

SPECIAL CITY COUNCIL MEETING
 DECEMBER 14TH, 2015, 6PM
 CITY HALL COUNCIL CHAMBERS
 405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE/MOMENT OF MEDITATION/INVOCATION

Mayor Lucero led the moment of Mediation/Invocation.

A. ROLL CALL/ DETERMINATION OF QUORUM

The following in Attendance:

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

City Manager Kelly Duran – *residing*
 City Attorney Frank Coppler – *residing*
 City Clerk Anna Squires – *residing*

B. APPROVAL OF AGENDA

Agenda as Presented:

- *Begin* -

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE/MOMENT OF MEDITATION/INVOCATION

C. ROLL CALL/ DETERMINATION OF QUORUM

D. APPROVAL OF AGENDA

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

1. Request of Broadway Construction Company (Dollar General) that City of Española hold harmless and defend against interference of hook up to City water/sewer by new Dollar Store, corner of NM 30 and U.S. Hwy. 84/285.
 – *City Attorney Frank Coppler*
2. Potential Disposal of City Owned Real Property, consideration of Memorandum of understanding Between City of Espanola and Krumland Auto Group, Inc. d/b/a Rio Grande, – *City Attorney Frank Coppler*
3. Consideration of Agreement for Legal Services with Bingham Law Firm, pending litigation Before the State of New Mexico Public Employee Labor Relations Board, American Federation of State, County and Municipal Employees, Council 18, ADL-CIO, Local 923 v. City of Española and the City of Española Department of Public Safety, PELRB No. 124-15
 – *City Attorney Frank Coppler*

F. EXECUTIVE SESSION

Pursuant to NMSA 1978 10-15-1 subparagraph H (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. A.) Potential disposal of City owned real property B.) Pending litigation Before the State of New Mexico Public Employee Labor Relations Board, American Federation of State, County and Municipal Employees, Council 18, ADL-CIO, Local 923 v. City of Española and the City of Española Department of Public Safety, PELRB No. 124-15

G. ADJOURNMENT

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

- End -

Mayor Lucero stated that Item E. No's 2 and 3, proposed for Council consideration and discussion/action would need to be discussed in Executive Session. She further stated that Council could motion to deny or approve both matters after exiting from executive session. Mayor Lucero stated that the presented agenda did not include a segment for public comment. She then explained that Mr. George Martinez affiliated with Citizens for Accessible and Representative Government would need to address the Council in an effort to inform the Governing Body of relative information.

City Attorney Frank Coppler stated that Item E. No. 1, Request of Broadway Construction Company (Dollar General) and City of Española hold harmless defense against interference of hook up to City water/sewer by new Dollar Store, corner of NM 30 and U.S. Hwy. 84/285, would not be heard as the City acknowledged that BROADWAY CONSTRUCTION COMPANY, LLC, anticipates developing the Subject Property for commercial use and that such development requires that Broadway access and tie-in to existing utilities and facilities that lie in the right of way and in the City's property.

City Attorney Frank Coppler further stated that the City has reviewed Broadway's plans to access and tie-in to the Existing Facilities and approves the plans as illustrated. City Attorney Coppler explained that the City shall issue any and all necessary permits or approvals to enable Broadway to access and tie-in to the Existing Facilities and further affirmed that the City avers that it has the authority to grant Broadway any and all necessary approval to access and tie-in to the Existing Facilities.

Councilor Peggy Sue Martinez made a motion to approve the agenda as amended; Including a Public Comment segment, removal of item E. No. 1 further citing Item E, No 2; Potential Disposal of City Owned Real Property, consideration of Memorandum of understanding Between City of Espanola and Krumland Auto Group, Inc. d/b/a Rio Grande, and Item E, No 3; Consideration of Agreement for Legal Services with Bingham Law Firm, pending litigation Before the State of New Mexico Public Employee Labor Relations Board, American Federation of State, County and Municipal Employees, Council 18, ADL-CIO, Local 923 v. City of Española and the City of Española Department of Public Safety, PELRB No. 124-1, to be discussed in executive session prior to approval or denial in open session; 2nd by Councilor Cory Lewis

Motion Carried 7-0

PUBLIC COMMENT *(included during approval of the 12-14-15 CCM Agenda)*

Resident of the Española Valley, George Martinez and member of Citizens for Accessible and Representative Government, stated his name and affiliation for the record. Mr. George Martinez further stated that he along with other affiliated members were requesting the Office of the Santa Fe County Clerk to review and acknowledge proposed annexation documents as to form pursuant to Section 4-33-1 NMSA. He explained that that the Citizens for Accessible and Representative Government was an assembly of registered voters that reside in that section of the City of Española which fell within Santa Fe County.

Mr. George Martinez further stated that given the proximity to Rio Arriba County Services and conversely the distance to Santa Fe County services, the petitioners requested that an election be held in a timely manner to consider annexation of this area into Rio Arriba County. He further explained that "if" approved would take effect January 1, 2017.

Mr. George Martinez handed out materials to the Governing Body, he stated that the proposed petition form included a map accurately describing the Santa Fe County territory proposed to be annexed into Rio Arriba County. He also presented a map showing the relative distances and time travel for residents within the City of Española to Santa Fe County offices versus offices of Rio Arriba County. Mr. Martinez stated that the documents comply with New Mexico Statutes Annotated, Chapter 4 Counties, Article 33 Creation or Change of Counties. He then cited his contact number for the record; 505-603-4097.

Councilor Peggy Sue Martinez stated for the record that she would remain in contact with Citizens for Accessible and Representative Government and inform the Governing Body of further developments. She thanked all involved for their time and valued efforts. Mayor Alice A. Lucero echoed similar comments in support of the efforts.

C. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS /ACTION ITEMS

- ~~1. Request of Broadway Construction Company (Dollar General) that City of Española hold harmless and defend against interference of hook up to City water/sewer by new Dollar Store, corner of NM 30 and U.S. Hwy. 84/285. — City Attorney Frank Coppler~~

D. EXECUTIVE SESSION

Pursuant to NMSA 1978 10-15-1 subparagraph H (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. A.) Potential disposal of City owned real property B.) Pending litigation Before the State of New Mexico Public Employee Labor Relations Board, American Federation of State, County and Municipal Employees, Council 18, ADL-CIO, Local 923 v. City of Española and the City of Española Department of Public Safety, PELRB No. 124-15

Mayor Alice A. Lucero requested that City Clerk Anna Squires be present during executive session. She further stressed that no method of record keeping or note taking would be permitted during executive discussion. City Clerk Anna Squires agreed and acknowledged her presence in executive session.

Motion to enter into Executive Session to discuss Item E. No. 2 Potential Disposal of City Owned Real Property, consideration of Memorandum of understanding Between City of Espanola and Krumland Auto Group, Inc. d/b/a Rio Grande and Item E. No. 3 Consideration of Agreement for Legal Services with Bingham Law Firm, pending litigation Before the State of New Mexico Public Employee Labor Relations Board, American Federation of State, County and Municipal Employees, Council 18, ADL-CIO, Local 923 v. City of Española and the City of Española Department of Public Safety, PELRB No. 124-15 made by Councilor Peggy Sue Martinez and 2nd by Mayor Pro-Tem Pedro Valdez

Roll Call Vote:

<i>Mayor Pro-Tem:</i>	<i>Pedro Valdez</i>	<i>in Favor</i>
<i>Councilors:</i>	<i>Cory Lewis</i>	<i>in Favor</i>
	<i>Michelle R. Martinez</i>	<i>in Favor</i>

*Dennis Tim Salazar in Favor
Adrianna Ortiz in Favor
Peggy Sue Martinez in Favor
John Hernandez in Favor*

Motion Carried 7-0

The Governing Body entered into Executive Session at 6:17 pm

Councilor Michelle R. Martinez made a motion to come out of Executive Session, Motion 2nd by Mayor Pro-Tem Pedro Valdez

Roll Call Vote:

*Mayor Pro-Tem: Pedro Valdez in Favor
Councilors: Cory Lewis in Favor
Michelle R. Martinez in Favor
Dennis Tim Salazar in Favor
Adrianna Ortiz in Favor
Peggy Sue Martinez in Favor
John Hernandez in Favor*

Motion Carried 7-0

The Governing Body came out of Executive Session at 7:02 pm.

E. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS /ACTION ITEMS (CONTINUED)

2. Potential Disposal of City Owned Real Property, consideration of Memorandum of understanding Between City of Espanola and Krumland Auto Group, Inc. d/b/a Rio Grande.

Councilor Michelle R. Martinez made a motion approve the Memorandum of understanding Between City of Espanola and Krumland Auto Group, Inc. d/b/a Rio Grande, Motion 2nd by Councilor Cory Lewis

City Attorney Frank Coppler stated that in disposing of publicly owned property the City of Española must follow the procedures set forth by law and in doing that will go forth as quickly as the invalidity of any provision of the agreement and will not and shall not be deemed to affect the validity of any other provision of this agreement. City Attorney Frank Coppler further stated that “if” any provision of this agreement were held invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

Roll Call Vote:

*Mayor Pro-Tem: Pedro Valdez in Favor
Councilors: Cory Lewis in Favor
Michelle R. Martinez in Favor
Dennis Tim Salazar in Favor
Adrianna Ortiz in Favor
Peggy Sue Martinez in Favor
John Hernandez in Favor*

Motion Carried 7-0

3. Consideration of Agreement for Legal Services with Bingham Law Firm, pending litigation Before the State of New Mexico Public Employee Labor Relations Board, American Federation of State, County and Municipal Employees, Council 18, ADL-CIO, Local 923 v. City of Española and the City of Española Department of Public Safety, PELRB No. 124-15

Mayor Pro-Tem Valdez made a motion approve the Agreement for Legal Services with Bingham Law Firm, pending litigation Before the State of New Mexico Public Employee Labor Relations Board, American Federation of State, County and Municipal Employees, Council 18, ADL-CIO, Local 923 v. City of Española and the City of Española Department of Public Safety, PELRB No. 124-15, Motion 2nd by Councilor Dennis Tim Salazar

City Attorney Frank Coppler stated that Bingham Law Firm has agreed to represent the City in a proceeding titled American Federation of State, County and Municipal Employees, Council 18, AFL-CIO, Local 923 v. City of Espanola and the City of Espanola Department of Public Safety, PELRB No. 124-15.

Roll Call Vote:

Mayor Pro-Tem:	<i>Pedro Valdez</i>	<i>in Favor</i>
Councilors:	<i>Cory Lewis</i>	<i>in Favor</i>
	<i>Michelle R. Martinez</i>	<i>in Favor</i>
	<i>Dennis Tim Salazar</i>	<i>in Favor</i>
	<i>Adrianna Ortiz</i>	<i>in Favor</i>
	<i>Peggy Sue Martinez</i>	<i>in Favor</i>
	<i>John Hernandez</i>	<i>in Favor</i>

Motion Carried 7-0

H. ADJOURNMENT

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Motion to Adjourn made by Mayor Pro-Tem Pedro Valdez and 2nd by Councilor Adrianna Ortiz

Motion Carried 7-0

Meeting adjourned at 7:16 pm

ADOPTED AND APPROVED by the Governing Body of the City of Española this 9th day of February 2016.



Alice Alarid Lucero, Mayor, City of Española

ATTEST:


Anna Squires, City Clerk