

SPECIAL CITY COUNCIL MEETING
FEBRUARY 25TH, 2016, 6PM
PLAZA DE ESPAÑOLA CONVENTO
706 EAST BOND ST, ESPAÑOLA, NM 87532

A. CALL TO ORDER

The meeting was called to order at 6:03 pm by Mayor Alice A. Lucero

B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/ INVOCATION

Mayor Lucero led the moment of Mediation/Invocation.

C. 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

D. 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. COUNCILOR COMMENTS/ ANNOUNCEMENTS**

F. CONSENT AGENDA

- 1. 01-26-16 City Council Meeting Minutes
- 2. 02-01-16 Special Council Meeting Minutes
- 3. 02-09-16 City Council Meeting Minutes

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

- 4. Consideration of Memorandum of Understating (MOU) between the City of Española and the Española Public Schools; aid and repair Bone Cutter Lane, as a result of the school installing a six (6) inch water supply line to feed the Eutimio "Tim" Salazar III Fairview Elementary School.
- City Manager Kelly Duran
- 5. Consideration of Adopting Española Police Department Proposed Policies:
 - a. Firearms– Policy 74.1
- Department of Public Safety Director Richard Gallegos, Sergeant Daniel Espinoza, Officer Greg Esparza
- 6. Approval of Lease, City of Española, Lessee, and Valley Estates Mutual Water and Sewer Association, Lessor, for the Storage of City Emergency Equipment.
- City Attorney Frank Coppler

H. EXECUTIVE SESSION:

7. City Employee Appeal Pertaining to Grievance for reasons set forth in the City Managers Final Notice of Contemplated Disciplinary Action. - *City Attorney Frank Coppler* Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

I. 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 -

Councilor Adrianna Ortiz asked to remove the 02-09-16 City Council Meeting Minutes from the Consent Agenda and place the minutes on the first City Council Meeting following the Organizational Meeting. Councilor Peggy Sue Martinez made the motion to approve the 02-25-16 Special City Council Meeting Agenda amended; 2nd by Councilor Michelle R. Martinez.

Motion Carried 7-0

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

4. **Consideration of Memorandum of Understating (MOU) between the City of Española and the Española Public Schools; aid and repair Bone Cutter Lane, as a result of the school installing a six (6) inch water supply line to feed the Eutimio "Tim" Salazar III Fairview Elementary School.**
- *City Manager Kelly Duran*

Councilor Dennis Tim Salazar made the motion to approve MOU between the City of Española and the Española Public Schools; aid and repair Bone Cutter Lane, as a result of the school installing a six (6) inch water supply line to feed the Eutimio "Tim" Salazar III Fairview Elementary School.; 2nd by Councilor Adrianna Ortiz.

CM Kelly Duran stated that the School(s) and the City roles in serving the public overlap. He further stated that in order for vital economic growth of the City the School must provide up to date facilities for student achievement. CM Kelly Duran stated that the school has requested City assistance in returning a school waterline easement to as good a condition as it was prior to the School installing a new 6 inch main for service to Fairview Elementary School. He further stated that the School had agreed to provide all of the base course material needed for the job and the City has agreed to provide the manpower and equipment.

CM Kelly Duran stated that the City shall have no further obligation with respect to maintenance of the School easement or waterline and neither party of the MOU shall be entitled to any reimbursement or compensation

Motion Carried 7-0

5. **Consideration of Adopting Española Police Department Proposed Policies:**

a. **Firearms– Policy 74.1** - *Department of Public Safety Director Richard Gallegos, Sergeant Daniel Espinoza, Officer Greg Esparza*

Motion by Councilor Michelle R. Martínez to approve Española Police Department Proposed Policy; a. Firearms– Policy 74.1 as presented with legal changes; 2nd by Councilor Cory Lewis

Councilor Peggy Sue Martinez questioned the authorized rifles; DPMS Model AR-10, Bushmaster Model AR-15 (?) Chief Richard Gallegos stated that the weapons mentioned were the property of the City of Española, and issued by the Española Police Department. He continued to state that the Rifles were not the property of the City of Española and were not issued by the Española Police Department; he further stated that successful passing of the rifle qualification course with the electronic sight was required prior to duty-use of the weapon.

Councilor Peggy Sue Martinez questioned carrying off-duty weapons (?)

Chief Richard Gallegos stated that sworn police officers of the Española Police Department who have successfully completed and have been duly certified by the New Mexico Law Enforcement Academy, and have successfully completed the Police Department Field Training Officer Program will be authorized to carry a handgun on their person while off-duty. He further stated that armed, off-duty officers shall at all times have in their possession their department-issued ID/commission card and their badge.

Sergeant Daniel Espinoza stated that the weapon must be registered with the department's Range Master/Armorer and shall be worn as inconspicuously as possible.

Officer Greg Esparza stated that qualification(s) with the off-duty weapon through a department Firearms Instructor shall be completed prior to the weapon being used for off-duty purposes.

Motion Carried 7-0

6. Approval of Lease, City of Española, Lessee, and Valley Estates Mutual Water and Sewer Association, Lessor, for the Storage of City Emergency Equipment. *City Attorney Frank Coppler*

City Manager Kelly Duran stated that the City had parked/stored its fire suppression equipment in the real property since 1988. He further state that he the roof was in need of repair and was 375 square feet occupied by Lessee.

City Attorney Frank Coppler stated that the Lessor allowed the Lessee (City) the use of 375 square feet of the 750 square foot building for parking/storage of fire suppression equipment from 1988 to January 31, 2015, Lessee agrees to reimburse Lessor \$6,808.38 for the roof repairs/replacement. City Attorney Frank Coppler stated that the Lessor would grant to the Lessee a 25 year lease of 375 of the 750 square feet of Lessors' building (Leased Property) beginning February 1, 2015, ending January 31, 2040. The monthly rent for the twenty five (25) year renewal term hereof shall be \$200.00 per month.

City Manager Kelly Duran stated that the yearly rental of \$2,400.00 would be payable in advance on or before January 31, of each year. He further stated that the Lessor's (City's) construction shall not be initiated without zoning and building permits issued by Lessee and shall not be occupied or used prior to a certificate of occupancy issued by Lessee.

Motion by Councilor Adrianna Ortiz to approve Lease, City of Española, Lessee, and Valley Estates Mutual Water and Sewer Association, Lessor, for the Storage of City Emergency Equipment.; 2nd by Councilor Cory Lewis

Motion Carried 7-0

H. EXECUTIVE SESSION:

8. City Employee Appeal Pertaining to Grievance for reasons set forth in the City Managers Final Notice of Contemplated Disciplinary Action. - City Attorney Frank Coppler

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body

Motion to move into Executive Session at 6:58 pm made by Councilor Cory Lewis and 2nd by Mayor Pro-Tem Pedro Valdez

Roll Call Vote:

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

Motion Carried 7-0

Councilor Peggy Sue Martinez made a motion to come out of Executive Session, Motion 2nd by Mayor Pro Tem Pedro Valdez

Roll Call Vote:

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

Motion Carried 7-0

The Governing Body came out of Executive Session at 8:25 pm.

Mayor Alice A. Lucero stated; Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters, there was no action taken in Executive Session.

Councilor Cory Lewis made a motion to terminate the General Services Director for reasons contained within the City Managers Final Notice of Contemplated Disciplinary Action; 2nd Mayor Pro-Tem Pedro Valdez.

Roll Call Vote:

Mayor Pro-Tem

Councilors:

Pedro Valdez-in favor

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

I. ADJOURNMENT

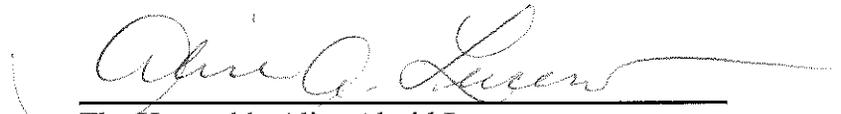
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Motion to Adjourn made by Mayor Pro-Tem Pedro Valdez; 2nd by Councilor Adrianna Ortiz

Motion Carried 7-0

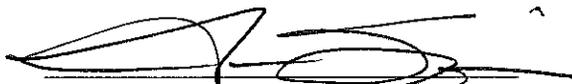
Meeting adjourned at 8:26 pm

ADOPTED AND APPROVED by the Governing Body of the City of Española this 26th day of April, 2016.



 The Honorable Alice Alarid Lucero
 Mayor, City of Española

ATTEST:



 Anna Squires, City Clerk

