

REGULAR CITY COUNCIL MEETING

April 5, 2010

6:00 P.M.

Mayor Rudy Jaramillo called the Regular Meeting of the Belen City Council to order at 6:00 P.M. Roll call taken by Mary Lucy Baca, Interim City Manager.

PRESENT:

Mayor, Rudy Jaramillo
Mayor Pro-Tem, Wayne Gallegos
Councilor, Mary T. Aragon
Councilor, Jerah R. Cordova
Councilor Lorenzo Carrillo

CITY STAFF:

Mary Lucy Baca, Interim City Manager
Audrey Torres, CMC Deputy Clerk
Michael Steininger, Finance Director
Roseann Peralta, Finance Department
Mike Chavez, Chief of Police
Manny Garcia, Fire Chief
Lenore Pena, Risk Manager
Robert Uecker, Airport Manager
Kathy Peoples, Fire Department
Luke Crawford, Fire Department
Robert Miller, Police Department
Jonathan Abeita, Police Department
Eddie Jaramillo, Police Department

OTHERS:

Norman McDonald, City Attorney
Brent Ruffner, VCNB
Gilbert Tabet, Circle T
Joe M. Saiz, Citizen
Nino Trujillo, Nino Trujillo & Co.
Martha Saiz, Citizen
Randy and Priscilla Krause, Citizens
Dianne & Helen Mattson, Citizens
Albert & Alice Chavez, Our Tomorrow
Randy Gettings, Citizen
Lorie ?, Citizen
Linda Erickson, Task Force-Child Abuse Prevention
Jim Wood, Coast Range Investments, Rancho Cielo
Loretta Tollefson, MRCOG
Gloria Sanchez, Citizen Volunteer
Sonny Sanchez, Citizen Volunteer

Sals Martinez, Citizen
Anthony Savilla, Citizen
Tamara Haas, NMDOT
David Pennington, MRCOG-Los Lunas Corridor Study
John Salazar, NMDP

PLEDGE OF ALLEGIANCE:

Mayor Rudy Jaramillo asked Albert Chavez to lead the pledge of allegiance.

APPROVAL OF AGENDA:

Mayor Rudy Jaramillo requested approval of tonight's agenda Councilor Jerah Cordova moved to approve the agenda. Councilor Mary Aragon seconds the motion, motion carried.

APPROVAL OF MINUTES:

Regular Meeting: March 1, 2010

Mayor Rudy Jaramillo requested approval of minutes for March 1, 2010. Mayor Pro-Tem Wayne Gallegos moved to approve the minutes. Councilor Lorenzo Carrillo seconds the motion, motion carried.

APPROVAL OF MINUTES:

Special Meeting: March 8, 2010

Mayor Rudy Jaramillo requested approval of minutes for March 8, 2010. Councilor Mary Aragon moved to approve the minutes. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carried.

APPROVAL OF MINUTES:

Regular Meeting: March 15, 2010

Mayor Rudy Jaramillo requested approval of minutes for March 15, 2010. Mayor Pro-Tem Wayne Gallegos moved to approve the minutes. Councilor Lorenzo Carrillo seconds the motion, motion carried.

APPROVAL OF MINUTES:

Special Meeting: March 22, 2010

Mayor Rudy Jaramillo requested approval of minutes for February 15, 2010. Mayor Pro-Tem Wayne Gallegos moved to approve the minutes. Councilor Mary Aragon seconds the motion, motion carried.

PUBLIC COMMENT

Mayor Rudy Jaramillo read the next agenda item in reference to public comment and advised it is limited to two minutes and asked at this time if there were any.

Gloria Sanchez: apologized for interrupting the special meeting on March 22, 2010 it was not her intent and wondered why her “interruption” was noted in the local paper as it was her thought it was not newsworthy nevertheless her intentions were not to interrupt the meeting. Her intent was to simply thank Manny and Mike for their support and professionalism when dealing with her as a volunteer.

She asked that the City Attorney to consider the citizens and properly announce the legality of the procedure before any special meetings begin. It was her opinion the meeting was a closed door meeting, the only difference being the doors were invisible. She additionally asked if special meetings are held that the public be allowed to comment.

In reference to the upcoming 911 Ceremony she has been communicating with Manny Garcia, Fire Chief and as soon as they have a firm program they will present it to City Council and it will be placed on the agenda. The 911 Committee consists of Gloria Sanchez, Chief Manny Garcia and Sonny Sanchez and it is her understanding Manny will be coordinating with Lenore Pena on the needed resources from the City. The panels to be placed on the limestone have arrived and are stored at City Hall.

Mayor Rudy Jaramillo assured Gloria Sanchez that in the future there will be a public comment section on all regular and special meetings.

Albert Chavez: commented on Code Enforcement, he mentioned that it is not being enforced because “we have a trashy Belen” there are citizens that have junk yards and it is unfair to those citizens who try to keep a clean yard and then across the street there is a junk yard. He distributed a copy of a violation he was given, a copy of which is attached hereto and made an integral part of these minutes by reference. He wanted code enforcement to be distributed equally among all violators.

Another issue is ATV’s they are like honeybees pollinating on weekends. They are a nuisance the kids are a nuisance they have no respect they do not have a license to be utilizing public roadway. They are driving on public roads without respect to motor vehicles.

Michael Mcconaghy: commented he represented the El Cerro Neighborhood Association as president of said organization. They are definitely against a bridge being built primarily because of the economy and the expansion of Los Lunas on the west side and not on the east side. Referring to the ensuing update presentation, on the corridor study, he mentioned the information is unsustainable by tax base additionally recommendations were made to change the timing of the traffic lights because of a foreseen problem on Hwy 6 which is the main business thoroughfare through Los Lunas from 47 to I 25, another suggestion was to widen the roadway, and also make the speed limit uniform to name a few.

Randy Gettings: thanked the administration for the swift progress on the speed humps on Esperanza Street. He appreciates it and so do his neighbors.

Mayor Rudy Jaramillo asked if there were any other public comment, none were presented public comment session was closed.

EMPLOYEE OF THE FIRST QUARTER 2010: Mayor Pro-Tem Wayne Gallegos

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of employee of the first quarter. Mayor Pro-Tem Wayne Gallegos read a letter aloud to Luke Crawford employee of the first quarter 2010 a copy of which is attached hereto and made an integral part of these minutes by reference.

PRESENTATION OF CHILD ABUSE PREVENTION PROCLAMATION: Mayor Rudy Jaramillo

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of child abuse prevention proclamation and read the proclamation aloud, a copy of which is attached hereto and made an integral part of these minutes by reference. Linda Erickson welcomed everyone to the new council and appreciated their hard work. Child abuse prevention is a key component in making sure kids stay safe and unfortunately is one of the highest in the nation with child abuse reported cases, unfortunately Valencia County has some of the more severe child abuse cases in the state. Linda also found out that Joe Sais, Belen Fire Department, is also part of a group from Bosque Farms called PITCH-protecting the innocent through community help, they are going to look into partnering with them as well.

UPDATE ON THE LOS LUNAS CORRIDOR STUDY, A PROPOSED NEW EAST/WEST ALIGNMENT IN VALENCIA COUNTY: Loretta Tollefson, Mid-Region Council of Governments & Dave Pennington, D. Pennington and Associates.

Mayor Rudy Jaramillo read the next agenda item in reference to an update on the Los Lunas Corridor Study, a proposed new east/west alignment in Valencia County. Loretta Tollefson, Mid Region Council of Governments project manager, advised the purpose of the study is to provide relief for congestion on NM6 between I25 and NM47 through the Village. The Village of Los Lunas is the lead agency for the study they contracted with the MRCOG to manage the study and in turn MRCOG contracted with Dave Penning & Associates to act as a lead consultant for the consulting team. The study has been in the process for about a year and they would like to inform the new council on progress and the next steps in the process.

Dave Pennington thanked the council for the opportunity to brief them on the project as the City of Belen is indirectly affected. This project is being proposed because of congestion and anticipated future congestion on Main Street to the Village of Los Lunas. The traffic on Main

Street is beginning to show signs of congestion and the projections are that the traffic volume will increase. Mr. Pennington distributed a handout names the Los Lunas Corridor Study and

explained the information at length. A copy of the study is attached hereto and made an integral part of these minutes by reference.

Councilor Jerah Cordova had several questions on the proposed routes and was advised by Mr. Pennington his concerns would be noted. Mr. Pennington wanted everyone to understand this was a working document and information has changed several times because of questions, comments at public meetings.

DISCUSSION: RANCHO CIELO, NORTH BELEN INTERCHANGE AND SIGNET SOLAR: Mayor Rudy Jaramillo

Mayor Rudy Jaramillo read the next agenda item in reference to discussion of Rancho Cielo, North Belen Interchange and Signet Solar. Jim Wood, Executive Vice President of Coast Range Investments whose project is Rancho Cielo. He made a presentation on the condition and status of Signet Solar as requested. Coast Range contacted Signet Solar and brought them to NM in October of 2008 at which time Signet Solar was planning to place a plant in China. Signet Solar is an American company and a producer of photo voltaic panels. A lengthy discussion ensued as to the history of the company and a timeline of the loan application to DOE.

Signet Solar was expecting to build once the Department of Energy approved the loan. Signet Solar, NMDOT, Coast Range and the City of Belen entered into an agreement for the project. When the loan was not approved through the Department of Energy Signet Solar pulled out of the agreement which left the other parties to the agreement to complete the project which had already started.

Councilor Jerah Cordova questioned the delay of the project and advised by Mr. Wood one was because of the railroad not allowing construction between the months of October and January. Councilor Jerah Cordova additionally requested information from Mr. Wood, Coast Range, as to why they did not place the appropriate amount of funds into escrow as noted in the agreement. A lengthy discussion ensued as to the “agreement” or “contract” which was signed by all parties as stated earlier. Attorney for Coast Range advised that agreements are not contracts.

Councilor Jerah Cordova asked City Attorney Norm McDonald if he agreed with the statement that agreements are not contracts. Mr. McDonald advised an agreement can be a contract and it is largely semantics, what controls is what is inside the four corners of the document itself and he is correct when he advised anyone could walk away when they feel that the other party did not fulfill the terms. The language where escrow was required in his opinion is mandatory language, the original agreement stated “shall” the amended agreement stated “will” and there were preconditions but nowhere in the agreement did it state having a user was a precondition, Signet Solar is not mentioned. There are preconditions which look to have largely been met and it can be construed to say that the DOT did not fulfill the terms of the agreement because it let the project without requiring the escrow.

Mr. Jim Wood advised they have been working with NMDOT and on a positive note they intend to complete the project.

Councilor Mary Aragon asked why an agreement was in place instead of a contract. City Attorney, Norm McDonald advised it is his opinion that it is a contract the terms are interchangeable. There are obligations and commitments by the three parties to it, the problem is what remedy is available for non-compliance with the terms of the agreement. The language is clear that the escrow should have been set up before letting of the project.

Councilor Jerah Cordova noted that he was aware there was an escrow deposit agreement that was in the works and asked what happened. Norm McDonald recalled a draft of the agreement and the only thing he recalled was who was going to be the escrow agent.

Mayor Rudy Jaramillo said he knew NMDOT was in discussions with the City of Belen and Rancho Cielo before Signet Solar came into the picture and the interchange was going to occur and Rancho Cielo was going to make the interchange. Somehow NMDOT found funding for Rancho Cielo to proceed. He knew there were no written contracts but he was on the Council at that time when all of those discussions were coming up and then the City annexed. What happened?

Jim Wood advised they have expended in excess of forty million dollars and they have less than five million and some of the things they did include was buying excess land and other costs that were involved and now they are at the point at the end to lose their financial viability or complete the interchange. With today's time being what it is the times have changed and finances have changed. In 2005 the funding was available and the first four million was provided by the legislature which we are very grateful for. Now it is going to cost more than four million to finish the interchange but we intend to do it. They are looking at bringing a user in to complete the interchange because that is the financial position they are in.

Tammy Haas, the newly appointed District Engineer for District 3 advised they did let the project in cooperation with the City of Belen. It was a capital outlay project that started and it is her understanding it was a total of four million dollars a portion of which was used for engineering of the project. The fast track of the project was to avoid the problem with the railroad. She had no information as to why the funding was not put escrow. It is also her understanding that by July or sooner AS Horner should have the project complete with the funding available. The project at this point is the widening of the bridge over the railroad overpass.

Representative Barela mentioned this was an important issue and we are looking at phasing the project at this time but the ball is moving and there is no cost to the City of Belen. This project is a winner for Belen we need to move the City of Belen forward.

Senator Sanchez mentioned he was not here to give a political speech, nor is he present to give legal advice he is here to ask a couple of questions and make a couple of comments and ask, in due time, who these people are and how this happened. He wanted to know who NM

Development Partners is and the members of, also who wrote the agreement because it is interesting as to the preconditions.

Senator Sanchez also mentioned he wanted to dispel a rumor that some people have tried to pin on him and say that he is against jobs coming into Belen and that he has bought Signet Solar that is an absolute fabrication, it is a lie there is nothing further from the truth. He continued to give history on the original “happening”. He said he was present because he has in his legislative history not liked giving taxpayer money to private developers.

He continued stating that Rancho Cielo is really good at hiring Belen citizens as Nino, Michael Castillo and John Salazar are all Belen citizens and continued to say that he believes that John Salazar really knows why Belen received three interchanges and Los Lunas only got one. It was his assumption that the next legislative session will contain a capital outlay bill to complete the project.

Jim Wood wanted to make clear that he did agree to donate all the land for the schools and not building of the schools.

FINANCE DEPARTMENT REPORT: Michael Steininger, Finance Director

Mayor Rudy Jaramillo read the next agenda item in reference to a Finance department report. Michael Steininger, Finance Director distributed reports and said he was present to primarily address two items that were brought up in the March 15, 2010 financial update. One question was where did the money from the bond fund go, he provided a summary of the distribution, a copy of which is attached hereto and made an integral part of these minutes by reference. The other question was on the original budget for the Camino Del Llano project which was also included in the report as specified above it is an integral part of these minutes by reference.

Mayor Pro-Tem asked “what was the total allowed on Camino Del Llano”. Michael Steininger advised it was 4.5 million specifically for Camino Del Llano and 428 thousand for the storm drain match for a total of 4 million 925 thousand that being the City’s portion of it.

Michael Steininger, Finance Director advised some people were under the impression that the original budget for the project was six million dollars. The only consistent numbers researched were 5.2 million-there is a 4 million dollar CD set aside of which 3.5 is still available-there was 1.2 million in Corp of Engineer funds-there was one document stating there was ¼ of a million dollars in state appropriation money from 2005 and there was another document which stated there was 400 thousand dollars in city match which is referred to as the storm drain match. The budget since the inception is 5 million 237 thousand 500 the difference being 400 thousand for the storm drain match and ½ million between the 2008 and what was actually pledged for the project. We have drawn down \$697,223.81 from the corp of engineer.

Mayor Rudy Jaramillo advised we need to get together with supervisors as soon as possible and begin working on the budget it is a serious situation. Councilor Lorenzo Carrillo wanted to emphasize we are giving the department heads the opportunity to take a good hard look to what

they can do to help with all departments are included and they need to take the situation seriously. Mary Aragon agreed with Lorenzo.

INFORMATIONAL ITEMS:

CITY MANAGER'S REPORT

The City Managers report is attached hereto and made an integral part of these minutes by reference.

COMMUNICATIONS FROM CITY COUNCIL:

Councilor Mary Aragon: commented the council went to the Belen School board on Tuesday evening, as invited, where they were asked if the City would cooperate with them on projects, which was agreed and in turn the Belen School board was also willing to help the City. Councilor Lorenzo Carrillo added that although there was a quorum present at this meeting there was no City business discussed.

Councilor Jerah Cordova: commented he had a citizen who approached him in reference to a concern on fatal accident investigations, accident reconstruction and whether or not the City extracts data from the black boxes that are in the vehicles after fatal accidents. He has been researching the issue and has visited all of the police departments within the county and requested information from them related to their fatal accident investigations, at some point he may be bringing this issue before the council for discussion.

Mayor Rudy Jaramillo: the meeting with the school board went well after which he met with Dr. Real along with Mike Vallejos of the Chamber of Commerce to also partner with the school and they were excited to try to get the schools to educate not just the teachers but the youth on spending money within the county, there are plans to set up a committee to do that for them.

He was asked to speak with the Boy's and Girl's club at Merced it was interesting and they had intelligent questions on being a Mayor and on things they were concerned about. He was asked a question on if he had just started doing the speaking and he advised he has been doing that for many years.

He also distributed food baskets with Jose Campos Senior Center Director and it was amazing on how much food is distributed to the seniors which are in need.

On Good Friday he and Councilor Gallegos met with Congressman Teague, along with City Engineer John Best and they toured the Eagle Tank and he is concerned and is trying to aid in funding through Washington for the project.

Congratulations to Luke Crawford on employee of the quarter.

Mayor Pro-Tem Wayne Gallegos: asked to please keep his family in prayer as his father in law recently passed away after a long fight with cancer. As mentioned by Mayor Rudy Jaramillo he also met with Congressman Teague on the issue with the Eagle Tank.

He was in attendance at the District 8 meeting, which the City falls under; every councilor except for Jerah was in attendance. It was a follow up to legislation that was passed and how it will affect the city which is good information, Lucy and Audrey were also in attendance and Michael. Thanks to the finance department especially to Roseann who worked hard on the information for the Council, all the information is essential and she waited to make sure no other information was required.

He also attended the meeting with the County along with Mayor Jaramillo on another partnership deal where they are trying to get ideas together to do a community kitchen for the area. This helps anyone who needs to use the certified kitchen for example if they want to get started in a business. They are trying to partnership with Kenny Griego, Valencia County, also with Jose Campos, Older American Program, and they are trying to identify which kitchens are available at this time nothing was decided.

Mayor Rudy Jaramillo wanted to add to the community kitchen information, there are many individuals who are at the Farmers Market and they make jellies and the like so this is what the purpose of the community kitchen.

Councilor Lorenzo Carrillo: thanked the City the administration and the department heads he has been in contact with several of them and they have been very supportive in providing information he has requested to help him learn and get up to speed. He was pleased that information he gathered has dispelled some of the concerns he has heard from the community not all but most of them. He had issues/concerns and the Fire Chief did address them.

He did want to state that in the future he is not going to respond to concerns anymore unless there is a name and contact information to identify the citizen. But he does appreciate the concern but it is only fair to know their identity.

Mayor Rudy Jaramillo added there was a substation in Jarales named after one of the Deputy Sheriff who was killed at the Two Minute Warning a few years ago. It was attended by the late deputy's family, himself the police chief, police officers and others.

He also received a call on Saturday that people do not want to come through Belen because the police department does not have anything better to do, they should be addressing crime more, but they were using the radar on River Road and one family was having a party and five of those members had received a citation. He jokingly advised them he was grateful they were on River Road and not in his neighborhood, he also told them the City is going to be like Bosque Farms we are not going to come through Belen because we are going to be issued a ticket, but it is a good thing.

EXECUTIVE SESSION:

Mayor Rudy Jaramillo read the next agenda item and called for executive session to discuss limited personnel matters and threatened or pending litigation. Councilor Mary Aragon moved to exit into executive session. Mayor Pro-Tem Wayne Gallegos seconds the motion.

Councilor Lorenzo Carrillo	Yes	
Councilor Wayne Gallegos	Yes	
Mayor Rudy Jaramillo	Yes	
Councilor Jerah R. Cordova	Yes	
Councilor Mary T. Aragon	Yes	motion carried.

Mayor Rudy Jaramillo asked for a motion to return from executive session. Councilor Jerah Cordova moved to reconvene into regular session from executive session. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carried.

Mayor Rudy Jaramillo asked for a motion of discussion in executive session. Councilor Jerah Cordova advised in closed session they discussed limited personnel matters and threatened or pending litigation and stated for the record that no action was taken. Mayor Pro-Tem Wayne Gallegos second the motion, motion carried.

ADJOURNMENT:

Mayor Rudy Jaramillo asked for a motion to adjourn tonight's meeting.

Mayor Rudy Jaramillo moved to adjourn this meeting. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carried.

/s/
Rudy Jaramillo, Mayor

ATTEST:

/s/
Mary Lucy Baca, Interim City Manager

Transcribed by:
Audrey D. Torres, CMC Deputy Clerk
Procurement Specialist