

REGULAR CITY COUNCIL MEETING

August 1, 2011

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 Leona Vigil, Deputy Clerk.

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

CITY STAFF: Mary Lucy Baca, Interim City Manager, CMC
Leona Vigil, Deputy Clerk
Bertha Flores, RSVP Director
Manny Garcia, Fire Chief
Roseann Peralta, Finance Clerk
Lawrence Kaneshiro, IT Specialist
Yvette Padilla, Judicial Clerk
Kathy Savilla, Judge
Michael Steininger, Finance Director
Andrew DiCamillo, P & Z Director
Marcia Amaro, Utilities Supervisor
Dan Robb, Police Chief
Lenore Pena, Safety Director

REPORTER: Brent Ruffner, VCNB

OTHERS: Nicole Peralta
Michael & Sabrina Botts
Gloria Mendez, Citizen
Gilbert Tabet, Circle T
Carol Huston, Citizen
Ronnie Torres, Citizen
Sals Martinez, Citizen
Jay Peters, Citizen
Loedi Silva, a Higher Class Carpet Cleaning

PLEDGE OF ALLEGIANCE:
Mayor Rudy Jaramillo led the Pledge of Allegiance.

APPROVAL OF AGENDA:
Mayor Rudy Jaramillo reported that there has been a change in the Agenda's format, and he needed to make a few corrections. First, the approval of agenda was left out. Second, if we could move the TIF Policies and

Procedures under line number one and make it number two. And if we could move the Proposed Transfer Station Ordinance by Councilor Carrillo and Marcia to be number three. With the things that are occurring with the water if we could have an executive session right after communication from the City Council for threatening litigation. With that, do I have a motion to approve the Agenda? A motion was made by Jerah Cordova to approve the agenda. Councilor Mary Aragon seconds the motion. Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor Lorenzo Carrillo	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion carried

PUBLIC COMMENTS:

Councilor Lorenzo Carrillo stated that we need proper signage in this room that we are under video surveillance.

Manny Garcia informed the City Council that the burn ban for Valencia County has been lifted over the weekend. The Fire Department will continue issuing burn permits to the public. The permits are good for ten (10) days.

Police Chief Dan Robb wanted to cordially invite the public and council to National Night Out tomorrow evening from 6-9 PM at the Heart of Belen.

PRESENTATION OF EMPLOYEE OF THE QUARTER: Wayne Gallegos, Councilor

Councilor Wayne Gallegos called Roseann Peralta to come forward. He announced her as employee of the second quarter for 2011. A copy of the letter and certificate is attached hereto and made an integral part of these minutes by reference.

PRESENTATION OF THE RSVP DEPARTMENT: Bertha Flores, RSVP Director

Bertha reported that RSVP has been working on obtaining their grants. They received \$24,000 from Santa Fe; \$21,000 from the State, and 14 from (didn't finish her sentence). She handed out a flyer for the Thanksgiving Baskets; a copy of which is attached hereto and made an integral part of these minutes by reference. RSVP has 25 sites all over the county of Valencia. RSVP Volunteers put in over 60,860 hours of volunteer work. She is in the process of seeking material for blankets for several seniors. Michelle from Santa Fe, her boss, will be here next week to spend some time with her. She can use more training. Councilor Wayne Gallegos asked Bertha to explain the main purpose for the RSVP Program. Bertha answered that the program is for individuals that are 55 and over. These people give of their time anywhere in Valencia County. These volunteers do not get paid. Councilor Gallegos asked if you were to put 60,860 hours into dollars figures, how much would that be. Mayor Jaramillo stated the hours would be transparent to \$456,150 at minimum wage. Mayor stated that Bertha has put her heart and soul into RSVP. She always tries to out do herself.

DISCUSSION OF THE SURPLUS ITEMS UP FOR AUCTION: Mary Lucy Baca, Interim City

Manager, CMC, reported that the items listed for auction were the Eagle Tank, Ball Field Lights, and the Drug Unit Dog Midnight; however they are removing Midnight from the auction list. She went on to explain that they would like to work with other entities that are in need of a k-9 unit. She reported that Midnight is no longer certified and he no longer has a handler with the City of Belen. We'd like to share him with someone who can use him. Councilor Wayne Gallegos stated there needs to be caution when they remove the Eagle tank. They need to be careful with in infrastructure/lines that are there. Mayor Jaramillo mentioned that when we get ready to replace the Eagle Tank it will have to be removed anyway. Mary Lucy clarified that when the

Eagle Tank goes up for auction, the bidder is responsible for taking down and removing the tank. Mayor Jaramillo asked if the ball park lights were the ones located on Camino Del Llano. Councilor Lorenzo Carrillo asked if they could be used anywhere else. Mayor answered that Little League looked into using them, but they are in bad shape. Repairing the lights would cost more than replacing them. Councilor Jerah Cordova asked, going back to Midnight, what is the dog worth. Police Chief said he had no idea.

DISCUSSION OF TIF POLICIES AND PROCEDURES: Lawrence Kaneshiro, IT Specialist

The Technology Infrastructure Fee will be going out for publication towards the end of the week. We will have a hearing on this at the next Council Meeting. Councilor Jerah Cordova asked how the fee was determined. Lawrence answered he took a look at expenses, maintenance, upgrades, and looking into capital projects. Councilor Cordova asked, what is the anticipated amount this fee would bring in annually? Lawrence answered the first year he is looking at \$62,532.00. Mayor Jaramillo asked what Lawrence's vision was for the future. Lawrence explained that the IT Committee has put together a plan; one of the things we plan on doing is making government more transparent to the public. We would be able to put up stream video for all public meetings. We want to extend Wi-Fi. The big picture is to be able to control water and waste water infrastructure with the SKATA system. That would be able to tell us what the water flows are incoming and outgoing. When the tank on the Mesa decides to overflow SKATA will be able to help us control that. The IT Committee consists of Michael Steininger, Finance Director, Dale Tafoya, WW Supervisor, Dan Robb, Police Chief, Kathy Savilla, Judge, Debbie Graham, and Librarian. Councilor Carrillo asked how the community gets to provide input before we access the fee. Lawrence answered that it will be publicized in the bulletin for two consecutive weeks and will be set up for public hearing at the next Council Meeting.

DISCUSSION OF PROPOSED TRANSFER STATION ORDINANCE: Lorenzo Carrillo, Council and Marcia Amaro, Water Supervisor

Marcia Amaro handed out samples of her Transfer Station Punch Cards; a copy of which is attached hereto and made an integral part of these minutes by reference. The punch cards value at \$20.00 for 4 punches and \$50.00 for 10 punches. Customers shall purchase the punch card from the Water Department and take to the Transfer Station to dispose of their debris and Jason will punch the card. When the punches run out they merely come and purchase another. Councilor Lorenzo Carrillo asked Marcia to give a brief summary of how they came to this solution. The Transfer Station Committee chose to take an average of the tonnage coming out of the Transfer Station, which is approximately 100 tons. The five dollars per truckload will cover the expenses of the disposal. Councilor Wayne Gallegos asked Marcia, exactly, what are the changes from what we have in place now. She answered right now we have a sticker process which is free of charge to owners who reside in their primary homes, and two free passes per month for renters or home owners who own property in the city but do not reside there. County residents pay \$5.00 per cubic yard. With the new Ordinance everyone will have to pay to use the Transfer Station. Councilor Gallegos advised charging all residents have nothing to do with allowing county residents to dump and the Transfer Station. Solid Waste has been in the red for some time now, due to the fact that we were giving the service for free. Marcia stated that she would advise the public by advertising the notice in the bulletin and in their water bills. Mary Lucy Baca stated the current ordinance would have to be amended as well. Councilor Aragon asked if there was an expiration date on the punch cards. Marcia advised there was not. Councilor Aragon then asked what if the customer takes a trailer load. Marcia answered Jason at the Transfer Station will punch the card according to cubic yards. Mayor Rudy Jaramillo asked if there was any way the punch cards could be duplicated. Marcia answered that they are working the Lawrence Kaneshiro, IT

specialist to make the card authentic. Councilor Jerah Cordova suggested maybe using a special paper. Councilor Cordova also stated that the Ordinance should contain a provision that talks about counterfeiting the card and the penalties. Councilor Cordova asked if there was any way we could make \$10.00 punch card for citizen that only go to the Transfer Station once a year. Marcia stated that would not be a problem. Councilor Cordova requested that Marcia have a copy of the current ordinance with the changes underlined or struck through, so that we can see what exactly is changing.

DISCUSSION OF EMERGENCY REPAIRS TO THE MUNICIPAL COURT BUILDING: Kathy Savilla, Judge

Judge Savilla stated that she was there to answer any questions the Council may have regarding the repairs to Municipal Court Building. Mayor Rudy Jaramillo gave a briefing of what happened to the building. On Sunday there was a large rain storm and the roof collapsed the ceiling tiles fell down, there was a lot of water damage. We have put an insurance claim in, and we are waiting response from them. The Judge and her staff have been moved here to City Hall. Court is being held here at the Chambers. We are trying to do a temporary fix to keep more water from going in there. Councilor Cordova asked if there was damage to technology. Judge Savilla answered no. Councilor Cordova asked if John Best, City Engineer went to take a look at it. Mary Lucy answered no.

DISCUSSION OF RECREATION BUILDING RENTAL ON SOUTH MAIN: Mary Lucy Baca, Interim City Manager, CMC

Mary Lucy Baca reported that we have been going back and forth with this issue for some time now, so we decided to bring it back for action. There has also been a Public Request for information on this issue that the Mayor is going to address. At this time Mayor Jaramillo interposed and stated he would like to take care of the Public Request at this time. A copy of the Public Request and responses are attached hereto and made an integral part of these minutes by reference. Councilor Wayne Gallegos asked if we broke the law in any way. Mayor answered that the decision made by Mary Lucy was fine, but appropriately it could have been brought to the Council to vote. Councilor Mary Aragon claimed that we are spending too much time micromanaging the City Manager. Councilor Lorenzo Carrillo is still with the mindset that our City must run as a business. We have many buildings in the City of Belen that need to be utilized. Business Owners need to realize that we are in competition with them. The City of Belen is to provide service to our community.

DISCUSSION OF BRASS LETTERS FROM BECKER AVENUE: Mary Lucy Baca, Interim City Manager, CMC

The Mayor addressed Councilor Jerah Cordova's Public Records Request. A copy of the Public Request and responses are attached hereto and made an integral part of these minutes by reference. The Mayor stated that we will forward copies from the insurance company as soon as we get them. Councilor Jerah Cordova wanted clarification on the letters, are they brass or bronze? Mayor answered brass.

DISCUSSION OF CHRISTOPHER ROAD IMPROVEMENTS: Andrew DiCamillo, P & Z Director
In April of this year he was notified by Tony Abbo, Department of Transportation that there is \$400,000 with our transportation enhancement funds that we could use for Christopher Road. There is also roll over money through the Regional Transportation out of COG for Becker Street. The department of transportation initially and the criteria set out by them was that we cover the design, engineering costs for the project. The project can

be funded by October November time frame. The full set of construction plans have to be completed by the end of August. Fortunately, they are also able to waive the 25% match. Wilson and Company has teamed up with Sabatini. Transportation enhancement funds only cover low impact development. It cannot cover road way expansion of infrastructure. It does cover pedestrian enhancements. The design in this project is going to center around how to eliminate the speed humps yet achieve traffic calming. The enhancements are done such a way where constituents go at the posted speed limits. Landscaping will be included in this project. A tree line buffer along Christopher Road will be included in this project with sidewalk and curb and gutter. Andrew stated that he does appreciate what the Mayor said earlier, about allowing the City Manager to have authority that a City Manager usually has. So, with this discussion maybe it will be up to the City Manager to move forward with this. He reiterated that this must be approved so that this can be completed by the end of the month. Dekker Parish Sabatini will have a significant impact on the property that the city owns east. The enhancement will be designed to incorporate that. Councilor Wayne Gallegos questioned the total cost on the design. Mario Juarez-Infante reassured Councilor Gallegos that the total is \$47,749.00 excluding of NM gross receipt tax. Councilor Carrillo said the discussion with Dekker Parish is very clear that the intent of the road must included proposed feasibility of development of the 14 acres. Mario exclaimed yes, that is very clear. Councilor Wayne Gallegos said he liked the idea of working together with the schools. He also suggested preparing a joint MOU with the Belen Schools. Mario Juarez-Infante said that is a great suggestion and we could start off with a general MOU that he would be happy to draft up. Councilor Gallegos asked once and for all, where we are getting the money to pay for this. Mayor answered we're always looking about money, but if we don't do it we are losing the hundred and some thousand, and the 25% match has already been waived and NM DOT has already come into play with us and said to go forward with this thing. Andrew DiCamillo stated there are a couple of things he wanted to add that. Wilson's proposal is net 30, however Mario was able to get (90) payments. Mario Juarez-Infante stressed that we don't have time to spend on this issue.

DISCUSSION OF MOU BETWEEN CITY OF BELEN AND BELEN LITTLE LEAGUE FOR USAGE OF THE EAGLE PARK AND VIVIAN BALL FIELDS: Rudy Jaramillo, Mayor

Anthony Aragon asked the Mayor if we would consider having Eagle Fields be part of Little League. First thing the Mayor did was make a call to Senator Sanchez. Senator Sanchez said that was the intent of the field to have them for Little League. Little League would like to take over Eagle Fields the way they did Vivian Fields. They are also willing to take off the field dirt which has glass in it and bring in some good field dirt. We centralized an office for Little League at the Community Center so that registration can all be done at one place. Councilor Aragon questioned the MOU under general repairs and maintenance not to exceed \$500.00. She asked if that was per season or incident. Mary Lucy answered that the MOU is just a rough draft and we can adjust the amount. Leona suggested leaving out a dollar amount. Councilor Jerah Cordova suggested, in section 3B12 strike out Belen Little League because it is redundant. In section 4 end of the first sentence should be authorized not authorizes. In the second paragraph in Section 4, he'd like to see the words "without cause" inserted. He suggested the MOU run on a fiscal year rather than a calendar year. Mary Lucy had some concerns with the MOU only due to the Rates Committee. The Rates Committee is planning to charge for the use of City Parks and Fields. If the charge does get adopted we would have to relook at the MOU.

DISCUSSION OF CORP OF ENGINEERS FLOOD CONTROL FUNDING: Wayne Gallegos, Councilor This letter in the packet is just about an act of congress. A copy of the letter is attached hereto and made an integral part of these minutes by reference. Councilor Gallegos reported that they have spent a lot of time in

meetings, getting information, and from what he understands is that we have to get back on this list. We have to request from the Army Corp of Engineers this under section 205 of the 1948 Flood Control Act. We have been on the list before. We have just never been able to follow through with the matching funds. Here we are again; we need to get on the waiting list.

ACTION ITEMS:

APPROVAL OF DISAPPROVAL OF THE SURPLUS PROPERTY FOR AUCTION (Eagle Tank and Ball Field Lights): Mary Lucy Baca, Interim City Manager, CMC

Mayor Rudy Jaramillo reminded the Council that we are leaving out the K-9 Unit Midnight. Councilor Lorenzo Carrillo made a motion to approve the auction items. Councilor Mary Aragon seconds the motion. Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor Lorenzo Carrillo	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion carried

APPROVAL OF DISAPPROVAL OF REPAIRS TO THE MUNICIPAL COURT BUILDING: Kathy Savilla, Judge

The Mayor explained that the repairs are temporarily in order to keep more water out. Councilor Lorenzo Carrillo asked if the Mayor knew how much it would cost. The Mayor answered no more than \$300.00, which would be to cover it up with plastic and roofing tape. Councilor Wayne Gallegos made a motion to approve the repairs of the Municipal Court Building as stated. Councilor Mary Aragon seconds the motion. Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor Lorenzo Carrillo	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion carried

APPROVAL OR DISAPPROVAL OF THE RECREATION BUILDING RENTAL: Mary Lucy Baca, Interim City Manager, CMC

Mayor Rudy Jaramillo asked if there was a motion to approve or disapprove the rental agreement that was issued on June 13, 2011. Councilor Mary Aragon made a motion to approve the rental of the building. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor Lorenzo Carrillo	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion carried

APPROVAL OR DISAPPROVAL OF THE SALE OF BRASS LETTER TAKEN FROM BECKER AVENUE: Mary Lucy Baca, Interim City Manager, CMC

Mayor explained that the approval or disapproval were for the letters that were sold by the City. With that, the Mayor asked for an approval or disapproval of the sale of the brass letter. Councilor Wayne Gallegos made a motion to accept the sale of the brass letters that were sold prior from Becker Avenue. Councilor Mary Aragon seconds the motion. Roll Call Vote:

Councilor Jerah Cordova	No	
Councilor Lorenzo Carrillo	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion carried

INFORMATIONAL ITEMS

City Managers Report: An ad has been placed for Adopt a Park Sponsors. 3 RFP's are out for Airport Café, Fire Truck, and Grant Writer. Our Attorney will be unavailable for 2 weeks; he recently had surgery. An ad for ideas of the replacement of the Brass Letters has been put in the bulletin. She has a meeting with Tony Abbo tomorrow. Lenore met with Meridian and they wanted to know everything wrong with the Pedestrian Bridge. Councilor Gallegos found water and sewer lines on Lisa's map at the Boundaries Meeting. We received fire monies, so two employees for the Fire Dept will be hired based on that. The Police Dept. recently hired two Police Officers. She also went over the City Projects, a copy in which is attached hereto and made an integral part of these minutes by reference. Councilor Jerah Cordova asked for an update on the MVD Parking Lot. Mary Lucy answered that she had sent emails but has heard nothing back. Councilor Cordova asked if she has followed up on the Family School in reference to them staying in the city limits. Mary Lucy stated that she will look into it. Councilor Wayne Gallegos added that they have renewed their contract where they are at now. Councilor Cordova asked for an update on the Air force for Seabird. Mary Lucy answered that they are not ready to discuss that just yet, however, it does look good. Councilor Cordova asked if Lisa from Planning and Zoning can look into the abandoned house on Tenth and Delgado. She received a call today in reference to the water rights that were discussed with Jim Wood, and they wanted the city to sign off on it, but she is refusing until she gets something in writing from Jim Wood. Councilor Mary Aragon asked if we ever heard anything more about Loraine Dr. Mary Lucy stated that she received a letter from the Attorney, and she is sending everything over to our Attorney.

Councilor Jerah Cordova: In reference to the hospital, Mr. Gentry has a proposal to rescind the mill levy, and return it to the public. The quickest way to kill a hospital is to do away with a mill levy. He stated, if you can, make phone calls to your Commissioners. He would like the repeal of 3 Ordinances and Delinquent Water Accounts on the next Agenda.

Councilor Lorenzo Carrillo: Recently he traveled and passed through 17 to 20 towns, and our Community looks great compared what he saw on the road.

Mayor Rudy Jaramillo: He is glad that Main and Aragon is almost complete. He went out on Sunday night when the heavy rains hit and everything ran good. Keep Norm in your prayers.

Councilor Mary Aragon: The Rates Committee meets every week. We are looking at ways to better the City, but keep it affordable for its citizens. She attended the Lodger's Tax Meeting. She attended an email class, Granicus, it is a program when you can have easy access to video, agendas, and minutes. Boundaries Committee is making some progress.

Councilor Wayne Gallegos: The Granicus Workshop was great. The program is not only for transparency but also a tool to help the City function. The Boundaries Committee is going along slower than we thought, but it is something that hasn't been looked into in such a long time. Reminded everyone to come out and support National Night Out.

EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION:

Rudy Jaramillo asked if there was a motion to leave the regular open City Council Meeting to enter into an executive session. Councilor Mary Aragon motioned that we move to executive session for pending litigation. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor Lorenzo Carrillo	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion carried

RECONVENE THE REGULAR COUNCIL MEETING

Rudy Jaramillo asked if there was a motion to return from executive session into the regular session. Councilor Mary Aragon made a motion to return from executive session into regular session. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor Lorenzo Carrillo	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion carried

Mayor Rudy Jaramillo advised for the record no action was taken in executive session. Councilor Jerah Cordova moved to confirm no action was taken. Councilor Lorenzo Carrillo seconds the motion. Motion Carried.

ADJOURNMENT:

Mayor Rudy Jaramillo asked for a motion to adjourn tonight’s meeting. Councilor Mary Aragon made a motion to adjourn. Councilor Lorenzo Carrillo seconds the motion. Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor Lorenzo Carrillo	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion carried

/s/
Rudy Jaramillo, Mayor

ATTEST:

/s/
Mary Lucy Baca, CMC, Interim City Manager