

REGULAR CITY COUNCIL MEETING

August 16, 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 Audrey D. Torres, CMC, City Clerk.

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 D. Torres, CMC, City Clerk
Dan Robb, Interim Chief of Police
Michael P. Steininger, Finance Director
Manny Garcia, Fire Chief

OTHERS:

Norman McDonald, City Attorney
Gilbert Tabet, Circle T
David Rankin, Rio Metro
Lewis Campbell, CEU?
Matt Munoz, Congressman Teague
Carolyn & Ernie Huston, Citizens
Cyndi Sluder, Tierra Bonita
Molly Madden, Tierra Bonita
Cecilia Aragon, Belen Art League
Sally Nittler, Belen Art League
Gilbert Tabet, Circle T.
Dustin Keith, Citizen
Dolores Padilla, Valencia County Literacy Co.
David Blacher, Citizen
Ruben Martin, Citizen
Gloria Perea, New York Life Ins. Co.
Nino Trujillo, Nino Trujillo & Co.
Tamara Phees, NMDOT
Sarah F. Schnell, Citizen
Herman Tabet, Citizen
Jim Wood, Coast Range Investments (NMDP)
Jason Peete, 515th CSSB

Bill Brown, Citizen
Maj. Thomas Gonzales, AO 515th CSSB
Jerry Sanchez, Rancho Cielo
Geri Hatch, Belen Art League
Gloria Sanchez, Citizen Volunteer
Sonny Sanchez, Citizen Volunteer
Vangie Gabaldon, Rio Metro/Valencia Transit
Elaine Solimon, F & E Family
Annelies Pahlguist, F & E Family
Claire Ellermeyer, Ellermeyer family
Elisa Orell, F& E Family
Abiel Carrillo, Molzen Corvin & Associates
Robert Gonzales, MRCOG

PLEDGE OF ALLEGIANCE:

Mayor Rudy Jaramillo asked Cindy Sluder to lead the pledge of allegiance.

APPROVAL OF AGENDA:

Mayor Rudy Jaramillo requested approval of tonight's agenda, however prior to approval he requested adding an item after public comments add Presentation from the 515th by Captain Pete. Councilor Mary Aragon moved to approve the agenda as amended. Councilor Wayne Gallegos seconds the motion-roll call vote-

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

PUBLIC COMMENT

Mayor Rudy Jaramillo read the next agenda item in reference to public comment and asked anyone with such comments to step forward.

Mr. Rody Silva from Garcia Street advised council there were a lot of trees piled up in lots on the street. He had made contact with a few of the councilors about two months ago and nothing has been done. The individual did move them from one field to the next. Also along Garcia Street the weeds are growing "on" the street and in the sidewalk. Mr. Silva asked if there was a code or ordinance to make people clean up. He mentioned the City could clean it up, charge the people and put the money in the City budget. Mr. Silva asked councilors to drive by there and get a visual of the site.

Councilor Carrillo advised he has received complaints in reference to the same individual and he is also ruining the sidewalks because he is driving over them to dump the trees.

Mayor Rudy Jaramillo asked if there were any further public comments-there were no public comments, public comments closed.

PRESENTATION BY 515TH: Captain Pete 515th CSSB

Mayor Rudy Jaramillo read the next agenda item in reference to presentation by Captain Pete of the 515th CSSB. Captain Pete introduced the new administrative officer Major Thomas Gonzales who advised there is a new commander. The 515th CSSB presented a framed picture, in appreciation for all the City support they dedicated the picture of the American soldiers of the national guard motto.

PROCLAMATION F & E 100 YEARS: Mayor Rudy Jaramillo

Mayor Rudy Jaramillo read the next agenda item in reference to a proclamation for Feil and Ellermeyer. Mayor Rudy Jaramillo read the proclamation aloud a copy of which is attached hereto and made an integral part of these minutes by reference. Elaine Solimon advised there would be a gathering of the family during the weekend to view the different sites of the Feil and Ellermeyer family and was hoping the Mayor would read the proclamation at the gathering.

PROCLAMATION LITERACY WEEK: Mayor Rudy Jaramillo

Mayor Rudy Jaramillo read the next agenda item in reference to a proclamation for Literacy week which was presented to Dolores Padilla. Mayor Rudy Jaramillo read the proclamation aloud a copy of which is attached hereto and made an integral part of these minutes by reference. Dolores Padilla advised the Literacy Council Board began in 1987 and working at the library she became aware there were individuals who could not read. The Literacy center first began at the library.

PRESENTATION NEW YORK LIFE: Gloria Perea

Mayor Rudy Jaramillo read the next agenda item in reference to a presentation by Gloria Perea for New York Life. Mrs. Perea made her presentation in reference to the benefits of New York Life and requested council remove the restrictive amount of individuals required for payroll deduction.

PRESENTATION BELEN ART LEAGUE LEASE: Cecilia Aragon

Mayor Rudy Jaramillo read the next agenda item in reference to a presentation by the Belen Art League. Cecilia Aragon, treasurer of the Belen Art League introduced Sally Nittler, President of

the Belen Art League and Jennie Hatchet, secretary. Cecilia Aragon advised the reason they are present is because the leaky roof on 509 Becker.

The Belen Art League is well aware the City does not have any funds to repair the roof and came up with three options for presentation. One is for the City to cover the cost of roof repair, or cover a portion of it both of which are next to impossible. Cecilia Aragon then proposed a barder for a longer lease term. In 2002 Lorraine Dody had a vision for the art league which was to hang the paintings in a building. The Belen Art League has been in service for fifty years and before 509 Becker they actually met at individuals homes.

The Belen Art League has put in a lot of work on the current building. Lorraine received a five year lease, with the previous administration, which began in 2002 and the Belen Art League was responsible for any and all repairs. To date the Belen Art League has spent over nine thousand dollars on the building upkeep. In 2008 the current offices have taken over and since then additional improvements and repairs have added an additional amount of a little over six thousand dollars. A copy of the Belen Art League Building Improvements Expenses and quotes for roof repair are attached and made an integral part of these minutes by reference.

The building is in desperate need of roof repair and the quotes for repair came in at \$6,500 and they are willing to pay that amount and hoping for a lease extension of 50 years, the current lease will expire in 2012. (Unable to transcribe out of order discussions) Councilor Lorenzo Carrillo advised Cecilia Aragon of the problem the City has currently with the leases but also congratulated the Art League on the wonderful job they have done with the building which is a model of what was the intent, at least in spirit, for the leased buildings.

Councilor Lorenzo Carrillo noted he was concerned with the 30 day notice to terminate the lease as did Mayor Jaramillo who stated it would be feasible for the city to allow the art league to repair the lease and then give a thirty day notice to terminate the lease.

Mayor Rudy Jaramillo advised we needed to act on the lease as soon as possible. Cecilia Aragon advised they had no intention of subleasing-a concern of Councilor Carrillo-it is only for the members. Additionally the council was invited to a "Gala in the Garden" on August 29 at 6:30 pm.

PRESENTATION RECYCLING EDUCATIONAL PROGRAM: Cindy Sluder and Molly Madden, Tierra Bonita

Mayor Rudy Jaramillo read the next agenda item in reference to a presentation of the recycling educational program by Cindy Sluder and Molly Madden of Tierra Bonita. Cindy introduced herself as the Tierra Bonita coordinator for Valencia County. Their major duties are cleaning up of trash and graffiti. They started a small project with Molly and the schools, including NM Clean and Beautiful they also did a telephone book recycling. With the City opening up the recycling center in Belen it helped them help us. Recycling does not generate a lot of revenue not to discourage the city but recycling is a cost not revenue. Cindy continued to report on the

Village of Los Lunas recycling center reporting the project was a benefit to the citizens and not a revenue generating project.

Citizen education is extremely important, citizens within the City, Valencia County and Schools which is the most important as the students will take the information home and try to get their parents to recycle.

Councilor Wayne Gallegos mentioned the recycling center would be open to County residents the downfall if manpower, trained manpower. Cindy advised she had a meeting with Mayor Jaramillo and Councilor Cordova and offered volunteers for the recycling center. Councilor Cordova mentioned with the adoption programs in place maybe Tierra Bonita would consider adopting the recycling center and coordinate volunteers.

PRESENTATION OF RIO METRO FIXED ROUTE PRESENTATION: Vangie Gabaldon, Transit & Rail Manager.

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of Rio Metro Fixed Route Presentation as presented by Vangie Gabaldon. David Rankin who was stepping in for Vangie who did not attend the meeting advised he was present to speak about a proposed enhanced public commuter transit service that will connect the residents of Belen to the Rail Runner both the morning and evening commute. Mr. Rankin, Transit Scheduler, Transit Operations handed out some pamphlets, of which he mainly read from, one pamphlet was a bus route the other was a Train Route and the last was a sample card used for Rio Rancho residents all of which are attached hereto and made an integral part of these minutes by reference.

PRESENTATION RANCHO CIELO UPDATE: Jim Wood, Coast Range Investments.

Mayor Rudy Jaramillo read the next agenda item in reference to presentation by Jim Wood, Coast Range Investments on an update of Rancho Cielo. Mr. Wood clarified his pledge to complete the interchange and gave the following monetary report of expenditures for the interchange of 1million three hundred thousand by Coast Range Investments the interchange would not be where it is today, they spent \$727,000 in land which was donated to NMDOT for retention/detention and right of way, \$26,340 on Qwest to relocate their lines, \$131,189 to NM Gas Co. to relocate their line just so that NMDOT would have access. In addition they were requested by NMDOT to partially pay for some lighting which was \$129,000 and the lighting was completed, and approximately \$100,000 to \$200,000 on preliminary engineering.

In clearing up a few things-he worked with several individuals to obtain LEDA money and it was said that was tied to Signet Solar unfortunately they did not get the DOE loan guarantee Mr. Wood wanted to make it very clear, because he was involved personally the LEDA money was set aside for solar purely for the City of Belen to be used for solar not for Signet.

Mr. Wood reported on his search and research for a solar company and advised the research is the prime goal for the company. They are concentrating on working with BNSF and companies

throughout the US on conventional companies that need rail. Mr. Wood advised he is currently working on a joint video with BNSF, Rancho Cielo extolling the virtues of Belen the job market, technology, location of Albuquerque, UNM and they are holding a private forum in mid October with private companies to layout with them the advantages of Belen and the workforce it will be held at Sandia.

Councilor Jerah Cordova asked a question in reference to clarification to the LEDA money. There was 3 million that was set aside by the legislature for a solar project in Belen, where the money becomes tied to signet solar is in the two resolutions the City passed, the possibility of repealing the ordinances to free up the funding was discussed. Mr. Jim Wood concurred with the action.

Councilor Jerah Cordova continued and advised there was also discussion on D12174 agreement for the N Belen interchange on whether the agreement is already null and void and asked for Mr. Wood's opinion. Mr. Woods advised he would like to see that in place because a rejection of an agreement on what they have agreed to build, with no cost to the City, would give a wrong message to other companies looking to Belen.

Councilor Jerah Cordova asked if Coast range was advocating strongly for any of the interchanges to which Mr. Woods advised they were-the southernmost one because it ties in perfectly to the major retail residential area and the land they promised to donate to UNM Research Center as well.

Councilor Jerah Cordova asked Tamara with NMDOT in reference to D12174 he was aware NMDOT had taken some action on that and asked her to describe the action. Tamara advised there was just correspondence between DOT and NM Development Partners regarding the status of that agreement. In order for the DOT to move forward it will be an amendment to the existing agreement and they do not have plans on the table to it cannot be discussed.

Tamara further advised as far as they are concerned the third party agreement is not good as is and needs to be amended and NMDOT will not be moving forward unless they have funding in escrow. The agreement is not going anywhere when they looked at the terms of the agreement money was to be placed in escrow in order for the interchange to happen, as you all know DOT had to basically cancel half of the project and re-scope it with the contractor to get it to the point where NMDOT could afford it and are essentially in the very final stages of finishing up the last hundred thousand dollars worth of work on that interchange. In order to go forward it is going to be a new construction project and a new modified agreement. Jim Wood advised he concurred with that comment.

Mayor Rudy Jaramillo noted it was his understanding the agreement would not be modified it would more than likely have to be a new agreement. Tamara with NMDOT advised it was most likely.

PRESENTATION COMMERCIAL ENERGY USER COALITION: Lewis Campbell, Executive Director Commercial Energy User Coalition

Mayor Rudy Jaramillo read the next agenda item in reference to a presentation by commercial energy user coalition as presented by Mr. Lewis Campbell, Executive Director Commercial Energy User Coalition who advised the purpose of the coalition is to intervene in PNM's most recent rate case in which a 21.2% increase in rates which is one hundred fifty three million dollars. The remainder of his presentation was referenced from his talking paper which is attached hereto and made an integral part of these minutes by reference.

DISCUSSION AND PRESENTATION OF INFORMATION TECHNOLOGY (IT) POLICY AND CORRESPONDING RESOLUTION (emailed for review on 8-3-2010): Lawrence Kaneshiro, IT

Mayor Rudy Jaramillo read the next agenda item in reference to discussion and presentation of information technology (IT) policy as presented by Lawrence Kaneshiro, IT who advised the policy contains 23 units ranging from information security responsibility to City email services and acquisition of technology. This particular policy is modeled after the University of Louisville IT Policy which he liked. The City of Belen has operated without an IT policy for quite some time and has been an audit finding for several years.

Mr. Kaneshiro advised the document is living document which means it may have a lot of updates to it. Councilor Carrillo advised he read the entire document which took eight days it is well written but quite wordy and asked if there is any reason it has to be so technical. Mr. Kaneshiro advised to keep in mind there is a lot of technical information in there which needs to be because of what it is a lot of the other modules which pertains mostly to staff are also included. Councilor Carrillo asked for some type of desktop procedures for staff which conveys the severity of misuse of equipment.

Councilor Wayne Gallegos concern was if it followed the 15-1-C1 of NM coalition guidelines because that is the law the auditors wrote up. Mr. Kaneshiro advised he was not familiar with that particular statute he will go back and research to make sure it does. Councilor Gallegos advised he would provide Lawrence with a copy for reference.

Councilor Cordova asked for information on whom or what the Compliance oversight Office for the City of Belen is on page 14 first paragraph. There is also mention in the agreement of a computer account usage agreement and requested clarification. Lawrence advised it was simply an agreement of computer usage signed by the employee/user. Additionally on page 53 there is a statement that retired personnel may retain their email accounts and why is that allowed? Lawrence advised they were allowed to retain it for only a short period of time, 90 days. Councilor Cordova asked if the 90 days was mentioned somewhere. Lawrence advised it would be entered. On page 61, reference to turning in their city issued cell phones needs to be reworded because it is very generic also reference is made to personal cell phone calls kept to a minimum. It was his understanding personal cell phone usage was not allowed. Councilor Cordova advised that the word "inappropriate" in terms of enforcement is not an appropriate

word maybe the word not permitted or not allowed, something with a little more strength. Councilor Cordova asked if phone calls were recorded and was answered yes.

Lawrence Kaneshiro, IT advised he had sent this policy, because it was so detailed, for feedback prior to the meeting and did not receive a response.

Councilor Cordova had a couple more questions on page 75 talks about email saying city employees may use the email system for personal messages again that needs to be honed in. Also on the same page it states that city employees need to regularly check their city email accounts no less than four times a day and asked if that was feasible for all employees. Lawrence advised there are computers available for employees who do not have an office to check their email.

Councilor Cordova advised all outgoing emails have a confidentiality statement yet on page 76 it states not to use email for confidential matters so that is something to look into.

DISCUSSION ON ENTERING AN AGREEMENT WITH NORTHERN NEW MEXICO COLLEGE FOR HAZARDOUS MATERIALS TRAINING: Manny Garcia, Fire Chief

Mayor Rudy Jaramillo read the next agenda item in reference to discussion on entering an agreement with Northern New Mexico College for Hazardous materials Training as presented by Fire Chief Manny Garcia who advised they have been presented with an opportunity to receive hazardous material training through the Northern NM College which is located in Espanola. Right now the NM Department of Emergency Management has a subcontractor which is Northern NM College and they have an individual there by the name of Miguel Vigil who is a US army member and a retired member of the Civil support team. He and a group of his associates have put together a group that is contracted by Northern NM College to provide this type of training around the state.

The agreement will allow the group to come into the City of Belen and provide training to the Fire Department and the City of Belen at no cost. The only expense we have is in kind which is 80 percent of the grant which is 80 20 reporting salary and benefits.

He is asking council tonight is for consideration to allow the training to happen so that we can schedule the fire department. There may be an overtime cost associated with that it is open to the entire city and to the Police Department. The City can open it up to Valencia County and first Responders as well.

Councilor Cordova advised BNSF has requested the City get this type of training for a while and was wondering if they would consider picking up the tab for overtime. Fire Chief, Manny Garcia advised he has not communicated that with them, however he felt strongly that his department would donate their time because it was beneficial to them but there may be one or two that will.

PRESENTATION OF THE 2010 MEMORIAL PARK CEREMONY BY THE 911 COMMITTEE: Manny Garcia, Fire Chief and Gloria Sanchez, Volunteer

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of the 2010 memorial park ceremony by the 911 committee and presented by Manny Garcia, Fire Chief and Gloria Sanchez volunteer. Manny advised there are a few things they still have to look into for the finalization of the ceremony and one of them is the benediction, they have contacted a couple of churches and they are not able to provide someone on that day. They are waiting on a call from Our Lady of Belen but it was his understanding they may be busy. The committee met six months ago to work on the presentation. The final draft was presented a copy of which is attached hereto and made an integral part of these minutes by reference the flyer will also be included in the utility bills.

Gloria Sanchez concurred with Manny that it takes several months to put on a program like this and there are several individuals who are involved as well. After this event they begin thinking and planning for next years' event. They are now planning a dedication on the tenth anniversary of 911 to dedicate the park. The committee has been working together for several months and they are still friends. We are fortunate to have the 515th as a neighbor the skills and training these soldiers have are a positive force when we are coordinating our ceremonies.

PUBLIC HEARING ON NOTICE OF INTENT TO ADOPT AN ORDINANCE ADOPTING THE NM UNIFORM TRAFFIC ORDINANCE BY REFERENCE: Dan Robb, Interim Police Chief

Mayor Rudy Jaramillo read the next agenda item in reference to a public hearing on notice of intent to adopt an ordinance adopting the NM Uniform Traffic Ordinance by reference and opened the public hearing. Interim Police Chief Dan Robb advised this compilation replaces the 2004 compilation the 2010 version contains all the amendments made to the motor vehicle code since the 2004 compilation and the 2010 legislative session changes made. The major changes made were the numbering.

Mayor Rudy Jaramillo asked if there were any questions from the audience. Carolyn Huston advised she had several questions she would like to have answered-who is the administrator as mentioned in Article 2 Section 2page 2-1: Q-Can or does the investigating officer prepare and submit a report for the driver involved in an accident or does the driver witness statement taken at time of accident suffice. Chief Dan Robb advised the officer prepares the traffic accident report the only exception is if it happens on private property.Q-Do you have a traffic engineer; Chief Dan Robb advised No. Q-How often if ever and under what prerequisite does he, administrator, or does anyone test traffic control devices. Chief Dan Robb advised traffic control devices are on state roads and maintained by the State. If it is on city roads and the officer is patrolling and sees a stop sign down it is corrected with a work order. If you have a street that has a particular hazard and no one looks at it how is it corrected? Chief Dan Robb advised if the hazard is brought to their attention then it is corrected.

Councilor Jerah Cordova advised they have a code enforcement officer who is responsible to make sure those types of signs are not blocked from view. Mayor Rudy Jaramillo advised that Lenore Pena, Risk Manager does drive around the City and reports and if possible repairs any such problems.

Carolyn Huston continued with her questions: Q-has anyone ever prosecuted for not complying for failing to perform an act required in this ordinance and does this section pertain only to citizens only to citizens and not law enforcement officers. Chief Dan Robb advised if an officer is involved in a traffic crash, which does happen, the NM State Police will investigate and take whatever action they feel is needed. Q: then where do officers submit their traffic reports to DOT. Chief Dan Robb advised they are submitted to the department supervisor for approval and then forward to NMDOT every quarter.

Carolyn Huston wished to make a statement “this community and other communities around the state rely on funding provided by different agencies of the government to achieve monies to complete projects that build develop and better the lives of taxpayers, does it not, and if a police officer is required to submit a traffic report to the DOT and doesn’t what happens?”

City Attorney Norm McDonald advised the officer does not submit it to the DOT the officer submits it to the supervisor then the department submits it to the DOT so if it does not go to the DOT that falls on the department.

Carolyn Huston continued statement “now I stress or suggest to you that this may not be done reliably I know for a fact that one fatal accident here in Belen did not get reported. I am sure you are thinking “well that is just one-so what” with the past propensity of members of this police department to act as though they are above the law it isn’t a stretch to think they do as they please without having their feet held to the fire. If one report is not submitted how many other are not reported, and what will the impact of that irresponsibility be to this community.

As to erecting stop signs a particular hazard did exist on Second and Becker in November of 2006 and area residents did inform me they had tried for two years prior to 2006 to get a four way stop installed at that corner with no results. Why wasn’t someone looking into the hazard that the stop sign on second street standing beside a two story brick building with vehicles parking diagonally on Becker both effectively reducing the ability to see oncoming traffic on the west on Becker, someone appointed to look at it, no one reported. The police didn’t seem to think there was a problem either although a driver had to move well into the intersection to get a clear view of oncoming traffic and by that time the danger was undeniable.

Case in point the death of Howard Huston November 25, 2006 that particular hazard may also violate the clear sight triangle requirements of either process or law. Since the administrator, or whomever, appears to have a duty to determine where particular hazards may exist why did no one do their job. While I commend the installation of a four way stop at Second and Becker after the death was it because of his death or some other reason. In my opinion it was a tacit submission of guilt. Howards death was a high price to pay for a twenty dollar piece of metal. In any case area residents tax paying citizens, have told me numerous times they feel safer now. In my opinion that security was paid for by Howards life, government employees need to

understand that a job worth doing is worth doing right the first time. (unable to transcribe) Howard Huston deserved justice not the conspiracy cover-ups and lies he received.”

Mayor Rudy Jaramillo asked if there were any further comments or questions. There were not further comments Mayor Jaramillo closed the public hearing.

ACTION ITEMS

CONSIDERATION OF ADOPTION OF RESOLUTION 2010-17 FOR PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND HARDSHIP MATCH WAIVER PROGRAM ADMINISTERED BY THE NMDOT: Michael P. Steininger, Finance Director

Mayor Rudy Jaramillo read the next agenda item in reference to consideration of adoption of Resolution 2010-17 for participation in local government road fund hardship match waiver program administered by the NMDOT presented by Michael P. Steininger, Finance Director advised there were some typographical corrections needing to be made before he begins one being the second whereas number needs to be changed from \$215,000 needs to be changed to \$286,666.66. Michael P. Steininger, Finance Director advised the resolution is an attempt to obtain a waiver on the match and requested approval.

Councilor Carrillo asked for a wording change on the third whereas from “which” to “that”.

Councilor Jerah Cordova advised if there is no further discussion he would like to make a motion as follows: to amend the resolution and change the first stated amount from \$215,000 to \$286,666.66 and to remove second comma and change the word in the third paragraph “which” to “that”. Councilor Wayne Gallegos seconds the motion-roll call vote:

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

CONSIDERATION OF ADOPTION OF RESOLUTION 2010-18 FOR PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND HARDSHIP WAIVER PROGRAM ADMINISTERED BY THE NMDOT: Michael P. Steininger, Finance Director

Mayor Rudy Jaramillo read the next agenda item in reference to consideration of adoption of resolution 2010-18 for participation in local government road fund hardship waiver program administered by the NMDOT as presented by Michael P. Steininger, Finance Director who advised this was basically to request a waiver of the matching amount \$39,282.00.

Mayor Rudy Jaramillo asked if there were any questions. Councilor Jerah Cordova advised if there are not further questions he so wished to make a similar motion only to remove the comma

and change the “word” which to “that”. Councilor Wayne Gallegos seconds the motion-roll call vote:

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

***APPROVAL OR DISAPPROVAL OF ART LEAGUE RENEWAL AND AMENDMENT:
Mayor, Rudy Jaramillo***

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval of Art League renewal and amendment as presented. Mayor Rudy Jaramillo asked if there were any questions or comments. Councilor Mary Aragon advised they currently have two years and an additional five years would be fine. Councilor Jerah Cordova advised the lease needs a lot of work and we should not be considering it because it has years left on the lease and suggested a separate agreement related only to the roof. Councilor Wayne Gallegos advised his concern was the fifty years requested there are two years left. Mayor Rudy Jaramillo he is looking at it from an economic development impact it could have. Something can be negotiated even as much as ten years since we are asking them to repair the roof. Councilor Jerah Cordova advised the council has had several discussions on anti-donation clause and fair market value they are not paying anything for the use of the facility in which he had concern. Mayor Rudy Jaramillo reminded council it is a non-profit organization and if we move them out what are we going to do have another vacant building.

City Attorney, Norm McDonald advised they could be given a five year extension contingent upon them having first repaired the roof before granting the extension and it is legal to renegotiate the lease prior to termination. He also suggested someone inspect the roof and verify the roof requires repair. Councilor Jerah Cordova referred a question to the attorney asking if the lease extension were approved as is can you guarantee council is in compliance with state law. City Attorney, Norm McDonald advised yes.

Open forum discussion ensued referring to definition of non-profit, anti-donation, LEDA and other leases.

Mayor Rudy Jaramillo asked for a motion. Councilor Mary Aragon moved to approve an extension of the Art League lease for another five years. Councilor Carrillo additionally moved in conjunction with Councilor Aragon’s motion to add language be added to the lease to request improvements be made to the property each year. City Attorney advised wording needed to be added that the roof needs to be repaired before the extension. Open forum discussion ensued as to the term of the lease. Councilor Jerah Cordova asked for a restatement of the motion. Open forum discussion ensued as to the clarification of anti-donation. City Attorney reiterated there needs to be a contingency for approval of the lease stating the roof needs to be repaired prior to the lease. Mayor Rudy Jaramillo asked for a restatement of the motion from Councilor Mary Aragon and withdrew her motion. Councilor Lorenzo Carrillo made a motion to grant the Belen Art League, a non-profit organization, an extension of a five year lease with the City of Belen

contingent upon the re-writing of the current lease to incorporate language that ensures that the entity will continue to improve the property, that they will put a new roof on the building as proposed and that we ensure that through continued investigation and study of the anti-donation clause that if in effect the anti-donation clause is found that we are not legally allowed to pursue these types of agreements then this lease becomes null and void. Councilor Mary Aragon seconds the motion, roll call vote:

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

APPROVAL OR DISAPPROVAL OF AUCTION ITEMS: Audrey D. Torres, CMC, City Clerk

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval of auction items as presented by Audrey Torres, City Clerk who advised the listing included in the packet will be sent to the office of the State Auditor and requested approval of the list.

Mayor Rudy Jaramillo asked for a motion. Councilor Wayne Gallegos moved to approve the list. Councilor Lorenzo Carrillo asked if City employees were allowed to bid. Audrey advised they should not but there was no written policy precluding them from doing so. Councilor Jerah Cordova seconds the motion-roll call vote:

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

APPROVAL OR DISAPPROVAL OF INFORMATION TECHNOLOGY (IT) POLICY AND CORRESPONDING RESOLUTION NUMBER 2010-19: Lawrence Kaneshiro, IT Specialist

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval of information technology policy and corresponding resolution number 2010-19 as previously presented by Lawrence Kaneshiro, IT Specialist.

Mayor Rudy Jaramillo entertained a motion. Councilor Mary Aragon moved to approve the information technology policy and corresponding resolution number 2010-19. Councilor Jerah Cordova seconds the motion-roll call vote:

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

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: advised she did not have much to report but was advised the gross receipts were up. She also thanked the citizens of Belen and Valencia County for shopping local.

Councilor Jerah Cordova: reported there was a meeting last week MRCOG in reference to the bridge study and are going through the assessment.

Mayor Rudy Jaramillo: advised he was not available for the April 19th meeting and there was concern from some of the council on usage of the police vehicles he stated for the record-there was discussion during the budget hearings in reference to the resignation of former Chief Chavez and that his salary of \$106,000 compared with Interim Chiefs salary of \$63,000 including positions that were not filled those savings would subsidize the taking home of the police units. He, as the Mayor, gave his word that those police vehicles would stay as they are made an administrative decision the police vehicles would stay as they currently are, the airport managers vehicle would stay as it is currently used and the engineers car will also remain as it is. During the next budget hearings the issue is welcome for discussion.

Councilor Mary Aragon asked the City Attorney if the Mayor was authorized to do that or if it had to be placed for a vote. Norm McDonald, City Attorney advised he was hit cold and did not have an answer at that time and referred the question to the NMML as they deal with these questions on a daily basis.

Mayor Rudy Jaramillo reiterated the units stay as is and it is his administrative decision the decision was discussed and agreed to during the budget process and his word is his word and does not require a vote.

Councilor Wayne Gallegos: national night out was a success and there were a lot of nice prizes for the children. He attended a luncheon on the 5th a new educators meeting and was the guest speaker. August, 9 he attended a capital outlay meeting for OAP in Santa Fe and he sits on the committee representing the county, passed all programs and prioritized. On the 14th and 15th the fiestas was a great success again great entertainment food and fun.

Councilor Lorenzo Carrillo: requested maps from Ralph of the water department and is mainly interested in Casa Vieja, Gabaldon Road, Jarales and Pueblitos.

ADJOURNMENT:

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

Councilor Jerah Cordova moved to adjourn the meeting. Councilor Lorenzo Carrillo seconds the motion-roll call vote:

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

/s/
Rudy Jaramillo, Mayor

ATTEST:

/s/
Audrey D. Torres, CMC, City Clerk