



CITY COUNCIL WORKSHOP
MONDAY, SEPTEMBER 19, 2011 6:00 PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM 87532

A. CALL TO ORDER

Mayor Lucero called the meeting order at approximately 6:02 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Lucero

C. MOMENT OF MEDITATION/ INVOCATION

The Moment of Meditation was led by Mayor Lucero.

D. ROLL CALL/ DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

Mayor	Alice A. Lucero
Mayor Pro-Tem	Cecilia Lujan
Councilors:	Rosario (Chayo) Garcia
	Greg Ortega
	Cory Lewis

Mayor Lucero verified with City Attorney Frank Coppler that she could be counted as a portion of the quorum. He replied in the affirmative.

E. APPROVAL OF AGENDA

Mayor Lucero presented the following agenda for approval:

---Begin---

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. MOMENT OF MEDITATION/ INVOCATION**
- D. ROLL CALL/ DETERMINATION OF QUORUM**
- E. APPROVAL OF AGENDA**
- F. PUBLIC COMMENTS**
- G. COUNCILOR COMMENTS**
- H. MATTERS FROM THE MAYOR**
 - 1. Proclamation- San Martin de Porres Soup Kitchen's 2nd Annual Fill the Truck Food Drive
- I. DISCUSSION/ACTION ITEMS**
 - 2. Chamber of Commerce Sublease
 - 3. Request for Co-Sponsorship of Spañapalooza- Mr. Luis Peña
 - 4. Request for Co-Sponsorship of Pancake Breakfast at Beatrice Martinez Senior Center for Walk Against Drugs- Efren Sanchez

5. Request for Co-Sponsorship of San Martin de Porres Soup Kitchen Food Drive at Henry Valencia- Wil Salazar
6. Lodger's Tax Sub-Committee Consensus Appropriation Recommendation to Full Council
7. Española School Resource Officer Agreement
8. Drug-Free Schools Memorandum of Understanding
9. Infrastructure Capital Improvement Plan (ICIP)

J. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

K. ANNOUNCEMENTS

L. ADJOURNMENT

At any time during the Open Meeting, the Governing Body, by a majority vote, may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. The Governing Body, by a majority vote, may revise the order of the agenda items considered at this Open Meeting.

If you are an individual with a disability who is in need of an amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk's Office at 747-6039 at least three days prior to the meeting.

---End---

Motion by Mayor Pro-Tem Lujan to approve agenda; seconded by Councilor Garcia.

Motion carried 5-0.

F. PUBLIC COMMENTS

There was no comment from the public.

G. COUNCILOR COMMENTS

City Councilors did not wish to comment on any subject not already on the agenda.

H. MATTERS FROM THE MAYOR

1. Proclamation- San Martin de Porres Soup Kitchen's 2nd Annual Fill the Truck Food Drive

Mayor Lucero stated that Councilor Ortega had asked for this proclamation and would be making the presentation. Councilor Ortega read the proclamation.

I. DISCUSSION/ACTION ITEMS

2. Chamber of Commerce Sublease

City Manager Lujan stated that Kelly Duran from the Chamber of Commerce was in attendance and the Chamber of Commerce wished to lease their building to the Espanola Valley Food Market. City Manager Lujan explained that in accordance with Ordinance, this needed to be approved by Council.

Mr. Duran stated that the food market wished to be an alternative food source to support local farmers and would foster some economic development. He added that it would also allow the chamber to partake in the events and gain some working capital from the lease.

Motion by Councilor Ortega to approve the Chamber of Commerce Sublease; seconded by Councilor Lewis.

Motion carried 5-0.

3. Request for Co-Sponsorship of Spañapalooza- Mr. Luis Peña

Mr. Pena stated that he was requesting co-sponsorship and this would be the 10th year of Spañapalooza. He explained that they invite bands from all over the country to perform and this event was unique in that there was no defined agenda. It would be a drug- and alcohol-free event and food would be provided free of charge. Mr. Peña stated that the City of Española had been a co-sponsor for the event during the previous nine (9) years and the co-sponsorship would be the insurance coverage. Mr. Peña also requested a waiver of the event fee and the cooperation of the Parks Department.

Mayor Lucero asked if Mr. Peña had coordinated with the Police Department. Mr. Peña stated that he always requested courtesy rounds; however, he had not wished to request the rounds prior to obtaining the co-sponsorship. Mr. Len Cata stated that he had attended the event the last couple of years and it was a wonderful occasion. He stated that he was requesting the use of profane language be toned down from the bands. Mr. Pena agreed to speak with the bands.

Motion by Councilor Lewis to approve co-sponsorship of Spañapalooza; seconded by Mayor Pro-Tem Lujan.

Mayor Lucero stated that this was a wonderful event and thanked Mr. Pena for his attendance.

Motion carried 5-0.

4. Request for Co-Sponsorship of Pancake Breakfast at Beatrice Martinez Senior Center for Walk Against Drugs- Efren Sanchez

Mayor Lucero stated that there would be a mini-walk on October 29th, but the breakfast was scheduled for two (2) weeks prior to the event. They would like to raise money for food and drinks. The walk would begin at Bank of America and end at Valdez Park. There would then be a party at Valdez Park until 3 p.m.

Mayor Lucero stated that the group was requesting the city provide the Beatrice Martinez Senior Center facility and allow the use of the kitchen.

Motion by Councilor Ortega to approve co-sponsorship of Pancake Breakfast at Beatrice Martinez Senior Center for Walk Against Drugs; seconded by Councilor Lewis.

Councilor Garcia asked if this co-sponsorship was just for the pancake breakfast or if it was for the walk as well. Mr. Sanchez stated that he would appreciate co-sponsorship for the walk as well. Councilor Garcia suggested placing the co-sponsorship of the walk on the agenda for the City Council Meeting as it was broadcast over the radio and would provide some promotion for the group.

Motion carried 5-0.

Mayor Lucero directed City Clerk Mascareñas to place the item on the agenda for the following week.

5. Request for Co-Sponsorship of San Martin de Porres Soup Kitchen Food Drive at Henry Valencia- Wil Salazar

Councilor Ortega stated that this event would be the 2nd Annual Food Drive and it was sponsored by Henry Valencia Inc.. He added that there would be several media outlets present. Councilor Ortega explained that the previous year had been a great success ending with about three quarters (3/4) of the truck filled. He stated that they hoped to fill at least two (2) trucks this year.

Motion by Councilor Ortega to approve the co-sponsorship of the San Martin de Porres Soup Kitchen Food Drive; seconded by Councilor Garcia.

Motion carried 5-0.

Mayor Lucero invited all Councilors to attend and stated that the proclamation would be presented around noon. Councilor Garcia commended Councilor Kain-Salazar on her volunteer efforts at the soup kitchen at least once per month.

6. Lodger's Tax Sub-Committee Consensus Appropriation Recommendation to Full Council

City Manager Lujan stated that there had been a meeting the previous month; however, there had not been a quorum present. He explained that they voted on a consensus being that they are only an advisory board. The members in attendance had recommended the appropriation of the \$5,000 to the New Mexico Hispano Music Awards. Mayor Lucero added the New Mexico Hispano Music Association had requested a proclamation which would be presented on the radio the following week.

Councilor Ortega asked if the group was requesting the same amount as the previous year. Ms. Judy Lujan replied in the affirmative.

Councilor Garcia asked why the request was made earlier than prior years. Ms. Lujan stated that this was actually later than they typically request the money.

Councilor Garcia asked City Manager Lujan if there was enough money to cover the request. City Manager Lujan stated that there was.

Motion by Mayor Pro Tem Lujan to approve the Lodgers Tax Sub-Committee Consensus Appropriation Recommendation to Full Council; seconded by Councilor Garcia.

Motion carried 5-0.

Mayor Lucero stated that she had gone to see Ms. Joyce Sandoval regarding how soon the NM Hispano Association would pick up the check; however, Ms. Sandoval was away at training.

Ms. Lujan asked Councilors to mark their calendars for the award ceremony on January 21st.

7. Española School Resource Officer Agreement

8.

City Manager Lujan stated that this agreement had expired in early August and officers had not been present at the schools in response to a request by the Superintendent.

City Attorney Frank Coppler stated that he had reviewed the MOU and, for the most part, it was acceptable. He did want to mention a few small items. He stated that the new agreement included a definition of "bullying." He stated that the officers were prohibited from bullying while on duty and shall immediately inform a supervisor of conduct perceived to be bullying. City Attorney Coppler stated that the SRO should enforce the schools policy on bullying; however, he was afraid that the mere presence of SROs could be construed as intimidation.

Mayor Lucero exited at 6:27 p.m.

City Attorney Coppler stated that he would like to see the agreement amended so that the officers themselves could not be identified as bullies. He explained that officers are already accused of this on a daily basis by simply doing their jobs. He added that both parties should have equal responsibility under the Tort Claims Act. City Attorney Coppler explained that he had submitted a letter to the Council and School Board. He stated that on the 2nd page of his letter, it specified that each party shall be solely responsible for their own actions. It would assign the responsibility to the schools for making the decision of calling in the Police Officers. The City of Española would be responsible for actions of the officers.

Mayor Lucero re-entered at 6:28 p.m.

City Attorney Coppler noted that this agreement had been received a couple of days prior to the school board approval so the City of Española was not in the position to amend it. He stated that, with this in mind, he did not feel it impolite to request changes.

Mayor Lucero asked if City Attorney Coppler had received any reply from the School Board or their attorney regarding his letter. City Attorney Coppler stated that he had not. Mayor Lucero stated that she felt the points made by City Attorney Coppler were for the protection of the city.

Motion by Councilor Ortega to approve the changes made by City Attorney Frank Coppler; seconded by Mayor Pro-Tem Lujan.

Councilor Lewis asked if it was approved at the meeting. City Manager Lujan stated that the School Board Chair had informed him that the agreement had passed. Councilor Lewis stated that he could be mistaken, but he was pretty sure that the School Board had tabled the issue.

Chief Montoya stated that this agreement had passed, but the K-9 MOU was tabled.

Motion carried 5-0.

Mayor Lucero asked that changes be sent to the School Board with copies to superintendent.

9. Drug-Free Schools Memorandum of Understanding

Mayor Lucero stated that this item would be placed on the next week's City Council Meeting agenda.

10. Infrastructure Capital Improvement Plan (ICIP)

Mayor Lucero explained that this item was for informational purposes so the Council would be aware of it. She stated that the full listing would be sent to the city council in the next couple of days and a final plan would need to be adopted on Tuesday, September 27.

J. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

Frank Coppler stated that there needed to be discussion on the sale or disposal of real property.

Motion by Mayor Pro-Tem Lujan to go into Executive Session; seconded by Councilor Lewis.

Roll Call Vote:

Mayor Pro-Tem:	Cecilia Lujan	For
Councilors:	Rosario (Chayo) Garcia	For
	Greg Ortega	For
	Cory Lewis	For

Executive Session began at 6:39 p.m.

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

Roll Call Vote:

Mayor Pro-Tem:	Cecilia Lujan	For
Councilors:	Rosario (Chayo) Garcia	For
	Greg Ortega	For
	Cory Lewis	For

Executive Session ended at 7:27 p.m.

No action was taken in Executive Session.

Mayor Lucero explained that there had been discussion on the land exchange agreement between the City of Española and the Española School Board because it dealt with the disposal of property.

Motion by Councilor Ortega to reject the proposed land exchange agreement with the Espanola School Board and send a counterproposal stating that the City of Española would sell them the five (5) acres of land at the appraised value; seconded by Mayor Pro-Tem Lujan.

Motion carried 5-0.

K. ANNOUNCEMENTS

Mayor Pro-Tem Lujan announced the Public Safety Meeting on Monday, October 3, 2011 which would focus on Public Safety Awareness Month, as well as the needs of local business owners.

Councilor Garcia requested that City Clerk Mascareñas send an invitation to business owners regarding the meeting and invitation to employees informing them of the food drive.

L. ADJOURNMENT

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

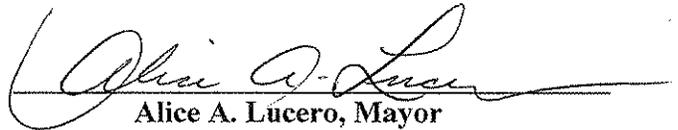
Motion carried 5-0.

Meeting adjourned at approximately 7:32.

Minutes taken and transcribed by Tessa Jo Mascarenas, City Clerk.

APPROVED AND ADOPTED THIS 25th DAY OF October, 2011.




Alice A. Lucero, Mayor


Tessa Jo Mascareñas, City Clerk