

Summary minutes of:

**CITY COUNCIL SPECIAL MEETING
Monday April 12, 2010, 5pm
Public Safety Meeting Room
1316 Calle Adelante, Española, NM**

Call to Order

The meeting was called to order at 5:00pm by Mayor Lucero with the following in attendance:

Mayor: Alice A. Lucero

Mayor Pro Tem: Cecilia Lujan

Councilors: Rosario “Chayo” Garcia (*arrived 5:12pm*)
Cory Lewis (*left at 6:24pm*)
Greg Ortega
Helen Kain-Salazar
Dennis Tim Salazar
Robert Seeds
Pedro Valdez

Deputy City Clerk: Sally Baxter
City Clerk: Heather Velasquez

Pledge of Allegiance

Mayor Lucero led the Pledge of Allegiance.

Moment of Meditation/ Invocation

Councilor Kain-Salazar gave the invocation.

Approval of Agenda

Agenda as presented:

---Begin---

Call to Order

Pledge of Allegiance

Moment of Meditation/Invocation

Approval of Agenda

Public Comments

Councilor Comments

Matters of the Mayor

Discussion/Action Item(s)

1. Approval of Resolution 2010-09, a Resolution Repealing and Replacing Resolution 2010-06 Authorizing the Assignment of Official Representatives and Signatory Authorities for Valley National Bank Accounts – to Revoke Signatory Authority for Leroy Garcia
2. Approval of a Professional Services Contract Between the City of Española and Coppler Law Firm to Provide Legal Services for the City

Executive Session

3. Limited Personnel Matters in accordance with 10-15-1 H (2)

Discussion/Action Item(s)

4. The Governing Body May Take Action on Items Discussed in Executive Session

Announcements

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 747-6019 at least three days prior to the meeting.

---End---

Councilor Valdez made a motion to approve the agenda, seconded by Councilor Salazar.

Mayor Lucero said the Executive Session would also include a threat of litigation.

The motion carried 7/0.

Public Comments

There were no public comments.

Councilor Comments

There were no Councilor comments.

Matters from the Mayor

There were no items.

Item #1, Approval of Resolution 2010-09, a Resolution Repealing and Replacing Resolution 2010-06 Authorizing the Assignment of Official Representatives and Signatory Authorities for Valley National Bank Accounts – to Revoke Signatory Authority for Leroy Garcia

Mayor Lucero said when Mr. Garcia had been sworn in and appointed he was placed on there, and this was a technicality.

Mayor Pro Tem Lujan made a motion to approve the Resolution seconded by Councilor Kain-Salazar.

Councilor Salazar said he wanted to verify for the record signatory authority would be for Mayor Lucero and the Acting City Manager/City Clerk. Mayor Lucero said she would add the City Manager when one was on board.

The motion carried 7/0.

Item #2, Approval of a Professional Services Contract Between the City of Española and Coppler Law Firm to Provide Legal Services for the City

The Mayor said this was in the packets, and if there were any questions to please ask. She said at this time she was asking for a motion and would open it for discussion.

Councilor Valdez made a motion to approve, seconded by Councilors Lewis and Ortega.

Mayor Lucero said this was in the best interest of the city as it was more cost effective to hire a law firm, and not pay benefits. She said this would go to bid, and in the meantime the city had this firm. She said instead of hiring different attorneys they would be able to take up a lot of city issues. She said the city would advertise probably before the fiscal year was over, asking for RFPs (Request for Proposals) for legal services.

Councilor Valdez asked if this would be like an appointment; Mayor Lucero said it would be like classified, and she wanted to do this to save money. She said if didn't save money she would look at hiring an attorney. Mayor Lucero said the city had a paralegal who would be reclassified as a records clerk to coordinate between the court and do records management. She said per the audit the city did need a records manager and she was reclassifying to include those duties.

Councilor Kain-Salazar asked if the firm was in Santa Fe; Mayor said it was in Santa Fe, and Mr. Coppler would attend Council meetings. She said he would be here in a minute, and she had been in discussions with him regarding personnel issues and potential litigation.

Councilor Seeds said regarding line item 1, attend meetings and as requested by the Mayor, was this standard verbiage and what if the Mayor were not there. Mayor Lucero said the Mayor Pro Tem could make the request if the Mayor was not around and this would help cut costs.

Councilor Seeds said if the city was keeping the clerk from the last attorney that was not cutting expenses. Mayor Lucero said Paula Maynes had charged \$180 per hour and this one charged \$165. She said the city had had other attorneys and had spent over \$200,000 last year alone on attorneys. She said she hoped not to reach this. Councilor Seeds asked if this was plus mileage; Mayor Lucero said costs and mileage.

Councilor Seeds said if the city would be supplying the clerical position; Mayor Lucero said no, just providing coordination. Mayor Lucero said coordinating court and attorney didn't take a lot of [the city's paralegal's] time.

Councilor Seeds said he had a lot of faith in the law firm; Mayor Lucero said she did, too.

Councilor Ortega said he understood the contract was for one year but after bidding he wanted to know if this contract went away; Mayor Lucero said it was not to exceed \$50,000 so the city would have to go out to bid.

Councilor Lewis asked if the firm would handle everything; Mayor Lucero said there might be things that were a specialty such as Indian law which was a specialty field so the city might need to contract with an attorney that specialized, or something she couldn't foresee, but she didn't know what.

The motion carried 7/0.

Mayor Lucero said this was something that could have been entered into by the City Manager but with all due respect she, the Mayor, wanted to bring it to the Council.

Councilor Seeds asked if the City Manager could enter into agreements up to \$50,000.

Councilor Garcia arrived 5:12pm.

Mayor Lucero said yes for Professional Service Agreements only; Councilor Seeds said they needed to lower the amount.

Executive Session

Mayor Lucero said the Executive Session was pertaining to the City Manager position and threatened litigation.

Councilor Ortega made a motion to enter Executive Session and cited 10-15-1 H (2) and (7); the motion was seconded by Councilor Valdez. A roll call vote was taken and the motion carried 8/0.

The meeting entered Executive Session at 5:14pm.

Councilor Lewis left at 6:24pm.

Mayor Pro Tem Lujan and Councilor Kain-Salazar made a motion to exit Executive Session, seconded by Councilor Ortega. A roll call vote was taken and the motion carried 7/0.

The meeting exited Executive Session at 6:26pm.

The matters discussed in the Executive Session were limited to those described in the motion to enter Executive Session.

Mayor Lucero asked if there was a motion for the items discussed in Executive Session.

Councilor Valdez made a motion to terminate Veronica Albin on March 22, 2010, when the City Manager was appointed; Councilor Kain-Salazar seconded the motion. The motion carried 6/0 with Councilor Seeds abstaining.

Mayor Lucero asked if there was a motion to appoint Heather Velasquez on March 19 Interim City Manager.

Councilor Valdez made a motion as of March 19, 2010, with a 10% pay increase for added responsibilities; Mayor Pro Tem Lujan seconded the motion.

Councilor Seeds asked why Ms. Velasquez was Interim City Manager effective on March 19th when Veronica Albin was terminated March 22; Mayor Lucero said it was a suspension and she had expected a meeting the following week which was not held.

The motion carried 7/0.

Announcements

There were no announcements.

Adjournment

Councilor Ortega made a motion to adjourn; the motion was seconded by the other Councilors. There being no further business, the meeting adjourned at 6:32pm.

*Minutes taken and transcribed by Sally Baxter
Deputy City Clerk/ Public Information Officer*

APPROVED AND ADOPTED THIS 27th **DAY OF** April, **2010**

*ELECTRONIC COPY
SIGNATURES ON FILE*