



**WORK SESSION- OCTOBER 14, 2014
MEETING COMMENCED AFTER COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM**

A. CALL TO ORDER

The work session was called to order at 7:53pm by Mayor Alice A. Lucero.

B. ROLL CALL/DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

- Mayor: Alice A. Lucero
- Councilors: Eric Radosevich
- Michelle R. Martinez
- Cory Lewis
- Adrianna Ortiz
- Peggy Sue Martinez
- John Hernandez

- Absent: Mayor Pro-Tem Pedro Valdez
- Councilor Dennis Tim Salazar

C. APPROVAL OF AGENDA

Agenda as presented:

---Begin---

- A. CALL TO ORDER**
- B. ROLL CALL/ DETERMINATION OF QUORUM**
- C. APPROVAL OF AGENDA**
- D. DISCUSSION**
 - 1. Parks and Recreation Policy and Procedures Review-Mark Trujillo, Community Services Director
- E. ADJOURNMENT**

At any time during the meeting the Governing Body may decide to enter into Executive Session Pursuant to New Mexico Open meeting 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 of water rights by the public body.

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--

Community Services Director (CSD) Mark Trujillo handed out a revised copy of the Parks and Recreation Policy & Procedures prior to the meeting because minor changes were made.

Councilor Ortiz questioned if the copy provided in the packet had been amended. CSD Trujillo replied in the affirmative. Councilor Ortiz stated that she was inclined to accept the revised version because she did not want to contribute to further delays and explained that packet materials were to be provided in advance so that Council could prepare prior to meetings.

CSD Trujillo apologized to the Governing Body for the inconvenience and stated that he was only

attempting to make an honest effort to communicate additional changes. Mayor Lucero concurred with Councilor Ortiz and stated that changes could have been discussed and revised during the meeting. Mayor Lucero clarified that no action would take place during the Work Session.

Motion by Councilor Radosevich to approve the agenda; seconded by Councilor Peggy Sue Martinez.

Motion Carried 6-0.

D. DISCUSSION

1. Parks and Recreation Policy & Procedures Review – CSD Mark Trujillo.

Councilor Radosevich cited page five (5) and six (6) of the City of Española Parks, Recreation, & Regional Sportsplex Permit Application/Rental Guidelines. He stated that numbers one (1) through eighteen (18) were all standard operating procedures and should not be amended further.

Councilor Radosevich cited page six (6), item nineteen (19) and stated that the article should be omitted because tournaments should be encouraged. He mentioned page six (6) number(s) twenty five (25), twenty six (26) and twenty seven (27). He stated that number twenty five (25) should be omitted because the language appeared redundant. Councilor Radosevich requested that numbers twenty six (26) and twenty seven (27) be combined to state, “any rubber soled shoes will be allowed on City ballpark(s). Metal spikes and/or cleats will be allowed on any natural surface park but will not be allowed at the Sportsplex due to the synthetic surface.”

Councilor Lewis exited at 7:55pm.

Councilor Radosevich stated that number twenty eight (28) should be omitted on page six (6) because he did not believe it would be efficient to have the coordinators of the potential tournaments go before Council or Committee every time a tournament was to be developed. Councilor Radosevich stated that he believed the requested act would deter from potential revenues and future activity.

Councilor Lewis re-entered at 7:56pm.

Councilor Michelle R. Martinez questioned whether or not the field would be allowed for the use of practice as number twenty eight (28) defined. She suggested that the use of the fields for practices remain and the portion which read “unless City Council approved” be omitted. Councilor Radosevich agreed.

CSD Trujillo stated that he would appreciate the review of the agreement from the beginning. He suggested that Council review and recite changes from page one (1).

CSD Trujillo stated that the opening on page one (1) had been discussed and agreed upon. He further stated that the title would read “City of Española Administrative Policies, Procedures and Permit Application for Parks and Sports Facilities.” He referred to page two (2) and explained that “Permit Application” was added to the Facility Usage Policy. Councilor Ortiz recommended that the top left title of page three (3) be corrected. CSD Mark Trujillo replied in the affirmative and thanked Councilor Ortiz for catching the oversight.

City Attorney Coppler cited page six (6), item twenty three (23). He questioned whether or not the use of alcohol was going to be permitted and stated that if so, security should also be a factor so as to

protect the City from any potential liability. Councilor Ortiz stated that the subject should also be included within the table of contents.

City Manager Kelly Duran stated that the use of alcohol was also listed on page nine (9) as part of the questionnaire and the subject of the use of alcohol was embedded within City Policy. Councilor Michelle R. Martinez agreed with City Manager Duran. Councilor Michelle R. Martinez recommended that CSD Trujillo specify his changes to the policy agreement regarding the use of alcohol. She added that discussions as well as other suggested points were becoming redundant. Mayor Lucero agreed with Councilor Michelle R. Martinez.

CSD Trujillo noted page three (3), Section B which stated, "City employee or designee must be available onsite or on call at all times during event." He expressed the strong belief that the language should remain as a designated person and/or a City employee present during an activity would deter and handle potential problems and/or liabilities. Councilor Peggy Sue Martinez agreed with CSD Trujillo and stated that the language on page three (3) Section B; should also include "Permitted use during normal weekdays and weekends not available during City or Government Holidays." She explained that there could be issues within the current budget which posed problems to fund the manned hours for a City employee during designated holidays. She also stated that the budget did not accommodate for overtime pay. CSD Trujillo agreed with Councilor Peggy Sue Martinez and stated that overtime would be a definite factor as the funding was not available.

CSD Trujillo cited page five (5), number thirteen (13) and stated that it was important to designate and impose a fee for a clean-up/damage.

Councilor Ortiz stated that the language on page five (5), numbers one (1) and eight (8) was redundant. CSD Trujillo agreed with Councilor Ortiz.

CSD Trujillo stated that page six (6) was previously discussed and addressed by Councilor Radosevich, as were numbers twenty five (25) through twenty eight (28). Councilor Ortiz suggested that on page six (6), numbers twenty two (22) and twenty four (24) be combined to read, "No outside food will be sold at complex unless the additional fee is paid. All proper licensing and required permits must be obtained prior to the selling of food."

City Attorney Coppler cited page six (6), item twenty three (23) and recommended that the word "illicit" be changed to "illegal." CSD Mark Trujillo replied in the affirmative.

Councilor Peggy Sue Martinez recommended that page six (6), article twenty three (23) include the phrase "and the laws set forth by the State of New Mexico." She suggested that the phrase be added to the combination of items twenty two (22) and twenty four (24). CSD Mark Trujillo replied in the affirmative.

CSD Mark Trujillo noted page six (6), number thirty (30) and stated that the policy had been discussed previously by Council and should remain on the policy whether or not it was currently applicable. City Manager Duran concurred with CSD Mark Trujillo and further stated that the Parks and Recreation Policy & Procedures agreement would serve as a sound structural guideline to follow in the event of policy changes. He stated that the agreement served as a caveat while City services and policy continued to evolve. City Manager Duran explained that each potential sponsor could be handled on a case by case basis when the application was reviewed.

Councilor Radosevich stated that he would like to omit number thirty one (31) on page six (6) and

explained that most players were aware of USSSA rules. CSD Trujillo stated that the item addressed person(s) who were not aware of USSSA rules. He further stated that under the policy, number thirty one (31) covered the City by providing information through an informative website link. City Attorney Coppler agreed with CSD Trujillo.

City Attorney Coppler cited page seven (7), number thirty six (36) and stated that the language "*An individual or group using the facility is responsible for*" should read "*A sponsor or group using the facility is responsible for.*" He continued to state that the language was repeated within the underlined portion of page seven (7) and needed to be changed. City Attorney Coppler clarified that the word "*individual*" needed to be changed to "*sponsor.*"

Councilor Radosevich disagreed with the terminology offered by City Attorney Coppler and expressed the belief that the language would serve to discourage activity and economic development within the ballparks. He opined that the average person and/or sponsor would not be inclined to purchase insurance for the use of the Sportsplex for a weekend tournament.

City Attorney Coppler stated that he only advised Council from a legal standpoint and expressed the opinion that he foresaw potential liability issues. City Attorney Coppler stated that if insurance was not required by the sponsor and an incident or accidents were to occur at any ballpark, the City could be liable. He further expressed that a signed waiver would not be effective protection against any foreseeable lawsuit.

Mayor Lucero stated that Councilor Ortiz had the foresight to research the matter prior to the Work Session and had acquired a Release of Liability Agreement which the County of Los Alamos used.

Councilor Ortiz stated that she would be happy to provide a copy of the Release of Liability Agreement to City Attorney Coppler and CSD Trujillo in an effort to develop a disclaimer within the language of the policy agreement which stipulated the insurance requirement.

City Attorney Coppler stated that the language provided within the Release of Liability Agreement for Los Alamos County could be altered and revised for inclusion provided that the City Manager review the permit applications on a case by case basis to determine if appropriate insurance was provided or necessary. City Attorney Coppler stated that the City Manager would also determine if permit applications needed the approval of full Council.

CSD Trujillo stated that he would communicate with City Attorney Coppler to help refine the liability language on page seven (7) and present the final changes for Council approval at a later date.

Councilor Lewis cited page six (6), number thirty five (35) and suggested that the phrase "sexual orientation" be added in an effort to comply with current EEOC standards. CSD Trujillo replied in the affirmative. Councilor Lewis cited page eight (8) and suggested that the phrase "Council Approval" be changed to read "City Manager Approval." He commented that it would be more productive and less time consuming to allow the City Manager discretion when permitting 24 hour tournaments.

Mayor Lucero cited page eight (8) and stated that the phrase "Council Approval" needed to be omitted from the section regarding rates.

Councilor Michelle R. Martinez asked if the rates provided were comparable to those of other surrounding Municipalities. CSD Trujillo replied in the affirmative and stated that the rates provided had dropped by approximately half. He reported that he had researched rates and fee amounts from Rio Rancho, Taos and White Rock.

Councilor Radosevich asked that the question "*Will Portable Sanitary facilities be needed?*" be omitted from page nine (9) of the City of Española Parks, Recreation & Regional Sportsplex Rental/ Permit Application. CSD Mark Trujillo replied in the affirmative.

Councilor Ortiz asked CSD Trujillo whether or not electricity fees were determined or addressed for other City Parks. CSD Trujillo stated that the issue needed to be addressed at some point because the City had historically lost monies because fees were not required.

Councilor Michelle R. Martinez cited page nine (9) and stated that in order for continuity to be maintained, the question "*Will insurance be provided?*" needed to be changed to "*Will insurance be required?*" She further stated that the question "*Will alcohol be allowed?*" be changed to read "*Will A Special Use Permit for the use of alcohol be requested?*" CSD Mark Trujillo replied in the affirmative.

E. ADJOURNMENT

Motion by Councilor Lewis to adjourn; seconded by Councilor Michelle R. Martinez.

Motion carried 6-0.

Meeting Adjourned at 8:35 pm.

SIGNED, ADOPTED AND APPROVED THIS 24TH DAY OF NOVEMBER,
2014


Alice A. Lucero, Mayor

ATTEST


Anna Squires, Deputy City Clerk

