and pay for it. And thank you for your time.

5           MAYOR LUCERO: Thank you, sir. Is there  
6 anybody in the audience willing to speak either for  
7 or against the adoption of this ordinance? Okay.  
8 Hearing none, this public hearing is adjourned. And  
9 now I turn it over to City Council discussion.  
10 Councilor Cory Lewis?

11           COUNCILOR LEWIS: I have a question for the  
12 Chief. Do you have the manpower to accommodate the  
13 needs of these businesses?

14           CHIEF GARCIA: Madam Mayor, City Council  
15 members, this morning I met with Mr. Romero and Vinny  
16 and we did go over the manpower issue. That was a  
17 concern of theirs. Absolutely. I think with the  
18 respective one-hour call in advance so we could call  
19 out an officer that would be on standby to escort it  
20 readily right now, we can. And with the proposal  
21 later on this evening I hope to even be in a better  
22 position to assist them in the long run.

23           COUNCILOR LEWIS: Okay. And also, Russell,  
24 if there's an officer tied up at a burglary or a  
25 panhandle call, these businesses have to wait on the

1 side of the road, right?

2 RUSSELL NARANJO: Madam Mayor, Councilor  
3 Lewis, that's something I don't -- I don't -- do the  
4 police at this point? It's something that I know the  
5 Chief has looked into and has determined that we have  
6 the ability to do -- to actually do this escort. I  
7 understand your situation. I'm not sure of -- I'm  
8 not sure I'm the one to actually be asking that.

9 COUNCILOR LEWIS: Well, actually, Russell,  
10 what I'm stating -- what I'm asking is that's what it  
11 states in the ordinance, that they have to wait for  
12 the escort to show up, right?

13 RUSSELL NARANJO: The goal of this, Madam  
14 Mayor, Councilor Lewis, is actually to have the truck  
15 not have to actually park on the side of the road.  
16 To have an escort waiting for him. And so that they  
17 come into town. The escort -- all they do is slow  
18 down. The escort pulls and they go and they do what  
19 they do.

20 COUNCILOR LEWIS: You know, I think these  
21 businesses don't mind paying a fee if they get good  
22 service, and we don't have good service in the past.  
23 You know, these drivers were sitting there waiting  
24 for hours, and time is money. So I'm not in favor of  
25 this ordinance and I will be voting against it this

1 evening.

2 MAYOR LUCERO: Councilor Radosevich?

3 COUNCILOR RADOSEVICH: My first question is  
4 why are we deviating from the State permit? The  
5 State has pretty good guidelines as they are.  
6 There's -- you're saying from dusk -- dawn to dusk?  
7 I believe the State has two periods during the day  
8 that they don't allow oversized loads to go through  
9 communities, like 7:00 to 9:00, 9:00 or 9:30, and  
10 that's for commuter traffic. Because it makes sense  
11 not to have a big wide load -- a slow moving load in  
12 the rush hour in the morning or in the afternoon. So  
13 my question is, why are we deviating from the State  
14 permit?

15 RUSSELL NARANJO: Madam Mayor, Councilor  
16 Radosevich, this was based off of input that we  
17 received from the wide load haulers in that it was a  
18 domino effect. First of all, the fact that we  
19 weren't able to get an escort out there waiting for  
20 them and they had to park on the side of the road,  
21 and then they had a curfew where they had to move it.  
22 And that's where the time and money -- time is money  
23 situation comes into play where during the summer  
24 months -- or, I'm sorry, during, the winter months  
25 they were limited to the times that they could

1 actually do it. It's still dark. It's still -- you  
2 know, there was situations with that. We will look  
3 into the dawn to dusk. The reason that the curfews  
4 are actually established in the state within the  
5 State license itself is because that's what we gave  
6 the State as a city. That's what we actually wanted  
7 to do as a city. At this time, based on the input  
8 and based on what I heard from the Council months ago  
9 when we went through this, we needed to allow people  
10 more time to move through, and that's the reason that  
11 this came to play. I'm under the impression, as I  
12 mentioned earlier, that it's -- what we give the  
13 State is what we allow them to go through town. It's  
14 not based on what the State feels is necessary going  
15 through Espanola. It's what Espanola feels we can  
16 deal with at that time frame.

17 COUNCILOR RADOSEVICH: And Councilor Lewis  
18 brought up, I believe, it's inevitable that there's  
19 going to be a time where we're not going to have an  
20 officer available. And if we don't have a place for  
21 these guys to wait safely off the shoulder or off the  
22 easement of the highway, that's a safety concern.  
23 Because if we're going dawn to dusk, you know,  
24 sometimes at dawn you can -- it's not very bright  
25 out. If they've got a trailer sticking out on the

1 right-of-way, that's a safety concern.

2           MAYOR LUCERO: Thank you, Councilor. I'm  
3 not sure who's first on this end. Can I just start  
4 with Peggy? Councilor Martinez?

5           COUNCILOR MARTINEZ: The concerns that I  
6 have about this issue have been the same from the  
7 very beginning, and, unfortunately, they haven't  
8 changed much. The first concern that I had was, of  
9 course, the staging time. Having the trucker parked  
10 for that amount of time and agreeing with what  
11 Councilor Lewis said. The second -- the second  
12 concern that I have is the staging safety. And if  
13 it's a wide load, it is wider than the shoulder. We  
14 don't have the area to take care of that. That also  
15 concerns me in the way that it could create a  
16 liability for the City if somebody hits something  
17 while they were staged.

18           The other thing that concerned me from the  
19 very beginning was how shorthanded we are in public  
20 safety and utilizing public safety for these issues.  
21 And that was really the main reason at the time that  
22 this was put down, for the amount of time that it's  
23 been put down, that was really my main concern was  
24 that we were taking somebody from public safety and  
25 moving them to go act as an escort when we really were

1 already shorthanded and super taxed in that  
2 department. And that really hasn't changed all that  
3 much as of yet.

4           The other thing that concerns me is the lack  
5 of communication and the plan for the communication  
6 between the escort and the truck that they will be  
7 escorting. The City is responsible to make sure that  
8 the trucker understands what the escort is expecting  
9 of him and vice versa. There needs to be  
10 communication that happens there and I still haven't  
11 heard of a plan for that. So, unfortunately, I still  
12 feel like we're not ready for this. I think we still  
13 need to do work. I think we're moving in the right  
14 direction. I applaud all of you, the three of you,  
15 and the truckers for your input in trying to come up  
16 with something that is substantial, but I still think  
17 we're a little bit a ways from it myself.

18           MAYOR LUCERO: Thank you, Councilor.  
19 Councilor Valdez?

20           COUNCILOR VALDEZ: I'd like to make a  
21 motion that we go ahead and pass Ordinance No.  
22 2013-01 and then go into discussion if there's a  
23 second.

24           MAYOR LUCERO: Is there a second to the  
25 motion to adopt Ordinance 2013-01 at least for the

1 purpose of discussion?

2 COUNCILOR HERRERA: Second.

3 MAYOR LUCERO: Okay. It's been moved and  
4 seconded. Under discussion. Councilor Valdez?

5 COUNCILOR VALDEZ: Under discussion, we  
6 could go on forever on this ordinance for -- forever.  
7 We could never have it perfect. Right now, we have  
8 been working with this ordinance for quite a while.  
9 How long have we had it -- had this ordinance?

10 RUSSELL NARANJO: Madam Mayor, Councilor  
11 Valdez, it was suspended in September of 2012. Prior  
12 to that, it was in place for 18 months. And prior to  
13 that, it was in place, but not enforced since 1971.

14 COUNCILOR VALDEZ: Okay. 1971. And we  
15 hadn't -- didn't have it enforced. I think by us  
16 passing this ordinance, the Chief and the Planning  
17 and Zoning can work this together with the changes  
18 that have to be made or can be made with the  
19 truckers. I know that we've lost about \$40,000 or  
20 \$50,000 on the cost of this. And if we sit down and  
21 continue changing every little thing, we still will  
22 not have an ordinance. I think we should have this  
23 department's ordinance passed and then have the Chief  
24 and the Planning and Zoning deal with the truckers  
25 and help them out in whatever it is. Because there's

1 some area that you cannot create wider roads or  
2 anything for them to stop and -- but they have a plan  
3 that they'll have an escort there. There's times we  
4 think where they might not have it, but they'll have  
5 it. So that's my thoughts.

6 MAYOR LUCERO: Thank you, Councilor.  
7 Councilor Seeds?

8 COUNCILOR SEEDS: Thank you, Mayor. I  
9 agree with Councilwoman Martinez. You know, a lot of  
10 the things that this Council insisted on staff  
11 getting accomplished many months ago hasn't been  
12 done, Russell. It's the same old thing. It's all  
13 the same. Nothing has been done except for one thing  
14 that's obvious to me is money. Councilman Valdez  
15 keeps telling us how much money we've lost and it's  
16 another -- it's another trucker's tax, is what it is,  
17 you know, and it's a shame if that's all we're  
18 concerned about is making money, taxing these workers  
19 that are trying to make a living with their trucks,  
20 seasonal, of course, and it's shameful to me. And I  
21 think that we can definitely do without this tax and  
22 without these truckers' taxes, aid to the city.

23 The State Highway Department has a very  
24 stringent procedure in place and I'm comfortable with  
25 it. We cannot forget that the State highway runs

1 through the City of Espanola. It is not our roadway.  
2 It is a State highway that runs through this town. So  
3 the State of New Mexico makes the requirements for  
4 permitting of these truckers to go through this  
5 roadway. So why should we burden them again except  
6 for collecting a tax, more money from them, why? I  
7 mean, we don't accomplish anything. And I feel  
8 that -- you know, they said earlier that we were going  
9 to have more accidents. I don't believe that.  
10 Hopefully, we don't have any. I believe you. I sit  
11 here tonight praying to God that we don't have a  
12 single wreck, a single occurrence. But if it does,  
13 it's not going to be because we shouldn't allow them  
14 to be escorted. Because I see a lot of these wide  
15 loads and they're very much escorted through this  
16 town. And I cannot support this, Mayor. Thank you.

17           MAYOR PRO-TEM SALAZAR: (Inaudible) some of  
18 the statements that the Councilors have made just  
19 previously. Right at this point there's a little  
20 closure to these ongoing issues. I remember us  
21 replaying these same questions months ago. And, you  
22 know, it's an ongoing record playing over and over  
23 again. And it appears right now at this point  
24 there's very little resolution. I do feel that more  
25 communication needs to be held between everybody.

1 And one important thing to me is the safety issues.  
2 These really need to be ironed out and that's what  
3 really worries me. So at this point I'm not  
4 comfortable with this. We are, you know, little by  
5 little making some progress up a steep hill, but I  
6 feel everybody -- you know, in working together we  
7 can do this, but I still feel that there's a lot of  
8 road to cover. Thank you.

9           MAYOR LUCERO: Thank you, Councilor.  
10 Councilor Lewis, do you have your hand up?

11           COUNCILOR LEWIS: I better not. No, I'm  
12 okay.

13           MAYOR LUCERO: Okay. Are there any other  
14 comments from the City Council? Okay. This calls  
15 for a roll call vote. Will the Clerk please call the  
16 roll?

17           TESSA JO MASCARENAS: Councilor Seeds?

18           COUNCILOR SEEDS: Against the motion.

19           TESSA JO MASCARENAS: Councilor Valdez?

20           COUNCILOR VALDEZ: Yes.

21           TESSA JO MASCARENAS: Councilor Martinez?

22           COUNCILOR MARTINEZ: Against.

23           TESSA JO MASCARENAS: Mayor Pro-Tem  
24 Salazar?

25           MAYOR PRO-TEM SALAZAR: No.

1           TESSA JO MASCARENAS: Councilor Lewis?  
2           COUNCILOR LEWIS: Absolutely against.  
3           TESSA JO MASCARENAS: Councilor Radosevich?  
4           COUNCILOR RADOSEVICH: Against.  
5           TESSA JO MASCARENAS: Councilor Herrera?  
6           COUNCILOR HERRERA: For the motion.  
7           MAYOR LUCERO: The motion carries by a vote  
8 of five to two.  
9           COUNCILOR LEWIS: Failed.  
10          COUNCILOR MARTINEZ: Failed.  
11          MAYOR LUCERO: I'm sorry, the motion failed  
12 to adopt the ordinance by a vote of five to two.  
13 Councilor Seeds?  
14          COUNCILOR SEEDS: I'd like to move to table  
15 this item until -- you know, until we decide to bring  
16 it back.  
17          MAYOR LUCERO: I'm sorry, there's already a  
18 motion.  
19          COUNCILOR SEEDS: I'd like to move to table  
20 it.  
21          MAYOR LUCERO: Frank, can we table  
22 something that's already been acted on?  
23          MR. COPPLER: It looks to me like the  
24 ordinance has been defeated.  
25          MAYOR LUCERO: Yes, it's been defeated.

1 MR. COPPLER: If you wanted to table it,  
2 one way to have done that would have been to make the  
3 motion to table and that would have taken priority  
4 over Councilor Valdez's motion. Now that it is  
5 defeated, the motion to table is (Inaudible).

6 MAYOR LUCERO: Well, the motion is out of  
7 order.

8 COUNCILOR SEEDS: I want to -- Frank, the  
9 reason I made a motion to table this is because I  
10 don't want it to keep coming back to this governing  
11 body until it's done right. And I don't know why  
12 it's on the agenda tonight. The only reason I moved  
13 to table it is because Peter Valdez beat me to the  
14 punch and made a motion to approve it and that was  
15 the only reason. That's my concern is it's going to  
16 keep coming back and keep coming back. And until we  
17 get it right, there's no sense. And nothing has been  
18 accomplished tonight that we didn't discuss many  
19 months ago. And nothing has been -- you know, there  
20 hasn't been anything put in place to address all the  
21 concerns that a lot of us had many months ago, so  
22 that was my point in this.

23 MAYOR LUCERO: Okay.

24 COUNCILOR SEEDS: So I cannot table it?

25 MAYOR LUCERO: No, your motion is out of

1 order. You should have tabled before the vote was  
2 taken.

3 COUNCILOR SEEDS: Well, you --

4 MR. COPPLER: A motion to table --

5 COUNCILOR SEEDS: -- recognized Councilman  
6 Valdez, Mayor, first.

7 MAYOR LUCERO: Well, he made the motion,  
8 Councilor.

9 MR. COPPLER: Under the rules, Councilor  
10 Seeds, after Councilor Valdez made his motion to  
11 approve and the second made by Councilor Herrera, at  
12 that point, you could have made a motion to table  
13 before the vote. So after the vote --

14 COUNCILOR SEEDS: So we can leave here  
15 tonight knowing that this ordinance is still just --  
16 not in effect, right?

17 MR. COPPLER: Yes, it's not in effect.

18 COUNCILOR SEEDS: Thank you.

19 MAYOR LUCERO: Councilor Valdez?

20 COUNCILOR VALDEZ: Mayor, all they have to  
21 do is just take it to a committee and deal with it  
22 all they want. The whole year, two years, three  
23 years, four years, whatever time you have. But bring  
24 it to your committee -- to some committee.

25 MAYOR LUCERO: Thank you, Councilor. All

1 right. We'll move on -- I'm sorry, Councilor Lewis?

2 COUNCILOR LEWIS: You know, we keep hearing  
3 the same thing over and over from the Planning  
4 Department like the abandoned buildings. You know, I  
5 haven't heard anything new about it either. So I  
6 hope we can move forward with these issues. Thank  
7 you.

8 MAYOR LUCERO: We do have a work session on  
9 Wednesday about abandoned buildings.

10 COUNCILOR LEWIS: Okay.

11 MAYOR LUCERO: Okay. We'll move on with  
12 the agenda. The next item on the agenda is business  
13 of visitors. And we have the Sangre de Cristo  
14 (Inaudible) staff. We have the Sangre --

15 COUNCILOR MARTINEZ: Thank you, guys.

16 MAYOR LUCERO: Excuse me?

17 COUNCILOR MARTINEZ: Sorry.

18 MAYOR LUCERO: Okay. Again, business with  
19 visitors. We have the Sangre de Cristo chaplain  
20 introduction. Please come forward to the table.  
21 Identify yourself for the record and speak into the  
22 microphone, please. Thank you.

23 JERI AXTELL: Madam Mayor and City Council  
24 members, thank you for having us. I am Jeri Axtell  
25 with Sangre de Cristo Chaplain Services. And I'd

1 like to just do a quick history and then do an  
2 individual introduction and then address the  
3 chaplaincy, a few highlights of the chaplaincy, and  
4 we'll be very brief. Is that okay?

5 MAYOR LUCERO: Sure.

6 JERI AXTELL: So Sangre de Cristo Chaplain  
7 Services was founded in March of 2010 and we came  
8 here and introduced ourselves in August of 2010. And  
9 we were welcomed and -- so since that time there's  
10 been some changeovers with the police and fire who we  
11 serve with their heads and changes within our own  
12 organization. And so now we're back re-doubling our  
13 efforts to serve our community and we wanted to  
14 introduce ourselves to you. So, individually, I'm  
15 Jeri Axtell. I'm cofounder and director.

16 RANDY AXTELL: I'm Randy Axtell, also  
17 cofounder.

18 DONNA ZAMORA: My name is Donna Zamora.

19 PETE ZAMORA: Pete Zamora.

20 JEFF EICHORST: Jeff Eichorst.

21 JERI AXTELL: So, basically, a chaplain --  
22 I don't know how familiar you-all are with the  
23 program -- but a chaplain is defined as a minister in  
24 the workplace. And by "minister," that is just  
25 simply who has a heart for and specialized training

1 in pastoral care, which all of us have had a lot of  
2 training. We offer our services primarily to law  
3 enforcement and fire, dispatch. Your first  
4 responders and their families. And then judicial  
5 personnel and their families. And then to the  
6 community as a whole. We have met with Emergency  
7 Services Director, Eric Garcia, and he has endorsed  
8 our program. And so I wanted to talk a little bit  
9 about it.

10 Our chaplains must pass background  
11 investigations. We must be trained. We're licensed  
12 through a licensing organization which Jeff Eichorst  
13 is a representative of, the IA OCC. The -- can you  
14 tell me?

15 JEFF EICHORST: International Alliance of  
16 Chaplain Corps.

17 JERI AXTELL: There you go. Okay. So we  
18 are trained. We are unpaid volunteers. And we do  
19 not proselytize. Our goal is to serve our responders  
20 and our community. And how we do that is we provide  
21 mental, emotional, and spiritual support guidance  
22 counseling in -- whenever it is necessary, whenever  
23 it's needed, whenever we're called. We act under the  
24 authority of the police department, the police chief.  
25 And we can provide practical assistance as well on

1 scene. We can provide death notifications. We can  
2 do trauma, suicide, and crisis intervention. We can  
3 de-escalate tensions in domestic disputes. And we  
4 can assist special teams in the event of a disaster,  
5 either natural or manmade, which are more and more  
6 frequent these days. We also provide support and  
7 comfort to victims suffering from a recent loss and  
8 we connect them to available resources within the  
9 community. I think that's pretty much all that I  
10 have. Just wanted to let you know that we do have a  
11 presence here and we are working in the Valley and --  
12 do you have any questions?

13           MAYOR LUCERO: Thank you very much.  
14 Councilor Cory Lewis?

15           COUNCILOR LEWIS: I'd just like to thank  
16 each and every one of you for your services. You  
17 know, I think it's awesome that you're here to help  
18 people in need -- in a time of need. So I just want  
19 to thank each and every one of you.

20           MAYOR LUCERO: Okay. Councilor Valdez?

21           COUNCILOR VALDEZ: I would like to see you  
22 probably give your phone number to our Human  
23 Resources person and this way they'll be -- they'll  
24 get more contact even with the -- not just the police  
25 department and the fire department, but the other

1 employees in case of -- we have sewer treatment  
2 plants where it's very dangerous sometimes in there,  
3 that if something happens that they need counseling.  
4 So Human Resources would be --

5 JERI AXTELL: Okay. Absolutely. I also  
6 have -- I had brought some brochures if anyone is  
7 interested.

8 COUNCILOR VALDEZ: Thank you.

9 MAYOR LUCERO: Thank you. Councilor  
10 Radosevich?

11 COUNCILOR RADOSEVICH: I'd just like to ask  
12 the Chief if he's ever utilized their services.

13 CHIEF GARCIA: Madam Mayor, City Council  
14 members, yes, absolutely. In my vast experience with  
15 the State Police and currently with the Espanola  
16 Department of Public Safety, we have called upon  
17 their services. They have responded accordingly.  
18 And they have followed through with our staff from  
19 the extent of offering remorse to the officers on the  
20 scene as someone to vent to as well as the personnel  
21 that were involved in the unfortunate fatal incident.  
22 Unfortunately, like anything, their services most of  
23 the time are rendered when we have a fatal type of  
24 situation. Outside of that, they have participated  
25 in several ride-along opportunities with my police

1 personnel. I've also opened it up to the fire  
2 department where I'm asking them to ride along in the  
3 fire department truck and wear the helmet if they  
4 want (Inaudible) -- you know, we encourage the  
5 interaction with them.

6 MAYOR LUCERO: Thank you very much.

7 COUNCILOR RADOSEVICH: Once again, I'd just  
8 like to thank you guys for what you do.

9 MAYOR LUCERO: Councilor Radosevich? I  
10 mean, Councilor Seeds. I apologize.

11 COUNCILOR SEEDS: Thank you, Mayor. I just  
12 want to thank all of you for taking the time to come  
13 here tonight. And I know you-all have it, you know,  
14 in your hearts to donate, you know, commit yourselves  
15 to the community. And I need to ask, where's your  
16 location at? Where are you located at?

17 JERI AXTELL: So we're out of Espanola.  
18 Actually, Arroyo Seco. 86 Arroyo Seco Circle is the  
19 physical address. I and my husband live in Pojoaque,  
20 the Zamoras in Espanola and Jeff Eichorst. He is  
21 also the cofounder and the founder of Los Alamos  
22 Chaplain Services. He's the one that was  
23 instrumental in helping us get started down here and  
24 so he's our resource.

25 COUNCILOR SEEDS: Thank you.

1           MAYOR LUCERO: Thank you very much for  
2 taking the time to come and introduce yourself to us  
3 again, some of you. And -- excuse me a minute -- and  
4 I do want to say it's good to know that we have  
5 staff -- well, volunteers like yourself who are  
6 dedicated to this profession and trained to deal with  
7 these types of issues. Thank you for what you do  
8 because you deal with very sensitive issues and I'm  
9 sure it's not easy. It takes a lot of energy and --  
10 but thank you again. Councilor Martinez?

11           COUNCILOR MARTINEZ: I just wanted to offer  
12 thanks, also, on a very personal level and just know  
13 that continued prayer for our community is always a  
14 help. One thing that I would like to ask the Council  
15 and the Mayor is possibly if we could have a day to  
16 recognize all the volunteers that make this community  
17 better. I know we have the Downtown Action  
18 Committee. We have the Beautification Committee.  
19 And I was unaware of your services and I'm thrilled  
20 to death. So I would hope that we could have some  
21 type of banquet recognizing all the volunteers that  
22 do make this community a better place.

23           MAYOR LUCERO: I think that's a great idea,  
24 Councilor. It would be good to plan a reception or  
25 something maybe at the museum because sometimes I get

1 very hurt when I hear that local people haven't been  
2 to our museum. So I'd like to open it up more to the  
3 community. So if you'd like to spearhead something  
4 like that, I think that would be excellent. Just  
5 discuss it -- I mean, coordinate with our staff,  
6 Tessa Jo and Anna, our City Clerk and Deputy Clerk.  
7 And that would be nice to do something like this in  
8 the very near future.

9 COUNCILOR MARTINEZ: Okay.

10 MAYOR LUCERO: Thank you very much. And,  
11 again, thank you.

12 JERI AXTELL: Thank you.

13 MAYOR LUCERO: Okay. The next item on the  
14 agenda is public comments. And this is time for  
15 anybody from the public wishing to comment on any  
16 other items that may not already be on the agenda  
17 where they will participate. We have Ruth Ann Vargas  
18 and her husband Joel. Ruth Ann is the chairman of  
19 the Espanola Fiesta Council, and doing a good job, I  
20 might add. Ruth Ann and Joel, thank you for being  
21 here this evening.

22 RUTH ANN VARGAS: Thank you, Mayor, and  
23 thank you, Councilors. My name is Ruth Ann Vargas.  
24 I'm the President of the Espanola Fiesta Council. My  
25 husband, Joel Vargas, Sr. is also a Fiesta

1 Councilor -- I mean, I'm sorry, Fiesta Council. He's  
2 going to speak on my behalf because I get real  
3 nervous doing this stuff, so he's going to go ahead  
4 and make an announcement. Thank you.

5 MAYOR LUCERO: Thank you. Joel?

6 JOEL VARGAS: Hello, everybody. Hope  
7 you're all doing okay today.

8 MAYOR LUCERO: Just fine. Thank you.

9 JOEL VARGAS: So we're here tonight to use  
10 the Council meeting as a venue to promote some of the  
11 events that we're going to be having coming up pretty  
12 soon. First and foremost, on April 28th, Sunday the  
13 28th, we're going to have an enchilada luncheon, bake  
14 sale, and fundraiser over at the Beatrice Martinez  
15 Senior Center and that will go on from 10:00 a.m. to  
16 3:00 p.m. It's going to be a lot of good food. So  
17 enchiladas, of course, green chili and everything  
18 that everybody likes. The cost will be \$7 for  
19 adults, \$4 for children. And I'd like to see  
20 everybody there to help us fundraise for the fiestas.  
21 You know, we've put on some really good fiestas in  
22 the past and we want to put on a really great one  
23 this year. And I think we had a real successful  
24 evening the other night with the first event that we  
25 had which was pretty cool and that was the

1 announcement of all the competition and we'd like to  
2 announce, of course, that Justin Salazar is the new  
3 Onate for the year and we have Bryanna Ellis as La  
4 Reina. I think they're going to represent the Valley  
5 really well. They competed really well and had a  
6 really vast knowledge of the Valley, of the history  
7 of Espanola and Onate, and I think that they're going  
8 to really represent because they handle themselves  
9 very well.

10 Another thing that's coming up, I think, is  
11 May 11th we're going to have the Coronation Ball and  
12 it's the Crowning and Dubbing. A couple of bands  
13 we're going to have is Duane Ortega and the Young  
14 Guns. I think Danny Duran and Slo Burnin, I think.  
15 So we're going to have the best of two worlds.  
16 Ranchera and cumbia and a country night. So we'd love  
17 to see you-all there and really represent the Valley  
18 because we use you guys as our best advocates. I  
19 mean, the more you speak to people, especially here at  
20 this level, I think it will really help us make the  
21 fiesta all that much better.

22 MAYOR LUCERO: Thank you. And when is that  
23 Coronation?

24 RUTH ANN VARGAS: Mayor Lucero, it is going  
25 to be on May 11th. The Crowning and Dubbing Mass

1 will be held at Holy Cross Church at 5:30. We will  
2 be having a (Inaudible) right after the mass which  
3 will be held at the Marian Hall. And then right  
4 after the dinner we will have the dance at 8:00. And  
5 from 8:00 to 10:00 will be Duane Ortega. And it's  
6 actually Duane Ortega Band. And then from 10:00 to  
7 12:00 will be Slo Burnin. We are also looking at a  
8 mariachi group to perform during the mass and we are  
9 also looking at them helping us during the events.  
10 Right now it's still pending on some contracts, so as  
11 soon as we know, we'll let you-all know.

12 MAYOR LUCERO: Thank you.

13 RUTH ANN VARGAS: Sure.

14 MAYOR LUCERO: Okay.

15 RUTH ANN VARGAS: I believe that's it.

16 We're going to have a wonderful venue for our  
17 fiestas. Our fiesta is going to be July 11th through  
18 the 14th. And as we get more information for that,  
19 we will be here again to spread the word. Thank you.

20 MAYOR LUCERO: Well, thank you very much  
21 for all the hard work that you're doing right now.  
22 And we appreciate you coming in and letting us know  
23 about the upcoming events. Thank you.

24 JOEL VARGAS: I'd like to thank you all for  
25 all of your support because it's been wonderful.

1 Without you guys, we probably wouldn't have half of  
2 the stuff happening, because you've really been  
3 really good to us.

4           MAYOR LUCERO: Thank you very much.  
5 Councilor Martinez?

6           COUNCILOR MARTINEZ: I just hope that when  
7 we hire a mariachi that we can possibly for some  
8 stuff use somebody local.

9           RUTH ANN VARGAS: Actually, that's one of  
10 the situations that I've been doing. What happened  
11 is in the past it's always been other bands from  
12 Albuquerque. The majority of the time it's from  
13 Albuquerque. The thing is is that -- my husband is  
14 in the entertainment business. He has a band,  
15 Northern 505. He -- the way I look at it is that we  
16 need to use our local bands. It's our local event.  
17 So that's my stride on -- I'm sorry -- to getting  
18 that done.

19           COUNCILOR MARTINEZ: Thank you.

20           JOEL VARGAS: And, actually, you know what,  
21 Ms. Martinez? We really agree with you because we  
22 were disappointed with the Espanola Day on how the  
23 media covered it, you know. There were plenty of  
24 businesses from the Espanola Valley that were there;  
25 the New Mexico Community College. There was a choir

1 from the high school. And the only thing that got  
2 noted was a mariachi band and it had nothing to do  
3 with Espanola. So we were a little disappointed  
4 there. But, yes, we're trying to get all local  
5 bands. The mariachi we're looking at has a lot of  
6 local mariachi artists. So we're hoping that will  
7 happen.

8 COUNCILOR MARTINEZ: Thank you.

9 RUTH ANN VARGAS: And, also, I just have  
10 one more comment. What happened is our local bands  
11 have been helping us so well with the fundraisers.  
12 They have actually been not charging us the full  
13 amount. And so what happened is I did express to  
14 them that our budget wasn't staffed this year and we  
15 were trying to use this as fundraisers in order to  
16 get outfits for the fiesta members. Also, to do --  
17 to help with the fiesta events that are at the Plaza,  
18 also, and also travel to and from because we do go to  
19 Santa Fe, Vegas, and Taos. This year I'm looking at  
20 possibly going to Mora. And Chama has asked for our  
21 presence, also. And another thing, too, is what we  
22 never do is also the small communities; Penasco,  
23 Dixon, Chimayo, Santa Cruz. You know, all these  
24 communities are part of the Espanola Valley, so I  
25 really wanted to be able to support them. Thank you.

1           MAYOR LUCERO: Thank you very much. Okay.

2 All right. Anyone else wishing to make a public  
3 comment? All right. We'll move on with the agenda.  
4 The next item is councilor comments and  
5 announcements. Councilors? Councilor Valdez?

6           COUNCILOR VALDEZ: I just want to note that  
7 the Plaza Foundation is going to have a meeting  
8 Thursday the 25th at 6:00 p.m. It will be chaired by  
9 Representative Nick Salazar. And they've asked me to  
10 invite you, if you can, at the Convento at 6:00 p.m.  
11 And the other one is the Espanola Clean-Up Day this  
12 Saturday the 27th.

13           MAYOR LUCERO: Espanola what?

14           COUNCILOR VALDEZ: Espanola Clean-Up Day.

15           MAYOR LUCERO: Oh, that's right. Okay.  
16 And I would like to attend these Plaza Foundation  
17 meetings, but we have a community forum on Thursday  
18 evening at the college that we've been planning for  
19 several weeks now, so I won't be able to make it, and  
20 I don't know if anyone else would be able to attend  
21 that. But thank you for letting us know. Councilor  
22 Lewis?

23           COUNCILOR LEWIS: I'd just like to announce  
24 that the Espanola Valley Booster Club has raffle  
25 tickets for sale. And if anybody is interested in a

1 ticket, contact Pres Garcia, Booster Club President.  
2 And his phone number is 929-0625, if anybody is  
3 interested.

4 PRES GARCIA: And they're only \$5.

5 COUNCILOR LEWIS: And they're only \$5. And  
6 he has them right here in the City Council chambers  
7 right now.

8 MAYOR LUCERO: Thank you, Councilor. Any  
9 other councilor comments or announcements? Councilor  
10 Peggy Martinez?

11 COUNCILOR MARTINEZ: I'd just like to  
12 announce that the planters were put in downtown. I  
13 don't know if anybody has had an opportunity to see  
14 them. They look a little bit dry because the tree  
15 hasn't bloomed yet, but it's supposed to be a tree  
16 that has floral blooms and a real, real nice smell,  
17 so I'm looking forward to the bloom. And I'm excited  
18 about the progress and just excited about seeing the  
19 planters out there. So if anybody has a chance,  
20 please check them out. They're on Main Street.

21 MAYOR LUCERO: Okay. Thank you. Anyone  
22 else? Okay. Hearing none, we'll continue with the  
23 meeting. The next -- excuse me. Mr. Coppler?

24 MR. COPPLER: (Inaudible) 2013-1, if that  
25 motion then passes, is adopted, then you can make a

1 motion to table and table it. If that's what the  
2 Council wants to do, that's the proper procedure.  
3 Okay?

4 MAYOR LUCERO: Thank you. What is the  
5 pleasure of the Council?

6 MR. COPPLER: And it has to be a motion and  
7 a second by the folks who voted in the majority  
8 earlier. It would have to be a motion and a second  
9 by other -- Councilors Seeds, Martinez, Salazar --

10 MAYOR LUCERO: Okay. Let me clarify -- let  
11 me clarify something. If there's a motion to  
12 reconsider, the ordinance remains in effect until --  
13 the current ordinance would remain in effect until  
14 whenever they consider it again, correct?

15 MR. COPPLER: The current ordinance remains  
16 in effect even with the last vote. What the last  
17 vote did is --

18 MAYOR LUCERO: It didn't repeal.

19 MR. COPPLER: -- denied the adoption of the  
20 ordinance in front of you. That's all that did.  
21 Now, Mr. Seeds -- Councilor Seeds has raised the  
22 issue of whether or not the Council could have tabled  
23 it.

24 MAYOR LUCERO: Right.

25 MR. COPPLER: All I'm advising is if you

1 want to, at this point, the Council can make a motion  
2 and a second, as long as it's during this same  
3 meeting, a motion and a second to reconsider their  
4 earlier vote. If that passes, then a motion to table  
5 is in order.

6 MAYOR LUCERO: Very good. What is the  
7 pleasure of this Council? I'll go ahead and  
8 entertain that if you wish to pursue that.

9 COUNCILOR LEWIS: Madam Mayor?

10 MAYOR LUCERO: Councilor Lewis?

11 COUNCILOR LEWIS: I'd like to make, you  
12 know, a statement. I think it has been tabled  
13 already. So if that's the case -- you know, I don't  
14 know who tabled it last, but --

15 COUNCILOR MARTINEZ: I think Mr. Lewis made  
16 a motion to have it tabled and I seconded that  
17 motion. So why it was back on the agenda again is  
18 beyond me, but it's already been solved. But I think  
19 it's best to let's just leave things happily where  
20 they're at and move on.

21 COUNCILOR LEWIS: And I agree. I think we  
22 should just leave it where it's at.

23 MR. COPPLER: I'm not advocating. I'm  
24 simply explaining that you do have that option.

25 MAYOR LUCERO: Thank you, Mr. Coppler. All

1 right. The next item on the agenda is reports. Any  
2 Council committee report, Community Services? Okay.  
3 Anything from Finance? We've been having some  
4 Finance budget meetings -- Finance Board meetings, so  
5 I don't think the report is necessary unless you have  
6 something, Mr. Duran?

7           JOE DURAN: Madam Mayor, it's only a  
8 continuance. That's what we discussed this  
9 afternoon.

10           MAYOR LUCERO: Well, we have a continuance  
11 of the Finance Board meeting after this meeting.

12           JOE DURAN: Right.

13           MAYOR LUCERO: Okay. Any Council appointed  
14 liaison reports? North Central Solid Waste  
15 Authority. Mr. Valdez?

16           COUNCILOR VALDEZ: Yeah, at the last  
17 meeting that we had. So if you have any questions,  
18 you can give me a call.

19           MAYOR LUCERO: Thank you, Councilor.  
20 Anything from the NCRTD? Mayor Pro-Tem Salazar?

21           MAYOR PRO-TEM SALAZAR: The next meeting is  
22 May 3rd at the big blue building at 9:00.

23           COUNCILOR MARTINEZ: I was contacted by  
24 Veterans Medical Clinic and they asked to please make  
25 a stop there. They have a lot of veterans that don't

1 have transportation and they're having a difficult  
2 time getting to and from the clinics. So if you  
3 could bring that up?

4 MAYOR PRO-TEM SALAZAR: The one by my  
5 house? Okay. I'll bring it up.

6 UNIDENTIFIED SPEAKER: Okay. Thank you.

7 MAYOR LUCERO: Anything else on NCRTD?  
8 Mayor Pro-Tem Salazar?

9 MAYOR PRO-TEM SALAZAR: No, that's it.

10 MAYOR LUCERO: Anything on E911? Mr. Duran  
11 or the Chief?

12 JOE DURAN: At this point, no. Chief, do  
13 you have anything?

14 MAYOR LUCERO: On E911?

15 CHIEF GARCIA: Madam Mayor, City Council  
16 members, no, I don't.

17 MAYOR LUCERO: Thank you. Beautification  
18 Committee. Councilor Martinez?

19 COUNCILOR MARTINEZ: Just the ongoing work  
20 that's happening on Paseo de Onate. Anybody that  
21 sees those big, tan, rustic-looking containers out  
22 there that have the trees in them know that that was  
23 all done by volunteer efforts and it's ongoing and  
24 continuing. It will be coming across town to  
25 beautify the medians and such. So if anybody is

1 interested, please contact me so that you can help  
2 with the project.

3           MAYOR LUCERO: Very good. Veterans  
4 Commission, Mr. Duran?

5           JOE DURAN: The Veterans Commission met on  
6 April 13th -- excuse me -- April 10th. Most of the  
7 agenda was very general. The treasurer's report,  
8 there was a communication -- information there. And  
9 as far as the Run for the Wall, there's going to be a  
10 motorcycle group that's going to be coming in, and  
11 they're preparing for that on May the 17th that will  
12 be going through Espanola. And they'll be making a  
13 stop at the Plaza at the Veterans Wall and they have  
14 several working that day. Everybody is welcome  
15 there. There will be -- presenting a speech there as  
16 well as the members will be there. Flags, they're  
17 looking at flags being flown at half-mast. They're  
18 looking at for the local veterans that have -- that  
19 passed away. At that time try to put the flag at  
20 half-mast for those people.

21           MAYOR LUCERO: For that day?

22           JOE DURAN: For that day, just to recognize  
23 them.

24           MAYOR LUCERO: Okay. All right. Thank  
25 you, Mr. Duran. The Regional Coalition of LANL

1 Communities, we did have a meeting last week, and  
2 it's good to know that LANL has received a 6%  
3 increase in their budget. However, the clean-up  
4 effort has not been funded like it should be, and  
5 it's possible that they may not meet their deadlines  
6 that were set through the Environmental Department.  
7 So we're still working toward getting Congress to  
8 increase the amount by about \$50 million. And \$50  
9 million is really a small amount when you're talking  
10 about the billions of dollars that Congress has. And  
11 so we're still working on that effort. And there is  
12 a trip planned to Washington sometime in June. And  
13 we will have some staff from the Regional -- the  
14 Regional Coalition of LANL Communities present at one  
15 of our May meetings and they will tell you exactly  
16 what kind of work we're doing on that committee. So  
17 that is it for that.

18 And RediNet, is there a report from RediNet?  
19 I saw Joaquin earlier, but I don't see him now. Mr.  
20 Duran, any report?

21 JOE DURAN: At this point, there's no  
22 report.

23 MAYOR LUCERO: Thank you very much. We'll  
24 move on with items proposed for Council consideration  
25 and they are -- the first one is Resolution 2013-09,

1 addition of Calle Chavez to the New Mexico Department  
2 of Transportation Municipal Arterial Program  
3 Agreement. These are MAP funds. And, Mr. Duran, are  
4 you here to present?

5           JOE DURAN: I'm going to defer to our  
6 Street supervisor. He's been working with New Mexico  
7 DOT on those funds and how they have been acquired.

8           MAYOR LUCERO: Very good. Mr. Anthony  
9 Trujillo, can you take a seat and speak into the  
10 microphone, please? Our Street supervisor, Mr.  
11 Anthony "Hawk" Trujillo.

12           ANTHONY TRUJILLO: What I'm proposing is --  
13 asking is that this is already a MAP funding source  
14 that we already have in place. It was originally for  
15 Hunter Street. But with the -- due to the fact that  
16 we've had those two water leaks, both the patched  
17 area on Hunter Street and Calle Chavez are failing.  
18 What we're asking to have Calle Chavez is we're going  
19 to redo a 200-foot section and have the water leak on  
20 it. That's (Inaudible) and then the rest of it is  
21 going to be turned around and done to patch up and  
22 stabilize that section that was patched up on Hunter  
23 Street.

24           MAYOR LUCERO: Okay. Councilor Valdez?

25           COUNCILOR VALDEZ: I would like to make a

1 motion to pass the -- Resolution 2013-09 for  
2 discussion.

3 MAYOR LUCERO: Okay. There's a motion on  
4 the floor to adopt Resolution 2013-09. Is there a  
5 second to that motion?

6 COUNCILOR RADOSEVICH: Second.

7 MAYOR LUCERO: It's been moved and  
8 seconded, under discussion. Councilor Valdez,  
9 continue.

10 COUNCILOR VALDEZ: Under discussion, are we  
11 going to replace some of that water line or is it in  
12 good condition, the water line?

13 ANTHONY TRUJILLO: The section that we're  
14 going to patch of that section has already been  
15 replaced and repaired with new water line.

16 COUNCILOR VALDEZ: Okay. Good.

17 MAYOR LUCERO: Okay. Councilor Seeds?

18 COUNCILOR SEEDS: Thank you. Calle Chavez,  
19 was it just put in this project? Was it in there  
20 before?

21 ANTHONY TRUJILLO: No, it wasn't there  
22 before. We did -- it wasn't even part of the -- it's  
23 not even a part of any of the plans until we had that  
24 water leak.

25 COUNCILOR SEEDS: So just because there was

1 a water leak, that's why --

2 ANTHONY TRUJILLO: Well, that road -- that  
3 section right there that got flooded, it's failing.  
4 It's already -- the road is already starting to warp.

5 COUNCILOR SEEDS: So the rest of the water  
6 lines and it's in good condition?

7 ANTHONY TRUJILLO: Yes, they've been  
8 replaced. Those sections that have been replaced,  
9 they were replaced brand-new.

10 MAYOR LUCERO: Any other discussions? All  
11 those in favor of the motion signify by saying "aye."

12 ALL COUNCIL MEMBERS: Aye.

13 MAYOR LUCERO: Opposed, same sign? Motion  
14 carries. We'll move on. The next item is approval  
15 of Senior Center Mother's Day Getaway to Cripple  
16 Creek, Colorado. And Josephine Velasquez, the Senior  
17 Center Coordinator, is here to present. And I  
18 believe Tracy Naranjo, the driver who takes all those  
19 seniors under her responsibility. Thank you. Please  
20 proceed.

21 JOSEPHINE VELASQUEZ: Good evening, Mayor,  
22 members of the Council. We're here to seek your  
23 approval to travel to Cripple Creek, Colorado. It  
24 will be on May 14th -- I'm sorry -- May 12th through  
25 May 14th. We're calling it a "Mother's Day Getaway."

1 We do this annually. And currently we have about 16  
2 members that have already reserved -- are signed up  
3 stating that they would like to go. Our route would  
4 be leaving Espanola at 6:30. We make a stop in  
5 Alamosa and then they proceed to Cripple Creek. On  
6 their return, they leave Cripple Creek, stop in  
7 Conejos, Colorado, and return back to Espanola by  
8 4:00 p.m. on May 14th.

9           MAYOR LUCERO: Okay. And are the seniors  
10 each paying for their own fee?

11           JOSEPHINE VELASQUEZ: Yes. There's an \$80  
12 fee that the seniors provide. They take their own  
13 spending money. They provide their own lunch. The  
14 only thing that we are providing or -- providing is  
15 the transportation.

16           MAYOR LUCERO: Thank you very much. I'm  
17 not sure who's first. Councilor Radosevich?

18           COUNCILOR RADOSEVICH: I just want to make  
19 a motion to approve it.

20           COUNCILOR VALDEZ: Second.

21           MAYOR LUCERO: Okay. It's been moved and  
22 seconded to approve the Mother's Day Getaway. Any  
23 discussion from the City Council? Councilor Seeds?

24           COUNCILOR SEEDS: Mayor, I stand firm in  
25 supporting this trip. But I have a question, you

1 know, and I didn't bring it up the last item here  
2 that Hawk brought before us, but my question is, why  
3 aren't these items coming to the committees first,  
4 you know, before they come to the governing body?  
5 They should be going to the committees. And I asked  
6 you the other day -- a couple of weeks ago if we had  
7 anything to put on the agenda and this wasn't one of  
8 them. So you kept it from me or you didn't know  
9 about it or --

10 JOSEPHINE VELASQUEZ: No.

11 COUNCILOR SEEDS: -- it just popped of the  
12 blue?

13 JOSEPHINE VELASQUEZ: Councilor Seeds, we  
14 did want to put this on the committee agenda.  
15 However, that agenda was postponed.

16 COUNCILOR SEEDS: Was it on there?

17 JOSEPHINE VELASQUEZ: Yes.

18 COUNCILOR SEEDS: Was it?

19 JOSEPHINE VELASQUEZ: Yes.

20 COUNCILOR SEEDS: Oh, I apologize. I  
21 didn't see it. But we need to try and get everything  
22 on the committee level. I don't think Hawk brought  
23 it to the committee either, that last item for Chavez  
24 Street and Hunter Street.

25 ANTHONY TRUJILLO: That's an emergency

1 repair.

2 COUNCILOR SEEDS: Emergency?

3 ANTHONY TRUJILLO: Yes. (Inaudible).

4 COUNCILOR SEEDS: So when -- not to change  
5 the subject, Hawk, but when are you going to plan on  
6 doing all this work?

7 MAYOR LUCERO: I'm sorry, we're discussing  
8 an item right now (Inaudible) on the Senior Center.  
9 (Inaudible).

10 COUNCILOR SEEDS: When are we going to get  
11 to that project, Hawk?

12 ANTHONY TRUJILLO: We already have the  
13 scope of work in hand. (Inaudible).

14 MAYOR LUCERO: That's enough. Please limit  
15 your discussion to the current item. Now, again,  
16 please continue, Josephine. Is there anything else  
17 that you need to cover?

18 JOSEPHINE VELASQUEZ: Yes. Also, the  
19 transportation bus is being serviced by the Fleet  
20 Department, so we are making sure that everything is  
21 working properly. And, also, we have 16 members that  
22 are currently going. We will pull their files so  
23 that Tracy has this on hand in case there's an  
24 emergency that arises.

25 MAYOR LUCERO: So you have medical

1 information in case you need it? Very good. Well,  
2 Tracy, I give you a lot of credit for traveling with  
3 16 seniors. Okay. Anything else from the City  
4 Council? All those in favor of the motion signify by  
5 saying "aye."

6 ALL COUNCIL MEMBERS: Aye.

7 MAYOR LUCERO: Opposed, same sign? Motion  
8 carries. Have a good and safe trip. And good luck  
9 at Cripple Creek. Okay. The next item proposed by  
10 Councilor Robert Seeds at the Finance Board meeting  
11 of 4/22 is consideration and potential action of  
12 resolution of the City Council of the City of  
13 Espanola requiring pre-approval by the City Council  
14 of payments of 1,200 or more to be booked within  
15 certain chart of account numbers set forth herein.  
16 And I haven't seen that resolution yet. So do you  
17 have a Resolution?

18 COUNCILOR SEEDS: Mayor?

19 MAYOR LUCERO: Councilor Seeds?

20 COUNCILOR SEEDS: Thank you. Last week we  
21 had a meeting of the governing body and -- or the  
22 committee at the committee and I believe the action  
23 that night was the intent of the majority of the  
24 Council acted on your committee some type of  
25 mechanism in place where we can get control of our

1 spending and keep it to a minimum of \$1,200 before it  
2 was spent to go to the Finance Board. The night --  
3 you know, it was voted on. And I, for one, left the  
4 meeting and I kept hearing little conversations from  
5 some of the staff and, as a matter of fact, one of  
6 the reporters from the local newspaper shared with me  
7 that we didn't accomplish it that night and I was  
8 troubled by it. I was troubled because our  
9 attorney -- you know, I would hope that he would have  
10 saw what we were trying to do that night. And if we  
11 didn't accomplish it, then I think our attorney  
12 should have brought it to our attention that night  
13 what we needed to do so we could accomplish it.

14 But, here again, that's then. And I had  
15 called our attorney last week and asked him how we  
16 could put something like this in place. So I was  
17 given a lot of line items from staff that was sort of  
18 a jigsaw puzzle, if you will, on what we can use as  
19 criteria to set up a \$1,200 -- if that's what you  
20 choose -- \$1,200 or whatever it may be. But I think  
21 because of the contracts, because of the things that  
22 have taken place in the past, I think we need to take  
23 some measures to get a handle on our spending. I  
24 really do. And this governing body is responsible for  
25 the money ultimately. So I think it's very important.

1 I shared this with the State Auditor the other day and  
2 he -- because I assumed that we had done it at the  
3 last meeting. And I find out that -- from the  
4 attorney that we didn't accomplish that. And  
5 Mr. Balderas was very happy that we put something like  
6 that in place because of the things that aren't being  
7 put in place and allowed for the situation that took  
8 place here about two weeks ago with the moneys.

9 So I don't know how you guys want to do it,  
10 but I think we need to put something in place to  
11 control the spending of -- I'm using an example \$1,200  
12 or over to come to the Finance Board. I put it out  
13 there for anyone that, you know, can help me with  
14 this. And we can have the attorney draft it up and go  
15 forward. But I think it's very important the City  
16 takes a handle on our spending right now.

17 MAYOR LUCERO: Okay. Thank you. We'll  
18 move on with the next item on the agenda and  
19 that's --

20 COUNCILOR MARTINEZ: What do you mean move  
21 on?

22 MAYOR LUCERO: Well, there's nothing to --  
23 there's no ordinance -- there's no resolution before  
24 you.

25 COUNCILOR SEEDS: Mayor, (Inaudible) is I

1 was hoping that we could have some interaction here  
2 between the governing body.

3           MAYOR LUCERO: Oh, okay. Fine. I didn't  
4 realize -- being that there was no resolution that  
5 was stated on the agenda, I thought you were asking  
6 the staff (Inaudible).

7           COUNCILOR SEEDS: (Inaudible) the governing  
8 body.

9           MAYOR LUCERO: Very fine. I'm sorry. I  
10 didn't realize that you wanted a discussion now. I  
11 thought you were asking for input for later. Okay.  
12 So, Councilor Martinez, did you have -- I didn't  
13 notice if you had your hand up.

14           COUNCILOR MARTINEZ: I didn't have my hand  
15 up because I didn't realize you were going to move  
16 away from it.

17           MAYOR LUCERO: Well, do you have a comment  
18 or not?

19           COUNCILOR MARTINEZ: Go ahead, Councilor  
20 Lewis, if he had his hand up.

21           MAYOR LUCERO: Councilor Lewis?

22           COUNCILOR LEWIS: Yeah, I agree with  
23 Councilor Seeds. We've got to get a handle on these  
24 moneys and, you know, it's very -- the ultimate --  
25 our constituents look at us as taking care of the

1 money of the City, so I agree with him. I think that  
2 if we'd had this in place a couple of weeks back, a  
3 certain situation wouldn't have happened. And I'd  
4 like to state that I think something does need to  
5 happen tonight.

6 MAYOR LUCERO: Councilor Radosevich?

7 COUNCILOR RADOSEVICH: Isn't it my  
8 understanding that Len Cata brought that up to us in  
9 the recreation or in the -- he never brought that up  
10 to us about buying the bleachers?

11 MAYOR LUCERO: Well, I have to limit this.  
12 (Inaudible).

13 COUNCILOR RADOSEVICH: I thought that he  
14 had brought up -- this is my understanding -- that he  
15 brought up his proposed idea of ordering bleachers  
16 for the softball fields. And then what happened  
17 after he did that, I'm not sure. But we did, I'm  
18 pretty sure, know about that.

19 COUNCILOR SEEDS: Is there a time frame  
20 listed on there, Eric?

21 COUNCILOR RADOSEVICH: I don't know.

22 MAYOR LUCERO: Okay. He did report --

23 COUNCILOR RADOSEVICH: But I remember him  
24 mentioning he was going to start purchasing stuff.

25 MAYOR LUCERO: He did. 16,000 worth of

1 equipment, according to this.

2 COUNCILOR RADOSEVICH: But, obviously, he  
3 had his own agenda of what was purchased. But just  
4 one more comment. I -- you think \$1,200. Where did  
5 that come from, just out of curiosity?

6 COUNCILOR SEEDS: I'm throwing it out  
7 there.

8 COUNCILOR RADOSEVICH: I'm just wondering  
9 if anybody realizes that we can't even buy a set of  
10 tires for a truck, for a vehicle in town without --  
11 I'm just thinking that's -- we need to look into it a  
12 little bit is all I'm saying. Thank you.

13 MAYOR LUCERO: Okay. Councilor Seeds?

14 COUNCILOR SEEDS: Thank you, Mayor.  
15 Councilor Radosevich, that's why I brought it up for  
16 discussion. I don't know what the perfect number is.  
17 I do believe that we need to get a handle on our  
18 spending. I see a lot of contracts, a lot of things  
19 being spent here at City Hall that I don't agree  
20 with. I think we all need to know about it. I think  
21 if the governing body does get a handle on some  
22 spending, maybe we'll keep more spending here locally  
23 than outside the loop, if you will. And -- but the  
24 main -- my main concern is getting a handle on the  
25 spending. You know, knowing where all the money is

1 going, where everything is spent. And I don't want  
2 to take this on myself. I'd like for all of you to  
3 be involved in it and that's why I bring it, you  
4 know, for discussion here tonight. I throw \$1,200  
5 out there. It started at \$500, I believe, and now  
6 we're at 1,200 and --

7 COUNCILOR RADOSEVICH: And the reason I put  
8 that out there is I just think we need to really look  
9 at it, because to implement something like that, to  
10 come in front of us every single time they want to  
11 spend money on vehicle maintenance or ordering a set  
12 of tires or something, you know as well as I do how  
13 much tires are. Just for reference, I'm just using  
14 that as an example.

15 COUNCILOR SEEDS: Mayor, if I may, I think  
16 what this will do is help us to be more organized and  
17 to do things on a timely basis, you know, where  
18 people just (Inaudible). What happens a lot of times  
19 and in this case that we've been -- we keep talking  
20 about that took place a couple of weeks ago, you  
21 know, it was at the last minute that, you know, this  
22 took place and it was approved and it went on through  
23 the system that was in place at the time. So I think  
24 everybody needs to be more organized in what they  
25 need. You know, plan ahead of time, you know, what

1 they're going to spend and what they're going to do  
2 with their budget and move forward. I think for any  
3 employee to just at the last minute decide, "Oh, I'm  
4 going to do this," I think is wrong. I think -- I  
5 don't think any of our households are run like that,  
6 I really don't, unless it's an emergency.

7           MAYOR LUCERO: Any other discussions?  
8 Mr. Coppler?

9           MR. COPPLER: What happened with regard to  
10 Mr. Cata was that he changed the purchase order.  
11 That is -- if I could just finish, please -- that's  
12 what Joyce Sandoval has reported and that's what Mr.  
13 Duran found in his investigation. And that is the  
14 basis for the letter that was distributed to you  
15 about an hour ago and that's the basis for the  
16 executive committee -- the executive session. With  
17 respect to changing of an invoice or a purchase  
18 order, that's already illegal. Nothing you're going  
19 to put in this resolution is going to change that.  
20 With regard to this resolution, the issue is what  
21 particular purchases you want covered by the \$1,200,  
22 and that was the defect in the earlier resolution.  
23 The earlier resolution clearly stated that it  
24 referred only to construction and professional  
25 services not already approved by a price agreement or

1 a contract by the Council. That's all that  
2 resolution did. And that was in the resolution. It  
3 was explained by me at the time.

4 So with respect to right now, I would like  
5 to point out that what we need, what I need in terms  
6 of writing the resolution is direction from the  
7 Council with respect to what items you want to put the  
8 \$1,200 limit on. Now, there's various ways to do  
9 that. You can do it by a purchase order. I'm told by  
10 our Finance Director that a purchase order is required  
11 for everything -- is required for a backup for every  
12 check that we write, correct? She's nodding "yes."  
13 And so we can't do it by purchase order. So the next  
14 question is, is there some other way to do it? The  
15 other way that the Finance Department is required to  
16 keep track of things is in the chart of accounts. And  
17 we have a chart of accounts in the Finance Department  
18 that lists probably 150 or 200 different chart of  
19 account numbers to which various expenditures get  
20 assigned.

21 So what I'm suggesting to you is that if  
22 that's what you want to do, you go through the chart  
23 of accounts and you decide which numbers in the chart  
24 of accounts is going to require your pre-approval at  
25 whatever level. \$500, \$1,200, \$5,000, whatever you

1 decide. But until you, the Council, decide what chart  
2 of accounts you want covered, then we're not able to  
3 finish drafting the resolution.

4           MAYOR LUCERO: Thank you, Mr. Coppler.  
5 Councilor Seeds?

6           COUNCILOR SEEDS: Thank you, Mayor. I  
7 disagree with the attorney. The bleachers,  
8 Mr. Coppler, were \$5,900. That PO issued was almost  
9 \$16,000. There was a lot of baseball equipment, hard  
10 balls, things that we had no -- no use for. We had  
11 no purpose for them. Catcher's mitts, things like  
12 that were for baseball. We're building softball  
13 fields. And that -- that was most of the PO. What  
14 made us all aware that it took place was that was  
15 changed from the bleachers to more baseball  
16 equipment. But ultimately when you look at the PO  
17 and stuff, it was for mostly baseball equipment, and  
18 the bleachers were \$5,900. It was about a third of  
19 the PO portion of that and that was it. So it was  
20 for equipment that we had no reason to use or no need  
21 for right now at this phase in our fields. Thank  
22 you.

23           MAYOR LUCERO: Councilor Martinez?

24           COUNCILOR MARTINEZ: I think the main issue  
25 for me is the accountability towards the public and

1 transparency of government. I think it's important  
2 for the City to have a receiving person in place. An  
3 inventory taken of all items that come into the City.  
4 Tagging of all items that belong to the City. And  
5 really, really understanding that it's our  
6 responsibility given by the public to take care of  
7 those funds. When we created the resolution to begin  
8 with, Mr. Coppler, I think this Council understood  
9 that it covered something and not what you thought it  
10 covered or we misunderstood or I did at least. I  
11 really felt at that time that we were not trying to  
12 thwart the efforts of the staff. And I respect you  
13 guys for the job that you do, but I think it's  
14 important to realize that we have a situation that  
15 absolutely failed, and it's our responsibility to  
16 create that policy that will not allow something like  
17 this to happen again. And I think that that's what  
18 this Council is so concerned about at this time, that  
19 we cannot allow this to happen again, and we're  
20 trying to do something and put something in place so  
21 that it stands up until the time that we can create  
22 an environment that is more productive to being more  
23 accountable for the money.

24           The \$1,200 for me is only a temporary  
25 Band-Aid on the situation so that we can come up with

1 policy and possibly fund a position to inventory  
2 everything and be more in control of that situation.  
3 So, for my purposes, it was only a temporary solution  
4 to a long-term problem that we really, really need to  
5 come together in unity as a Council and really think  
6 about solving that issue.

7 MAYOR LUCERO: Councilor Cory Lewis?

8 COUNCILOR LEWIS: You know, I do support  
9 this. In this situation, I feel that the -- Finance  
10 failed signing off on bleachers when there was no  
11 infrastructure on the field. It's like the Chief  
12 coming to us wanting a police car without a police  
13 officer. And, you know, I don't think we'd be in  
14 this situation today if it hadn't been signed off on.  
15 And it's like putting the cart before the horse. And  
16 I don't agree with it and I do support the situation.  
17 It's unfortunate, you know, that some departments  
18 might hurt from other departments doing this. It's  
19 the way it is because our job is to take care of the  
20 money and I'm going to do everything I can to take  
21 care of taxpayers' dollars today. Thank you.

22 MAYOR LUCERO: Mayor Pro-Tem Salazar?

23 MAYOR PRO-TEM SALAZAR: Yes, I'd like to  
24 echo some of what Councilor Martinez and Councilor  
25 Seeds and Councilor Lewis said. The City does need a

1 solid effect to weigh or receive inventory, comparing  
2 it, matching it, double-verifying and then signing  
3 off. Because we've had this in the past and,  
4 obviously, it's not in place right now. That leaves  
5 room for possible misconduct. It makes me wonder how  
6 many times has this happened in the past and it  
7 wasn't caught and possibly snuck in. So this speaks  
8 very much -- you know, just a lot of doubt in my  
9 mind. And, you know, there does need to be something  
10 solid and effective. And I can totally see where  
11 Councilor Seeds is coming from. Of course, we do not  
12 want department heads to have to pay for this, what's  
13 going on, you know, with others' actions, but at the  
14 same time we need to ensure accountability as a  
15 governing body. That's our job. We're responsible  
16 to our citizens and we need to make sure without a  
17 doubt that nothing like this happens again.

18 MAYOR LUCERO: Councilor Valdez?

19 COUNCILOR VALDEZ: I just want to state  
20 that this little item on Mr. Cata should be discussed  
21 in there. I'd like to ask a lot of questions. But  
22 pertaining to this other, I have nothing to say.

23 MAYOR LUCERO: Thank you. I just want to  
24 reiterate what our City Attorney said. And in  
25 defense of the Finance Department staff, Finance

1 Department approved a requisition and issued a PO  
2 that included bleachers. It included the bleachers.  
3 But when the PO went -- the PO is sent to the company  
4 as an order, there was communication between Len and  
5 the company to change the order from bleachers to  
6 baseball equipment. So -- excuse me. I have the  
7 floor and I'm trying to --

8 COUNCILOR MARTINEZ: It's an ongoing  
9 investigation and I don't think we should be  
10 discussing this out in the open public. I think it's  
11 wrong.

12 MAYOR LUCERO: Sorry, Councilor. You guys  
13 brought up -- you're accusing Finance of approving  
14 something that they didn't approve. What they  
15 approved was bleachers. So I am just making sure  
16 that the record is straight here. And -- but,  
17 anyway -- and you're the ones that have brought up  
18 this discussion. So I'm just, like I said, keeping  
19 the information accurate. Mayor Pro-Tem Salazar?

20 MAYOR PRO-TEM SALAZAR: I'd just like to  
21 state that nothing is accurate until law enforcement  
22 gives us a final -- a fact finder in reference to  
23 everything that's going on, whether it's our internal  
24 or external, so they can find out all the facts and,  
25 you know, have -- go through it with like a

1 fine-tooth comb and then at that point then I feel  
2 justice will be served.

3           MAYOR LUCERO: Well, I feel -- I don't know  
4 that -- the last time I heard, the Chief has not  
5 completed that investigation. I'm not sure where he  
6 went. But when we go into executive session, we can  
7 call him in there and find out where he's at in the  
8 investigation and what he can offer to the City  
9 Council. Mayor Pro-Tem?

10           MAYOR PRO-TEM SALAZAR: That's, once again,  
11 calling the cart -- the cart before the horses,  
12 Mayor.

13           MAYOR LUCERO: The cart before the horse?

14           MAYOR PRO-TEM SALAZAR: That's right.

15           MAYOR LUCERO: I don't know what you're  
16 talking about, Councilor, but we're giving you the  
17 information as we have it and the next item is to go  
18 into executive session. So any other discussion on  
19 this item? Councilor Seeds?

20           COUNCILOR SEEDS: Mayor, thank you. Frank,  
21 are you going to be at City Hall this week?

22           MR. COPPLER: Do you want to meet, sir?

23           COUNCILOR SEEDS: Do you understand, Frank,  
24 what we sort of discussed tonight where you could  
25 probably put something together?

1 MR. COPPLER: Councilor Seeds, what I  
2 understand you to be saying is that you want to  
3 approve every check over \$1,200, because I have been  
4 given no guidelines to put in the resolution what you  
5 want to approve and what you don't want to approve.  
6 So that's what I've heard this evening, is you want a  
7 resolution that will require pre-approval by the  
8 Council of every check for \$1,200. Now, if you put  
9 that in a motion and a second and pass that, I will  
10 know exactly what you want and I'll write a  
11 resolution to that effect.

12 COUNCILOR SEEDS: Okay.

13 MAYOR LUCERO: Okay. Are we ready to move  
14 on to the next item?

15 COUNCILOR SEEDS: No, Mayor, I'm going to  
16 make a motion.

17 MAYOR LUCERO: Go ahead and make your  
18 motion then.

19 COUNCILOR SEEDS: Give me a second. I'd  
20 like to move that we put an amount of \$1,500.  
21 Anything over it would have to come to the Finance  
22 Board for approval, Frank, and -- to be expended.  
23 Anything over \$1,500.

24 COUNCILOR MARTINEZ: Second.

25 MR. COPPLER: Now, when you -- when you --

1 I'm assuming you have a majority to pass that. The  
2 procedure is that I will have to write a resolution  
3 putting that in there and put that resolution on the  
4 agenda at the next meeting of the City Council and  
5 then you vote on whether or not to pass that  
6 resolution. I want that understood. Because if I  
7 walk -- if we walk out of the meeting tonight with  
8 you all understanding that that's gone into effect  
9 tonight, that's not the process. We do have to have  
10 a resolution. Everyone understand that?

11 MAYOR LUCERO: So the motion tonight would  
12 strictly be to direct you to prepare a resolution to  
13 that effect.

14 MR. COPPLER: That's exactly right.

15 MAYOR LUCERO: Is that correct?

16 MR. COPPLER: That's exactly right. That's  
17 what I understand.

18 MAYOR LUCERO: Do you understand that,  
19 Councilor Seeds?

20 COUNCILOR SEEDS: Could you do that as soon  
21 as possible? And, Mayor, we could call a special  
22 meeting at any time once it's prepared to approve it.

23 COUNCILOR MARTINEZ: We're going to have a  
24 meeting Wednesday.

25 MAYOR LUCERO: We have a workshop on

1 Wednesday. That's different than a meeting. Okay.

2 So is your -- do you understand that, Councilor --

3 COUNCILOR SEEDS: I do, Mayor, but I don't  
4 want it to drag on for another month. So what I'm  
5 asking is, Frank, what's the soonest that you can  
6 draft that if it is passed tonight?

7 MR. COPPLER: Oh, I can draft it tomorrow  
8 morning.

9 COUNCILOR SEEDS: Okay.

10 MAYOR LUCERO: Okay. Councilor Valdez?

11 COUNCILOR VALDEZ: This is for the  
12 attorney. You explained it just right. I mean, to  
13 change all those accounts, you're going to have to  
14 write at least 15 pages to be able to change all  
15 those accounts to know exactly, you know, how much  
16 these people can spend on those accounts.

17 MR. COPPLER: And if Councilor -- that's  
18 correct, Councilor Valdez. And if Councilor Seeds'  
19 resolution passes tonight, it's going to be very  
20 simple. It's going to be no checks are written for  
21 over \$1,200 unless preapproved by the Council. That  
22 will be very simple. I can do that tomorrow morning.

23 MAYOR LUCERO: Okay. But there's no  
24 resolution tonight, Frank.

25 MR. COPPLER: That's correct. There's no

1 resolution. I would have to go ahead and write it in  
2 the form of a resolution. Then it would have to go  
3 on a Council meeting. If they want to call a special  
4 meeting, they can do so, or a regular meeting of the  
5 Council. But at that point the resolution goes on  
6 that meeting agenda for action.

7 COUNCILOR MARTINEZ: (Inaudible).

8 MAYOR LUCERO: Now, is that understood?  
9 Okay. So there's a motion on the floor directing our  
10 attorney, Frank Coppler, to prepare a resolution that  
11 this -- the Finance Board has to approve all  
12 expenditures at \$15,000 or more.

13 COUNCILOR SEEDS: 1,500.

14 MAYOR LUCERO: I'm sorry, \$1,500 or more;  
15 is that correct? Councilor Lewis?

16 COUNCILOR LEWIS: Just for discussion, I  
17 think we should probably raise it to about \$3,000  
18 just to be safe because, you know, I think 3,000 is  
19 good. I'm going to support it. I'm going to vote  
20 for it tonight, to be honest with everybody right  
21 know. But I think \$3,000 needs to be the number.

22 MAYOR LUCERO: Okay. Well, anyway, the  
23 motion is to provide direction to the City Attorney  
24 to prepare this resolution.

25 COUNCILOR SEEDS: Mayor, we're in

1 discussion. We're discussing it, so --

2           MAYOR LUCERO: I know. Well, if you're  
3 going to continue, I just want to make sure everybody  
4 understands it.

5           COUNCILOR SEEDS: We understand it.

6           MAYOR LUCERO: Okay. Under discussion.  
7 Everybody -- Councilor Radosevich?

8           COUNCILOR RADOSEVICH: Now that Joaquin is  
9 here, I'd like to ask you a question.

10          JOAQUIN MAESTAS: Sure.

11          COUNCILOR RADOSEVICH: How much is the  
12 average price of a computer, a monitor, and I'm  
13 assuming speakers?

14          JOAQUIN MAESTAS: With software or without?

15          COUNCILOR RADOSEVICH: With. Whatever you  
16 need to get an employee set up. Say -- say  
17 somebody's computer goes out tomorrow. Say Joe's  
18 computer goes out tomorrow. What's it going to cost  
19 to replace that?

20          JOAQUIN MAESTAS: It's probably going to be  
21 between 1- and \$2,000.

22          COUNCILOR RADOSEVICH: Between 1- and  
23 \$2,000. Okay. Another question for Hawk. What does  
24 a set of truck tires run, say for your dump truck?

25          ANTHONY TRUJILLO: That's about 10 grand.

1 COUNCILOR RADOSEVICH: That's just to show  
2 you the --

3 COUNCILOR SEEDS: Madam Mayor, I'd like to  
4 change my amount to \$2,500. Is there a second?

5 COUNCILOR MARTINEZ: I second it.

6 MAYOR LUCERO: Okay. There's a second of  
7 the motion approved to change it to \$2,500?

8 COUNCILOR MARTINEZ: Sure.

9 MAYOR LUCERO: All right. Any other  
10 discussion? Councilor Martinez?

11 COUNCILOR MARTINEZ: I have a question for  
12 the attorney. Mr. Coppler, is it feasible to have a  
13 vote on this via the Internet or via phone 72 hours  
14 from the time that you create the resolution?

15 MR. COPPLER: You still have to set up a  
16 special meeting.

17 MAYOR LUCERO: That's what you call a  
18 rolling quorum and it's illegal.

19 COUNCILOR MARTINEZ: No, it's not, ma'am,  
20 if you advertise it.

21 MR. COPPLER: We're not allowed to vote by  
22 Internet or telephone. There is rules that allow us  
23 to have a special meeting or a regular meeting at  
24 which a Councilor or two can appear by phone. But we  
25 cannot conduct a Council meeting and a Council vote

1 by Internet or by phone exclusively.

2 MAYOR LUCERO: Thank you. Any other  
3 discussion? Okay. All those in favor of the motion  
4 to direct the City Attorney to prepare a resolution  
5 that this -- the Finance Board will approve all  
6 expenditures of 2,500 or more, all those in favor of  
7 the motion signify by saying "aye."

8 COUNCIL MEMBERS: Aye.

9 MAYOR LUCERO: All those against, same  
10 sign?

11 COUNCIL MEMBERS: Aye.

12 MAYOR LUCERO: Okay. If I'm correct, there  
13 are -- I will call for a voice vote. Will the City  
14 Clerk call the roll?

15 TESSA JO MASCARENAS: Councilor Herrera?

16 COUNCILOR HERRERA: Against it.

17 TESSA JO MASCARENAS: Councilor Radosevich?

18 COUNCILOR RADOSEVICH: Against.

19 TESSA JO MASCARENAS: Councilor Lewis?

20 COUNCILOR LEWIS: For.

21 TESSA JO MASCARENAS: Mayor Pro-Tem  
22 Salazar?

23 MAYOR PRO-TEM SALAZAR: For.

24 TESSA JO MASCARENAS: Councilor Martinez?

25 COUNCILOR MARTINEZ: For.

1 TESSA JO MASCARENAS: Councilor Valdez?

2 COUNCILOR VALDEZ: Against.

3 TESSA JO MASCARENAS: Councilor Seeds?

4 COUNCILOR SEEDS: For.

5 MAYOR LUCERO: Okay. Motion carries by a  
6 vote of 4 to 3. All right. We'll move on to the  
7 next item and that is a recommendation to approve the  
8 termination of Community Services Director. And we  
9 have -- the Council has requested to go into  
10 executive session. Is there a motion to go into  
11 executive session?

12 COUNCILOR VALDEZ: I'll move.

13 MAYOR LUCERO: It's been moved to go into  
14 executive session. Is there a second? Is there a  
15 second to go into executive session to discuss this  
16 item?

17 COUNCILOR HERRERA: Second.

18 MAYOR LUCERO: Okay. There's a motion to  
19 go into executive session to discuss this personnel  
20 matter pursuant to the New Mexico Open Meetings Act  
21 Section 10-15 H -- 15-1 H of Section 2, Limited  
22 Personnel Matters. Okay. First, we have to -- well,  
23 go ahead, under discussion.

24 COUNCILOR RADOSEVICH: I just wanted  
25 somebody to clarify why we need to go into executive

1 session to okay this because we already --

2 MAYOR LUCERO: (Inaudible) I'd like for the  
3 City Attorney to explain why before the Council  
4 before I ask for the roll call.

5 MR. COPPLER: Mayor, it's come to the  
6 Council because there are two procedures, two  
7 different tracts available under State law and City  
8 ordinance for terminating an employee. The City  
9 Manager is the City Manager charged with directing  
10 the workforce, disciplining the workforce, hiring and  
11 terminating. When the City Manager initiates such  
12 adverse actions, the employee has the opportunity  
13 after the adverse action to appeal it to the City  
14 Council. The second procedure under the  
15 Mayor/Council form of government is if the Mayor  
16 initiates a termination, which is the case we have  
17 here with the Community Service Director because the  
18 Mayor sent out a confidential memo to the City  
19 Council I think the day that the Finance Director  
20 discovered the problem or the day after, one or the  
21 other, I don't remember exactly, asking and directing  
22 the City Manager to investigate and to take further  
23 action including termination. So this is a  
24 Mayor's-initiated termination.

25 Under the statute, a Mayor's-initiated

1 termination as opposed to a City Manager's-initiated  
2 termination, a Mayor's-initiated termination is  
3 subject to approval of the Council and so that's why  
4 this matter is here in front of the City Council  
5 tonight. You have the letter that was -- shows the  
6 results of the investigation by Mr. Duran, the City  
7 Manager, and you have the notice signed by the Mayor  
8 at the end of the letter. Contained in Mr. Duran's  
9 letter to Mr. Cata is his reasons for suggesting that  
10 he should be terminated. Contained in the notice by  
11 the Mayor is the adoption by the Mayor of Mr. Duran's  
12 report and the recommendation by the Mayor to the  
13 Council that Mr. Cata be terminated.

14 This letter is confidential because it  
15 involves matters of personnel. It involves matters of  
16 opinion in a personnel file. When you act tonight on  
17 it, however, it becomes public because it then becomes  
18 a termination; or if the Council determines to do so,  
19 a denial of his termination and he goes back to work.

20 MAYOR LUCERO: Thank you. Councilor Cory  
21 Lewis?

22 COUNCILOR LEWIS: I have big concerns on  
23 this. First of all, from what I understand, he's  
24 already been terminated by the City Manager. Correct  
25 me if I'm wrong. Secondly, you know, the Council can

1 hire and terminate the Police Chief, the City  
2 Attorney, the City Manager, City Clerk. Why are we  
3 seeing the Community Services Director? It baffles  
4 me. I really don't know what's going on here. So  
5 I'm not in favor of going into executive session for  
6 this. I think that the monkey has been created and I  
7 don't want the monkey on my back, so --

8           MAYOR LUCERO: Mr. Coppler, can you please  
9 respond to that?

10           MR. COPPLER: As I said -- as I mentioned  
11 earlier, Councilor Lewis, this is a Mayor's-initiated  
12 termination. Under the statute, anytime the Mayor  
13 initiates a termination, it has to go to the Council  
14 for its either affirming the Mayor's termination or  
15 denying the Mayor's termination. That's what this  
16 is.

17           COUNCILOR LEWIS: So if I may reply to  
18 that, Mayor. So what you're telling me is this  
19 gentleman is going to be terminated twice?

20           MR. COPPLER: No, I'm not. The gentleman  
21 has been recommended for termination effective as of  
22 the date set forth in the letter. He is not finally  
23 terminated until you, the Council, act on it.

24           COUNCILOR LEWIS: Well, he's already been  
25 terminated by the City Manager. So why are we

1 hearing it? Has he appealed it to us, Mr. Coppler?

2 MR. COPPLER: I'm sorry?

3 COUNCILOR LEWIS: Has he appealed this to  
4 us?

5 MR. COPPLER: No, because --

6 COUNCILOR LEWIS: Okay. Well, then I rest  
7 my case. I don't know what we're doing here.

8 MR. COPPLER: If I could finish my answer,  
9 he hasn't appealed this because this is a not a City  
10 Manager-initiated termination. It's a  
11 Mayor's-initiated termination. And I might just add  
12 that it's rather humorous because -- if I might just  
13 add -- it is kind of humorous because if the Mayor  
14 had done this and not brought it to you-all for your  
15 approval, you would be telling me right now, "Well,  
16 the Mayor can't do that because she didn't bring it  
17 to my -- to the City Council for our approval." So  
18 we need to get this -- we need to get this straight  
19 one way or another. Under the statutes, this is a  
20 Mayor-initiated termination. It has to go to the  
21 Council for your action. Now, you can -- if you  
22 don't act on it, if you don't act on it, the effect  
23 of that is going to be that Mr. Cata is not  
24 terminated and he's back to work. Now, if that's  
25 what you want to do, you can go ahead and do that.

1 But it is your duty under the statute to act on the  
2 Mayor's recommendation.

3 MAYOR LUCERO: Okay. Councilor Valdez?

4 COUNCILOR VALDEZ: I just want to say, you  
5 know, that we've got to discuss this behind doors  
6 because I have quite a few questions to ask. But I'm  
7 not going to ask them here because then, you know,  
8 what's going to happen, you're going to get sued.  
9 Each one of us is going to get sued. So let's go  
10 back there and discuss it. Then you come back here  
11 and you say "yes" or "no," period, and that's it. I  
12 get to vote "yes" or "no."

13 MAYOR LUCERO: Thank you, Councilor. I'm  
14 not sure who's first. I'll go with Mayor Pro-Tem  
15 Salazar.

16 MAYOR PRO-TEM SALAZAR: My question is, why  
17 does the Mayor not have faith in our City Manager to  
18 act on this and why is the Mayor possibly  
19 micromanaging the City Manager in this sense? A true  
20 investigation would be a complete law enforcement  
21 investigation, a complete ethical investigation to  
22 find out who is involved. And I think, at that  
23 point, I think that's what the City Council needs to  
24 hear, all the facts, and again to see who is  
25 involved.

1           MAYOR LUCERO: And, again, you'll hear the  
2 facts in executive session. But, Frank, I do want  
3 you to --

4           MAYOR PRO-TEM SALAZAR: I'm not done,  
5 Mayor.

6           MAYOR LUCERO: I didn't know you weren't  
7 done. Go ahead.

8           MAYOR PRO-TEM SALAZAR: Again, you're not  
9 going to find out all the facts when you're in --  
10 whether it's in executive session or here in open  
11 session because law enforcement has not finished  
12 their investigation. It's crucial. It's very  
13 crucial to find that out before the City Council can  
14 know all the facts. And then possibly, you know, if  
15 the City Council needs to take action, then so be it.

16           MAYOR LUCERO: Okay. Now, Mr. Coppler, can  
17 you tell the Mayor Pro-Tem what gives the  
18 authority -- me the authority to do this?

19           MR. COPPLER: There's a distinction, Mayor,  
20 between the criminal side of any investigation and  
21 the civil side for termination. There is no reason  
22 why law enforcement can't proceed independent of your  
23 action with respect to his employment with a full  
24 investigation with respect to any issues of violation  
25 of the criminal law. That can proceed. This matter

1 here in front of you tonight is the question of  
2 whether or not the Community Services Director should  
3 be terminated based upon the personnel rules that are  
4 cited in the City Manager's letter.

5           MAYOR LUCERO: Okay. Mr. Coppler, can you  
6 explain to the Council why I have the authority to  
7 ask a department head to be terminated without it  
8 being micromanaging the City Manager?

9           MR. COPPLER: Because the State statute,  
10 3-116D3 provides for the Mayor to take such  
11 initiative subject to the approval of the Council.  
12 And that is cited in the letter in front of you. And  
13 that has to do with the matter of termination, not  
14 with the matter of any criminal investigation.

15           MAYOR LUCERO: Right. But, again, the  
16 difference between the Council and the Mayor and why  
17 I can do it and they can't, can you answer that?

18           MR. COPPLER: Sure. Sure. I'm sorry. The  
19 Mayor is the Chief Executive Officer of the community  
20 and she is charged with taking action with respect to  
21 enforcement of the ordinances and the rules of the  
22 community. One of the issues that has come up, and  
23 I'll be glad to hold it for executive session, is  
24 whether or not there was a rule or a regulation  
25 violated with respect to that PO.

1                   MAYOR LUCERO: Thank you. Okay. Council  
2 Radosevich?

3                   COUNCILOR RADOSEVICH: Can we have Chief  
4 Garcia go into executive with us?

5                   MAYOR LUCERO: Who?

6                   COUNCILOR RADOSEVICH: Chief Garcia.

7                   MAYOR LUCERO: Well, yeah, because he --

8                   COUNCILOR RADOSEVICH: To answer some  
9 questions?

10                  MAYOR LUCERO: If we're going to go --

11                  COUNCILOR RADOSEVICH: That way we can get  
12 this over with and done before we stay here all night  
13 arguing about this?

14                  MAYOR LUCERO: Councilor Seeds?

15                  COUNCILOR SEEDS: Thank you, Mayor.

16                  COUNCILOR RADOSEVICH: That way if we have  
17 questions for him, we can ask him.

18                  COUNCILOR SEEDS: My question is to you,  
19 Frank, as our attorney and then to Joe Duran. This  
20 goes against any really common procedure that we've  
21 experienced in the past. I know I've been on the  
22 Council for some years and now -- the City Manager  
23 has the duty to hire and fire unless it's an  
24 appointed position by the Mayor or the governing body  
25 chooses to let go one of the appointed positions that

1 we ratified that the Mayor appoints. But here we  
2 find ourselves, Mr. Coppler, in a situation where  
3 I've never been before. Why isn't our City Manager  
4 terminating this employee? For what reason? Why is  
5 the Mayor stepping in and not the City Manager doing  
6 his job?

7 MR. COPPLER: I guess I could give you the  
8 same explanation I did before. That is, the Mayor --

9 COUNCILOR SEEDS: I'm asking why. Why --

10 MR. COPPLER: The Mayor initiated the  
11 termination.

12 COUNCILOR SEEDS: I understand this, but  
13 that's not the -- that's not the procedures that we  
14 have in place. And I don't appreciate your smirking,  
15 Frank. You know, you're our attorney and we pay you  
16 to give us advice. And you don't -- you have a  
17 really bad attitude about it. If you don't like what  
18 we question, you smirk, and I don't appreciate it.  
19 You're here to answer a question if we ask it and  
20 that's it. Without a smirk, please.

21 MR. COPPLER: I apologize.

22 COUNCILOR SEEDS: Let's act professional.

23 MR. COPPLER: I apologize.

24 COUNCILOR SEEDS: Let me make my question  
25 to Mr. Duran.

1 MR. COPPLER: I apologize. But I'm going  
2 to once more point out --

3 COUNCILOR SEEDS: No, I want to ask Mr.  
4 Duran a question.

5 MR. COPPLER: -- that the statute provides  
6 for the Mayor's initiative with respect to  
7 terminations.

8 COUNCILOR SEEDS: Is it because the City  
9 Manager fails to do it? Is that why the -- so why is  
10 the Mayor involved in this?

11 MR. COPPLER: The Mayor chose to  
12 initiate --

13 COUNCILOR SEEDS: The Mayor chose to.

14 MR. COPPLER: -- termination as the Mayor  
15 is empowered to do so under the statute.

16 COUNCILOR SEEDS: Now, if an employee has a  
17 right -- I know once they're -- if they're terminated  
18 properly, like all the other times that the City  
19 Manager fires people, the employee has the right to  
20 come before the governing body to have that decision  
21 overturned. If we were to act tonight with the  
22 Mayor, then that would take away that --

23 COUNCILOR MARTINEZ: Process.

24 COUNCILOR SEEDS: -- process to take place,  
25 would it not? Because potentially we already made up

1 our decision before we heard from the employee.

2 MR. COPPLER: No. And would you like me to  
3 explain what I know?

4 COUNCILOR SEEDS: Yeah, I would like to  
5 hear this.

6 MR. COPPLER: If you look through the  
7 Mayor's note, at the end of the letter it says to Mr.  
8 Cata that he has the right to come in here and put on  
9 his case here tonight. And that letter to Mr. Cata  
10 was hand-delivered to him. So this process  
11 accommodates Mr. Cata. If he wanted to be here, he's  
12 been notified, and he could be here and put on his  
13 appeal.

14 COUNCILOR SEEDS: Mr. Coppler, I don't feel  
15 comfortable, as I said to the Mayor, and --

16 MAYOR LUCERO: Mayor Pro-Tem Salazar?

17 COUNCILOR SEEDS: I don't feel comfortable  
18 with it.

19 MAYOR PRO-TEM SALAZAR: Yes. I've worked  
20 with Joe Duran for almost 10 years now. I've been on  
21 the City Council for a little bit over nine years.  
22 Mr. Joe -- Joe Duran is a very smart individual.  
23 He's very swift on his feet and he can make quick  
24 decisions. Especially here, you know, in the acting  
25 City Manager position at this time and in the past,

1 when the previous Mayors have asked Mr. Duran to step  
2 into the City Manager position, he's proven very  
3 capable. So I just don't understand why the Mayor  
4 decides to, you know -- like he's not capable of  
5 doing his job. Trying to override, trying to  
6 micromanage our City Manager. Joe Duran is solely in  
7 charge of Mr. Cata and I think Mr. Duran is very  
8 capable of making a decision like this. And I don't  
9 think we need any kind of Mayor input.

10 MAYOR LUCERO: Mayor Pro-Tem, if I can  
11 remind you, since you've been on the City Council  
12 that long, there was a time when we dismissed a few  
13 department heads and that did come before the City  
14 Council for approval because department heads are  
15 exempt under FLSA and under our personnel rules and  
16 regs.

17 MAYOR PRO-TEM SALAZAR: Just like there was  
18 a LANL Director before that came before the City  
19 Council and you stated this was the first one ever.  
20 Come on, Mayor, get your facts straight.

21 MAYOR LUCERO: Well, as far as I know, it  
22 was the first one ever.

23 MAYOR PRO-TEM SALAZAR: Well, I guess you  
24 were absent or you were asleep at the last Council  
25 meeting four years ago under Mayor Maestas. I rest

1 my case.

2 MAYOR LUCERO: I'm not sure who's first.

3 COUNCILOR MARTINEZ: I've had my hand up  
4 before (Inaudible).

5 MAYOR LUCERO: Okay. Well, Councilor  
6 Martinez?

7 COUNCILOR MARTINEZ: The issues that I have  
8 that concern me with this is that I just feel that  
9 the parties that are involved in this whole situation  
10 I think are close to the Mayor and I don't think that  
11 it's the right way to go about this. I think that  
12 Mr. Duran is very capable of handling the situation.  
13 And if I'm not mistaken, I'm in agreement with  
14 Mr. Lewis that the situation has already been handled  
15 and we're just doing this for who knows what reason.  
16 I think that we do need to discuss this in executive  
17 session, but I also believe this, that Mr. Garcia is  
18 also an employee of the City of Espanola where Mr.  
19 Duran is his direct supervisor and the Mayor is the  
20 person that appointed him. And I think it's a  
21 conflict of interest for our own police department to  
22 be investigating this. I have wondered from the very  
23 beginning why we didn't get an outside entity to  
24 investigate this. It baffled me that we are having  
25 our own department handle a situation of this

1 magnitude. It's wrong, it's unethical, and I think  
2 that we need an outside entity to step in.

3 MAYOR LUCERO: Councilor Valdez?

4 COUNCILOR VALDEZ: Mayor, if I would ask a  
5 question and if it was turned down and then I'd make  
6 a motion that we go ahead and have Mr. Cata come back  
7 to work, I guess that's the next step, right?

8 MAYOR LUCERO: Okay. Well, there's a  
9 motion --

10 COUNCILOR VALDEZ: There was a motion to  
11 either --

12 MAYOR LUCERO: Okay.

13 COUNCILOR VALDEZ: -- to either go into  
14 executive session or not go into executive session  
15 and then deal with this. And if they bring Mr. Cata  
16 back, well, they can vote for it or whatever they  
17 want to do.

18 MAYOR LUCERO: Okay. I'm going to go  
19 ahead -- well, Mr. Duran?

20 JOE DURAN: Madam Mayor, members of the  
21 Council, I believe that you should go into executive  
22 session so you can have a lot of your questions  
23 answered. We're not going to make a final, detailed  
24 investigation here because it's being worked on by,  
25 yes, the police department and maybe other entities.

1 But at least you'll get more information on it, and  
2 at least when you come back out, you make the "yes"  
3 or "no" decision. That's it. There is no blame, no  
4 nothing. Just a straight answer, "yes" or "no."

5 MAYOR LUCERO: Thank you, Mr. Duran. Now,  
6 I'd like to call for the -- a roll call vote, please.  
7 And this is to go into executive session.

8 TESSA JO MASCARENAS: Councilor Seeds?

9 COUNCILOR SEEDS: No.

10 TESSA JO MASCARENAS: Councilor Valdez?

11 COUNCILOR VALDEZ: Yes.

12 TESSA JO MASCARENAS: Councilor Martinez?

13 COUNCILOR MARTINEZ: Pass.

14 TESSA JO MASCARENAS: Mayor Pro-Tem

15 Salazar?

16 MAYOR PRO-TEM SALAZAR: No.

17 TESSA JO MASCARENAS: Councilor Lewis?

18 COUNCILOR LEWIS: No.

19 TESSA JO MASCARENAS: Councilor Radosevich?

20 COUNCILOR RADOSEVICH: Yes.

21 TESSA JO MASCARENAS: Councilor Herrera?

22 COUNCILOR HERRERA: Yes.

23 TESSA JO MASCARENAS: Councilor Martinez?

24 MAYOR LUCERO: Councilor Martinez?

25 COUNCILOR MARTINEZ: No.

1           MAYOR LUCERO: Okay. So since the motion  
2 does not pass to go into executive session, then  
3 we're required to discuss it in open session. So  
4 Councilor Valdez?

5           COUNCILOR VALDEZ: Okay. Is there a motion  
6 to either -- what kind of a motion would it be that  
7 we either have Mr. Cata come back to work or --

8           MAYOR LUCERO: Well, the way it's stated on  
9 the agenda is a recommendation to approve the  
10 termination of the Community Services Director, so  
11 you can make a motion to approve that recommendation.

12           COUNCILOR VALDEZ: I'd like to make a  
13 motion to terminate Mr. Cata.

14           MAYOR LUCERO: Okay. You want to make a  
15 motion to approve the termination --

16           COUNCILOR VALDEZ: Yes.

17           MAYOR LUCERO: -- of the Community Services  
18 Director?

19           COUNCILOR VALDEZ: Yes.

20           MAYOR LUCERO: Okay. And it's been  
21 seconded by Mr. Radosevich. Peggy Martinez?

22           COUNCILOR MARTINEZ: I'd like to make a  
23 motion to have this issue tabled on the grounds that  
24 I feel that we have a very capable staff and I know  
25 that Mr. Duran is very capable of firing Mr. Cata

1 without any input from this governing body.

2 COUNCILOR LEWIS: Second.

3 MAYOR LUCERO: Okay. Again, our  
4 attorney --

5 (Inaudible).

6 MAYOR LUCERO: Councilor -- I mean,  
7 Mr. Coppler, I realize that a motion to table  
8 supersedes all motions, but does that mean that Mr.  
9 Cata comes back to work?

10 COUNCILOR MARTINEZ: No.

11 MAYOR LUCERO: I'm asking Mr. Coppler.

12 MR. COPPLER: It would seem to me that if  
13 the Council fails to take any action with respect to  
14 the Mayor's recommendation, then Mr. Cata would be  
15 invited to come back to work and he would be paid  
16 whatever he is owed from the date of your suggested  
17 termination.

18 MAYOR LUCERO: Okay. Knowing that, do you  
19 still want to table this, Councilor? That means you  
20 bring him back to work?

21 COUNCILOR MARTINEZ: Well, I don't think  
22 that it's my job to bring Mr. Cata back to work or to  
23 release Mr. Cata from his duties. I'm not in charge  
24 of any job here at the City except Mr. Coppler,  
25 Mr. Garcia, Tessa Jo, and Mr. Duran. And I find Mr.

1 Duran very capable of doing that job. I don't really  
2 see the need to bring the Council in at this time. I  
3 think it's a conflict for us. We haven't even  
4 received an official report concerning what exactly  
5 happened and we haven't even been told what happened.  
6 Everything that we've heard so far has been nothing  
7 but hearsay. I haven't gotten any facts.

8 MAYOR LUCERO: Well, that's why --

9 COUNCILOR MARTINEZ: Has anybody else?

10 MAYOR LUCERO: That's why we wanted to go  
11 into executive session this evening, to give you all  
12 the facts, but you chose not to go into executive  
13 session.

14 COUNCILOR MARTINEZ: I don't think you're  
15 qualified to give me the facts, Mayor. I think that  
16 the whole investigation has not even been finished.  
17 Like I said, I feel it's a conflict of interest for  
18 Mr. Garcia to be involved in the investigation. This  
19 should have been fielded by an outside entity.  
20 Somebody that doesn't have anything over anybody else  
21 that would have been able to come in here and do the  
22 job without any fear of repercussion from their  
23 superiors.

24 MAYOR LUCERO: Well, we do have a very  
25 capable Chief of Police.

1 COUNCILOR MARTINEZ: Yes, we do. I agree  
2 with you completely.

3 MAYOR LUCERO: Okay. Mayor Pro-Tem  
4 Salazar?

5 MAYOR PRO-TEM SALAZAR: If you're looking  
6 in the definition of city council, it's called  
7 policymakers. The City Manager, the Community  
8 Services Director, and other department heads fall  
9 under the umbrella of City Manager. The City  
10 Manager, once again, is very capable of making this  
11 decision. I don't think he needs any help from us.  
12 It's as simple as that. The City Manager can do it.

13 MAYOR LUCERO: Councilor Seeds, you had  
14 your hand up a while ago. Do you have a comment?

15 COUNCILOR SEEDS: Yes, Mayor, I do. I've  
16 got to agree with the majority of the Council here.  
17 I'm going to give you the reasons why I approach this  
18 with a lot of caution. First of all, I don't believe  
19 that the Chief or his department should have anything  
20 to do with this. I believe the Chief is very  
21 capable, but I believe that this is a City employee  
22 that did something that I don't agree with, and I  
23 think an outside -- I had talked to the Chief about  
24 this before and I had insisted to him that an  
25 outside -- and I was told by the Chief that an

1 outside source was going to come and investigate  
2 this. I have not seen that yet. Hopefully, it's  
3 taking place.

4           Secondly, Mayor, I'm not going to have you  
5 putting us in harm's way. This situation did involve  
6 your brother. The equipment delivered to him to a  
7 baseball team that he coaches. And, Mayor, I think  
8 that we should stay out of things like that when  
9 there's a perception of possibly putting us in harm's  
10 way. I think we should let the City Manager do his  
11 job. And for you to insist on this resignation, I  
12 don't know, Mayor, it's just not good.

13           MAYOR LUCERO: Well, Councilor Seeds, I'm  
14 here to tell you --

15           COUNCILOR SEEDS: And I'm just not going to  
16 let you put this city in harm's way and I'm not going  
17 to be any part of it. Thank you.

18           MAYOR LUCERO: Well, I have in no way put  
19 the city in harm's way nor will I ever do that. The  
20 reason I called for the investigation was because my  
21 brother was the coach and I wanted everything to be  
22 investigated and for the truth to come out. And, as  
23 far as I know, I didn't get involved in the  
24 investigation. I let Mr. Duran handle that. He  
25 asked the Chief to also investigate and I haven't

1 participated in that either and I have not asked any  
2 questions. I'm just being very open and transparent  
3 with this case especially because, like I said, the  
4 coach was my brother -- is my brother. But that's  
5 the reason I wanted the investigation and that's why  
6 I want total accountability on this issue. And as a  
7 department head, yes, this Council has the right to  
8 terminate department heads because they're exempt  
9 from personnel rules. And it's been done in the past  
10 and I'm just following that procedure. Councilor  
11 Martinez?

12 COUNCILOR MARTINEZ: I just want to know  
13 how Mr. Duran feels about this. Why did you not  
14 handle this from the onset? Why are we dealing with  
15 this two and a half weeks later just out of the blue?  
16 Why the Council?

17 JOE DURAN: Madam Mayor, Councilor  
18 Martinez, at the time that we first saw this problem,  
19 I called in the Mayor and I asked, "Did you know  
20 anything what's going on here?" At that point, "No."  
21 She gave me a direct order to, "You better look at  
22 this and find out what's going on. Put an  
23 investigation. Do what you need to do to take care  
24 of this matter. Resolve it right away." And she  
25 hasn't been involved at all on it. I did the

1 investigation. I made my letter of termination at  
2 that point. Len wasn't around. I had the police  
3 department go hand carry it. Okay?

4 At that same time I did direct the Chief,  
5 and we worked it out to where he was going to gather  
6 all the information and get another agency or someone  
7 else to assist in the investigation, so it's not all  
8 going to be the police department. What I did as far  
9 as terminating him is what is my limits within the  
10 personnel policy. And on the personnel policy it is  
11 stated there that they do not have the right for --  
12 for -- let me see -- they don't have the right or  
13 privileges on certain disciplinary action. They are  
14 an at-will employee. And as far as a dismissal  
15 grievance, they don't have that either. So the only  
16 option that they have is to come to you as a grievance  
17 or an appeal.

18 COUNCILOR MARTINEZ: Okay. Let me respond  
19 to that. You know, you state that the Mayor has  
20 rightfully stayed out of this investigation from its  
21 onset. So it's curious to me why -- why involve  
22 yourself at this point when we have a perfectly  
23 capable staff of handling this termination. I don't  
24 think that anybody in this room agrees that somebody  
25 that violates a procurement code and works for the

1 City belongs back at their job. And by no means  
2 would I ever think that or advocate for that. The  
3 issue that I have right now is that there are  
4 allegations on this letter to Mr. Cata that I'm  
5 sitting here not really knowing if they're founded or  
6 they're unfounded or what the situation is. And at  
7 this time we've only had Mr. Garcia involved in the  
8 investigation process. So I just feel like I really  
9 need some other entity to investigate this situation  
10 beyond Mr. Garcia. State Police, FBI, whoever, so  
11 that we can have some real facts handed to this  
12 Council.

13 I don't disrespect the job that you do,  
14 Mr. Garcia. Quite on the contrary. I have the utmost  
15 respect for the job that you're doing. But I just see  
16 that Mr. Duran is your supervisor, as is the Mayor and  
17 this Council, and I think that it's difficult to be  
18 that close to an investigation that involved different  
19 people in the community that could be related to this  
20 situation. So, for my purposes, I have complete  
21 confidence in you, Mr. Duran. I know that you can  
22 utter the words, "I'm sorry, but you're fired." I  
23 know you can do that. I have total confidence in you.  
24 And I don't think that that needs to come from me at  
25 this time.

1           MAYOR LUCERO: Mayor Pro-Tem Salazar?

2           MAYOR PRO-TEM SALAZAR: I guess this  
3 question would be for Frank Coppler. At this point,  
4 the Mayor directed Joe Duran to start this  
5 administrative investigation. The Mayor wants -- or  
6 is actually attempting to terminate Mr. Cata and, of  
7 course, wanting the governing body's approval. But  
8 don't you think the Mayor should be tossed out from  
9 this due to a conflict of interest because her  
10 brother is the head coach of this baseball team  
11 that's being investigated with the issues and she's  
12 the Mayor? I don't find this is very ethical. And I  
13 really think that she should have actually no part to  
14 do with this. And, again, I stress my case, Joe  
15 Duran is very capable of handling this.

16           MR. COPPLER: If I could just respond by  
17 pointing out that the Mayor saw this as being so  
18 severe, that she instructed the City Manager to  
19 investigate. The City Manager's investigation is  
20 stated in the last paragraph of the letter you have  
21 in front of you to Mr. Cata. And it says, "The  
22 severity of your actions constitutes just cause for  
23 immediate termination. Your last day on the payroll  
24 is Tuesday, April 9, 2013 at 5:00 p.m." That is the  
25 City Manager's summary of his investigation. If you

1 turn over the page, what the Mayor says in notifying  
2 Mr. Cata of his opportunity to come here and speak  
3 tonight if he wishes to do so, she says in relevant  
4 part, "I adopt the factual statements of the City  
5 Manager in the foregoing letter regarding the basis  
6 for termination. And at the April 22 meeting of the  
7 City Council will request that the termination be  
8 approved."

9           So the process, Mayor Pro-Tem, was the City  
10 Manager initiated this through the instruction of the  
11 Mayor. The City Manager investigated the facts, wrote  
12 the letter to Mr. Cata outlining all the reasons why  
13 he would be terminated, and said, "Your actions are  
14 just cause for termination." The Mayor at that --  
15 only after that signed the statement saying, "I adopt  
16 the findings of the City Manager." So it was very --  
17 I was very careful in providing my advice to the Mayor  
18 and the Manager as to how this should be done in view  
19 of the very point raised that the Mayor's brother is  
20 the coach. That is one of the main reasons why I  
21 recommend the Mayor instruct the City Manager to do  
22 the investigation and the Mayor to stay away from it  
23 until the investigation was back in front of her.

24           At that point she said, "I adopt the factual  
25 determinations of the City Manager and I'm suggesting

1 that he be terminated." That now is in front of you.  
2 So I would only point out that the Mayor was very  
3 careful to make the City Manager responsible for the  
4 investigation precisely because her brother is the  
5 coach.

6 MAYOR LUCERO: Okay. Councilor Seeds?

7 COUNCILOR SEEDS: Just real quick, Mayor,  
8 so we can wrap this up and move on. So this question  
9 is to City Manager Joe Duran. So, Joe, you did issue  
10 a termination letter to Mr. Cata?

11 JOE DURAN: Yes, sir. And he did sign it  
12 that he received it.

13 COUNCILOR SEEDS: So why are we talking  
14 about the rest of this?

15 MAYOR LUCERO: Because of the third page on  
16 the letter that --

17 COUNCILOR SEEDS: I know. But this is the  
18 first time I've ever been involved in something like  
19 this. If the City Manager terminates somebody,  
20 unless they have a grievance and they want to bring  
21 it before the governing body, that's what the --  
22 that's what the policies state, personnel policies.  
23 They have the right to bring it back to the governing  
24 body to overturn the City Manager's decision. If you  
25 have, in fact, terminated Mr. Cata, then why are we

1 talking about the rest of this?

2 MAYOR LUCERO: Mr. Cata -- I think you need  
3 to read the very last paragraph, the whole thing.

4 COUNCILOR SEEDS: I'm asking.

5 MAYOR LUCERO: That's why -- he can answer  
6 your question.

7 MR. COPPLER: Let me address that by  
8 finishing -- and I didn't finish this earlier because  
9 this question hadn't been raised. But after Mr.  
10 Duran reports that, "The severity of your actions  
11 constitutes just cause for immediate termination.  
12 Your last day on the payroll is Tuesday, April 9,  
13 2013, at 5:00 p.m., the City personnel policy,  
14 Section 1.5 under Definitions provides that you, a  
15 department director, are exempt, non-classified, and  
16 served as an at-will employee without the rights and  
17 privileges of selection, appeal of disciplinary  
18 action, grievance procedures, or dismissal as set  
19 forth in Section 3, 9, and 10 of the personnel  
20 policy."

21 Now, because, again, the Mayor initiated  
22 this termination through an order of -- to the City  
23 Manager to investigate and make a recommendation to  
24 her because it involved her brother, the Mayor had to  
25 then adopt the statements, the findings of the City

1 Manager, which she does in her notice. And then  
2 because it is a Mayor-initiated termination, it is now  
3 in front of you for a "yes" or a "no." Now, if it had  
4 been a City Manager's-initiated termination, Mr. Cata  
5 could have filed an appeal and it would have been up  
6 here in front of the City Council and it would be the  
7 precise same question, whether or not you wanted to  
8 terminate Mr. Cata based on that.

9 COUNCILOR SEEDS: Mayor, if I may just  
10 follow up.

11 MAYOR LUCERO: Councilor Seeds?

12 COUNCILOR SEEDS: So, Mr. Coppler, what  
13 you're telling us is that the reason that this is  
14 taking place -- the procedure is taking place is  
15 because Mr. Cata is an exempt employee?

16 MR. COPPLER: No, because the Mayor noted  
17 at the very beginning that it involved allegations  
18 regarding her brother. And the way to handle this  
19 without her being implicated as being -- steering it  
20 one way or another was to ask and direct the City  
21 Manager to investigate, bring that recommendation  
22 back to the Mayor for her confirmation and  
23 recommendation to you to confirm what the City  
24 Manager was suggesting. In this case, the  
25 termination. That was the reason for it. Thank you.

1 If we had gone the other route and the City Manager  
2 had just gone ahead, investigated and fired him, we  
3 would be sitting here listening to accusations that  
4 because the City Manager is appointed by the Mayor,  
5 that the City Manager somehow mishandled the deal  
6 because the Mayor's brother is the coach. And that  
7 was the problem we did not want to present.

8 MAYOR LUCERO: Okay. Councilor Martinez?

9 COUNCILOR MARTINEZ: You know, I have some  
10 issue with the language. Joe Duran's last paragraph  
11 states, "The severity of your actions constitutes  
12 just cause for immediate termination." Then you turn  
13 to the next page and it says, "I, Alice Lucero, Mayor  
14 of the City of Espanola," blah, blah, blah, "approve  
15 the immediate suspension of Len Cata for his  
16 position." So Mr. Duran fired him and the Mayor  
17 suspended him waiting for the Council to be the bad  
18 guy.

19 MR. COPPLER: Once again, if the track had  
20 been followed under the personnel ordinance that the  
21 City Manager fires Mr. Cata and he appealed, you  
22 would have to make that decision.

23 COUNCILOR MARTINEZ: And until --

24 MR. COPPLER: It doesn't matter what track  
25 you follow. Either the City Manager initiated

1 termination or the Mayor initiated termination. It  
2 ends up here at the City Council for a final  
3 determination.

4 COUNCILOR MARTINEZ: So if Mr. Duran would  
5 have fired him, it would still end up here whether  
6 there was an appeal or not?

7 MR. COPPLER: No. If Mr. Cata appeals, it  
8 would be here.

9 COUNCILOR MARTINEZ: Well, I'm going to ask  
10 for my motion to table to be removed just because I  
11 rethink it in the term that I don't want to see this  
12 hanging over this Council's head forever. I disagree  
13 with this issue coming from the Mayor, but I really  
14 feel that accountability is the most important aspect  
15 of city government. So, like I said, I wish we had  
16 an outside entity that had investigated this. I wish  
17 we had facts that had come to this Council based on  
18 that outside investigation. So I'll remove that  
19 motion.

20 COUNCILOR LEWIS: Second it.

21 MAYOR LUCERO: Okay. The motion to table  
22 has been removed from the table and -- Councilor  
23 Radosevich?

24 COUNCILOR RADOSEVICH: One question.  
25 Example, who would an outside entity be?

1           MAYOR LUCERO: Is that addressed to Chief  
2 Garcia?

3           COUNCILOR RADOSEVICH: Yeah, go ahead. You  
4 mean like the State Police or the Sheriff's or --

5           CHIEF GARCIA: Madam Mayor, City Council  
6 members, absolutely in the course of an investigation  
7 such as this, (Inaudible) the utmost importance to  
8 make sure that the residents of Espanola know that  
9 we're acting in good faith. Under the circumstance,  
10 it was recommended that the New Mexico State Police  
11 or the FBI adopt this case.

12           COUNCILOR RADOSEVICH: Would they charge us  
13 for this?

14           CHIEF GARCIA: Absolutely not.

15           COUNCILOR RADOSEVICH: Okay. Because then  
16 we'd have to have a special meeting to okay the  
17 charge to hire them.

18           MAYOR LUCERO: Okay. Can you tell us what  
19 the status is at that -- at this point even though  
20 this isn't an executive session? Would that be okay,  
21 Mr. Coppler, if he just gives us a brief status as to  
22 his -- if he continues the investigation or has it  
23 gone to another level?

24           MR. COPPLER: There's no problem with the  
25 Chief informing you with regard to the stage of the

1 investigation. That's not a problem. The  
2 investigation, once again, of the police authorities  
3 is with respect to the criminal matters. This matter  
4 here in front of you tonight is only with respect to  
5 the employment issues.

6           MAYOR LUCERO: All right. Thank you.  
7 Councilor Lewis?

8           COUNCILOR LEWIS: In any part of this  
9 process, Director Garcia, has there been any  
10 recommendation that you've given to sources out to an  
11 outside agency?

12           CHIEF GARCIA: Madam Mayor, City Council  
13 members, it was my recommendation on or about the day  
14 when this originally came to light on April 2nd that  
15 we do go to an outside agency. What we've done to  
16 this point is gather some facts of the allegations so  
17 we can forward them over to another agency to  
18 investigate, such as the FBI or the New Mexico State  
19 Police. There has been ongoing, every other day  
20 conversations between myself and command staff of the  
21 specific agencies and as well as the State Auditor's  
22 office, so we are moving forward. They are going to  
23 be adopting the case. But we're at a standstill  
24 right now with which agency is going to be adopting  
25 it. It's either going to be the FBI or the New

1 Mexico State Police. But I am turning it over to  
2 them, absolutely. And that has been since the onset  
3 of the -- of these allegations.

4 COUNCILOR LEWIS: And I have complete  
5 confidence that you will expose this wrongdoing.  
6 Thank you.

7 CHIEF GARCIA: Thank you, sir.

8 MAYOR LUCERO: Thank you, Chief. Any other  
9 comments? Okay. So, then, being that the motion to  
10 go into executive session has failed, then we have to  
11 discuss this in open session. You have the --  
12 there's a -- okay. Well, Councilor Valdez, you made  
13 a motion to approve the recommendation to terminate  
14 the Community Services Director, correct?

15 COUNCILOR VALDEZ: I did.

16 MAYOR LUCERO: And Councilor Radosevich  
17 seconded that motion. So that motion is still on the  
18 floor. Is there any further discussion? Are there  
19 any questions? Okay.

20 COUNCILOR MARTINEZ: Well, Madam Mayor --

21 MAYOR LUCERO: Councilor Martinez?

22 COUNCILOR MARTINEZ: -- I'd make a motion  
23 to reconsider going into executive. I can't make a  
24 decision on any of this without knowing facts and --

25 MAYOR LUCERO: Well, do you want to make a

1 motion to go into executive session?

2 COUNCILOR MARTINEZ: I just made a motion  
3 to reconsider the motion to go into executive  
4 session.

5 MAYOR LUCERO: Okay. There's a motion on  
6 the floor to reconsider the motion to go into  
7 executive session. Is there a second to that motion?

8 COUNCILOR VALDEZ: Second.

9 MAYOR LUCERO: Okay. It's been moved and  
10 seconded to reconsider the action to go into  
11 executive session. Any discussions on this motion?  
12 Okay. This calls for a roll call vote.

13 TESSA JO MASCARENAS: Councilor Seeds?

14 COUNCILOR SEEDS: No.

15 TESSA JO MASCARENAS: Councilor Valdez?

16 COUNCILOR VALDEZ: Yes.

17 TESSA JO MASCARENAS: Councilor Martinez?

18 COUNCILOR MARTINEZ: Pass.

19 TESSA JO MASCARENAS: Mayor Pro-Tem

20 Salazar?

21 MAYOR PRO-TEM SALAZAR: Just to qualify my  
22 vote, if there is any pertinent information, then my  
23 vote is yes.

24 TESSA JO MASCARENAS: Councilor Lewis?

25 COUNCILOR LEWIS: I'm going to vote "yes."

1 TESSA JO MASCARENAS: Councilor Radosevich?

2 COUNCILOR RADOSEVICH: No.

3 TESSA JO MASCARENAS: Councilor Herrera?

4 COUNCILOR HERRERA: Yes.

5 COUNCILOR MARTINEZ: Yes.

6 MAYOR LUCERO: Did you vote "yes"?

7 COUNCILOR MARTINEZ: Yes.

8 MAYOR LUCERO: Okay. Motion carries by a  
9 vote of 5 to 2. And we shall now go into executive  
10 session.

11 (End of audio file.)

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REPORTER'S CERTIFICATE

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I, Terri D. Walters, CCR #228, DO HEREBY CERTIFY that  
the above proceedings were transcribed by me to the best of  
my ability and that I did thereafter report in stenographic  
shorthand the audio recording set forth herein, and the  
foregoing is a true and correct transcript of the proceeding  
to the best of my ability.

12

I FURTHER CERTIFY that I am neither employed by nor  
related to nor contracted with (unless excepted by the  
rules) any of the participants in this proceeding and that I  
have no interest whatsoever in the final  
disposition of this.

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TERRI D. WALTERS, CCR  
New Mexico CCR #228  
License Expires: 12-31-2013

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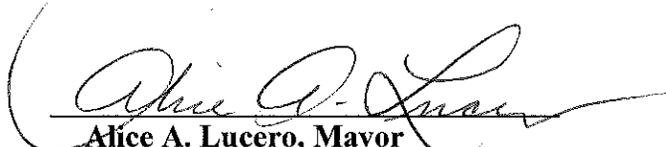
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APPROVED AND ADOPTED THIS 24<sup>th</sup> DAY OF September, 2013.

  
Alice A. Lucero, Mayor

  
ATTEST: CITY OF NEW MEXICO  
  
Jessa Jo Mascarenas, City Clerk