

***REGULAR CITY COUNCIL MEETING***

**August 18, 2008**

**6:00 P.M.**

Mayor Ronnie Torres called the Regular Meeting of the Belen City Council to order at 6:00 P.M.  
Roll call taken by Sally G. Garley, City Manager.

***PRESENT:***

Ronnie Torres, Mayor  
David Lopez, Mayor Pro-Tem  
Terese Ulivarri, Councilor  
Wayne Gallegos, Councilor  
Rudy Jaramillo, Councilor

***CITY STAFF:***

Sally G. Garley, City Manager  
Audrey Torres, Procurement Specialist  
Gary Barreras, P & Z  
Andrew DiCamillo, P & Z  
Robert Uecker, Airport Manager  
Manny J. Garcia, Fire Chief  
Lenore Pena, HR

***OTHERS:***

Norman McDonald, P.A., City Attorney  
Sandy Battin, VCNB  
Gilbert Tabet, Circle T  
Jerah R. Cordova, Our Tomorrow  
Bob Moore, De La Reina  
Joe Trumm, Trumm Engineering  
Frank De Plante  
April M. Chavez, Belen High School  
Dianne Mattson, Our Tomorrow  
B. Paul Ortega, Our Tomorrow  
Dolores Padilla, Valencia County Literacy Council  
Joseph Quintana, MRCOG  
Jacquie Martinez, Molzen-Corbin & Associates  
Frank Harding  
Chris Pennington, Graybar Electric

***PLEDGE OF ALLEGIANCE:***

Mayor Ronnie Torres asked Gary Barreras to lead the pledge of allegiance.

***APPROVAL OF AGENDA:***

Mayor Ronnie Torres requested approval of tonight's agenda with the removal of agenda item number seven of the public hearing and Action item number nine. Councilor Rudy Jaramillo so moved to approve as amended with deletion of number 7 and 9 of the agenda. Mayor Pro-Tem David Lopez seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Special Meting: June 25, 2008***

Mayor Ronnie Torres requested approval of the minutes for June 25, 2008. Mayor Pro-Tem David Lopez so moved to approve. Councilor Rudy Jaramillo seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Special Meting: June 29, 2008***

Mayor Ronnie Torres requested approval of the minutes for June 29, 2008. Councilor Wayne Gallegos so moved to approve. Councilor Rudy Jaramillo seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Regular Meting: August 4, 2008***

Mayor Ronnie Torres requested approval of the minutes for August 4, 2008. Councilor Terese Ulivarri so moved to approve. Mayor Pro-Tem David Lopez seconds the motion, motion carried.

***CITIZENS PETITIONS:***

Mayor Ronnie Torres asked if there was anyone with a citizen petition. Councilor Terese Ulivarri introduced the new students from Belen High School: April Chavez-Student Body President, Donna Jaramillo-Student Body Vice President and Britney Lardner-Senior Class President. Councilor Terese Ulivarri asked April Chavez to please be seated by City Council to represent the School.

- 1. Dianne Mattson:** said "I have given letters to the administration and was not sure of City Council had received copies of it yet but I felt because you have it on the agenda, the Delgado, I had to bring it up beforehand. The letter I had addressed to Ms. Garley says "After attending the pre-bid conference held on August 8, 2008 Delgado project I was shocked and dismayed. The design for said project is not consistent with plans recorded on cassette as stated by you and Mayor Torres. What I discovered was rather than replacing the sewer lines for my property at 109 and 111 South Mesa Road as promised

by Mayor and Council with funding approved by the legislature and governor, those sewer lines according to design plans are being disconnected. No sewer service will be extended to 109 and 111 South Mesa is our understanding. If indeed, the City of Belen intends to shut off my sewer service the liability of the City to its citizen's health and welfare is enormous. I would like to arrange a meeting as soon as possible to gain a better understanding of what the City of Belen intends to do or not do to my sewer service pursuant to sewer and water location, relocation Delgado Street Project".

A meeting has been set up for tomorrow morning, okay, I don't know if I have this correct or not my understanding is if you go ahead with the contract you can't change it or, I have heard that it won't be changed. So that is my concern if you vote on it tonight, if it would be better to wait till after the meeting about the options. Thank you.

2. **B. Paul Ortega:** said "good evening Mayor, City Council Members and City Officials. My concern this evening is about the design of the Delgado project. I believe the design to be unfair to some affected property owners and I also believe that it has some shortcomings and it has not been designed as originally intended. First off, I will read a letter that I have also addressed to the City of Belen in care of Ms. Sally Garley subject Delgado project water and sewer lines: Dear Ms. Garley instead of requesting records inspections concerning the Delgado project I submit as an affected property owner the following questions and or requests 1 why wasn't the Delgado plans consistent with the plans recorded on cassette as stated by you and Mayor Torres 2 why wasn't I contacted or made aware that our mutual plans had been changed 3 in view that the water and sewer lines were installed proportionately at the expense of two former deceased property owners what gives the City of Belen the right to disconnect services without the consent of the current owners. Will the concrete on the entrances of the driveways to my farmland withstand the weight of farm equipment 5 in view that the City of Belen is planning relocating water sewer lines for my property which has potential develop I am asking the City to install water sewer stubs on each tier level facing the south side of Delgado road I believe this would be a good trade off of approach that would prevent cutting pavement on future construction.

There are three or four, I wish to add three or four other questions and the questions that I, the City of Belen did they give notices to all the affected property owners or did they just disregard them. Did the City of Belen provide for open meetings as required by the open meetings act and or provide public hearing for the Delgado project, does the City of Belen intend to design the project consistent with they way the project was requested for funding and subsequently approved by the legislature and governor appropriations. For all these reasons, I respectfully request the governing body to postpone action in awarding get the genie back into the bottle once the genie is out. Thank you".

Mayor Ronnie Torres asked if there were any further citizen petitions, if none he advised to move onto the next agenda item.

***PROCLAIM SEPTEMBER 7<sup>TH</sup> THROUGH 13<sup>TH</sup> 2008 AS LITERACY WEEK: Mayor  
Ronnie Torres***

Mayor Ronnie Torres read the next agenda item referring to proclaiming September seventh through the thirteenth 2008 as Literacy Week. Mayor Ronnie Torres as Dolores Padilla to please come up as he read the proclamation aloud a copy of which is attached hereto and made an integral part of these minutes by reference. Mayor Torres handed Dolores Padilla the plaque and advised that Dolores was the City librarian for 33 years.

***PUBLIC HEARING TO AMEND THE ZONING MAP FROM A-R TO R-1A: EMILIO FLORES AKA EMILIO FLORES HERNANDEZ FOR THE PURPOSE OF CREATING FOUR LOTS. PROPERTY LOCATED AT 215 MIRABEL DRIVE, BELEN, NM 87002. TRACT 22E CONTAINING .94 ACRES, AND TRACT 222F CONTAINING.94 ACRES AS SHOWN IN TOWNSHIP 5 NORTH, RANGE 2 EAST, SECTION 19, MAP 100 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT: Andrew DiCamillo, Planning and Zoning Director***

Mayor Ronnie Torres read the next agenda item and opened the public hearing to amend the zoning map from A-r to R-1A as described above, and introduced Andrew DiCamillo planning and zoning director for the City of Belen. Andrew advised this item was brought before the planning and zoning commission on July 28, 2008 and was given a do pass recommendation. Mr. Torres, who is not present tonight, is asking to rezone his property from agricultural residential, which currently allows for one dwelling per acre. Currently there are two dwellings within his property. Mr. Torres moved in a third manufactured home dwelling that code enforcement personnel discovered. Mr. Torres submitted a plat to split his property but it was at that time that only a zone change would allow the manufactured home to be placed. Mr. Torres did follow the proper procedures and we are here for final action.

Mayor Torres asked if, on the zone change, if he has enough square footage for the three residents. Mr. DiCamillo advised he would under the R1-A. Mayor Torres asked that with the split would each home have its own designation. Mr. DiCamillo advised they would and they are all facing Mirabel.

Councilor Rudy Jaramillo asked if this was approved by the Commission, Mr. DiCamillo advised it was approved for a do pass recommendation.

Mayor Pro Tem David Lopez said there would be four lots now as opposed to two; Mr. DiCamillo advised that was correct. Mayor Pro Tem David Lopez advised he did attend the P/Z Commission meeting and Mr. Torres wished to split the property for his remaining siblings and they did go through the proper channels to give what little he had to his family and it was approved and it was unanimous through he Planning and Zoning Commission.

Mayor Ronnie Torres asked if there were any questions from the audience or any comments.

Councilor Wayne Gallegos asked if there was any input from the residents in the area, Mr. DiCamillo advised there was no input.

Mayor Ronnie Torres asked if there were any other questions and closed the public hearing, as there were no further comments.

### ***ACTION ITEMS***

***REQUEST TO APPROVE OR DENY A REQUEST TO AMEND THE ZONING MAP FROM A-R TO R-1A: EMILIO FLORES AKA EMILIO FLORES HERNANDEZ FOR THE PURPOSE OF CREATING FOUR LOTS. PROPERTY LOCATED AT 215 MIRABEL DRIVE, BELEN, NM 87002. TRACT 22E CONTAINING .94 ACRES, AND TRACT 222F CONTAINING .94 ACRES AS SHOWN IN TOWNSHIP 5 NORTH, RANGE 2 EAST, SECTION 19, MAP 100 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT: Andrew DiCamillo, Planning and Zoning Director***

Mayor Ronnie Torres read the next agenda item in reference to approval or denial of a request to amend the zoning map from A-R to R-1A as described above and so entertains a motion. Councilor Terese Ulivarri moves to approve. Councilor Rudy Jaramillo seconds the motion, motion carries.

***CONSIDER A WAIVER OF THE CITY OF BELEN SUBDIVISION STANDARDS SECTION 16.16.10 FINAL PLAT PROCEDURES: Andrew DiCamillo, Planning and Zoning Director***

Mayor Ronnie Torres read the next agenda item referring to the consideration of a waiver of the City of Belen Subdivision Standards Section 16.16.10 Final Plat Procedures and introduced Mr. Andrew DiCamillo P&Z Director. Andrew advised this action is for a waiver as described above, under the procedure Section B Mr. Moore who is the developer for the DeLa Raina Subdivision, which this action is for, is present and has gone through preliminary plat procedure January of last year and has constructed improvements. We are asking for this in order to extend the time that the City has to engage into the warranty and maintenance requirements that are spelled out in final plat procedure and allow Mr. Moore to construct five models that will, under the waiver requirement, not be able to be sold. Mr. Andrew DiCamillo proceeded to read the waiver, a copy of which is attached hereto and made an integral part of these minutes by reference.

Councilor Terese Ulivarri asked: are there any fees that we impose in regards to parks and recreation to new units that are coming in that impact what happens within the City. Mr. DiCamillo said that in 1996 we had an impact fee of \$200.00 per unit for parks if the developer does not construct a park in the subdivision. Councilor Terese Ulivarri asked if that was per unit or for the whole subdivision. Mr. DiCamillo advised it was per unit and it is listed and the developer has been made aware that it is in the municipal code.

Councilor Terese Ulivarri asked if we have ever done model homes before, and if that is what this is. Mr. DiCamillo advised that with current guidelines, there would have to be final plat procedure, which would include infrastructure review, and once the improvements are accepted then the warranty period starts. It would be in the best interest of the City to accept the improvements at the latest time possible so that the subdivision is built out before we accept the improvements, which extends our time for responsibility and maintenance. This also allows time for the infrastructure to be tested. The developer would be responsible for infrastructure.

Mayor Ronnie Torres asked if there were any further questions. Mayor Pro-Tem David Lopez moved to approve. Councilor Terese Ulivarri seconds the motion, motion carries.

***APPROVAL OF STATE OF NEW MEXICO GOVERNMENTAL SERVICES AGREEMENT BETWEEN THE ENERGY MINERAL AND NATURAL RESOURCES DEPARTMENT AND THE CITY OF BELEN: Andrew DiCamillo, Planning and Zoning Director***

Mayor Ronnie Torres read the next agenda item referring to approval of State of New Mexico Governmental Services Agreement between the Energy Mineral and Natural Resources Department and the City of Belen as presented by Andrew DiCamillo, Planning and Zoning Director who this contract agreement was for one hundred thousand dollars which is a clean energy grant which allows for installation for three solar electric concentrating units which store power. The City will be the first in New Mexico to utilize this type of technology and mechanism. The other part of the grant is to install all LED energy efficient lighting throughout City Hall, which includes motion sensors so if you leave a room the lights shut off. Some rooms will be equipped with light harvesting which will dim the lights if the sun shines.

Andrew DiCamillo handed out a pamphlet, a copy of which is attached hereto and made an integral part of these minutes by reference, for additional information on the Stirling solar dishes.

Mayor Ronnie Torres asked if there were any questions. Councilor Terese Ulivarri moved to approve. Councilor Wayne Gallegos seconds the motion, motion carried.

***AWARD DELGADO WATER/SEWER RELOCATION PROJECT: Sally G. Garley, City Manager***

Mayor Ronnie Torres read the next agenda in reference to award of the Delgado water/sewer relocation project as presented by Sally G. Garley, City Manager who advised there was a recommendation to award the bid to TLC Plumbing and Utility in the amount of \$185,512.19 there was a total of seven bids and this was the lowest bid that does include GRT.

Mayor Ronnie Torres asked if there were any questions or comments, Councilor Rudy Jaramillo moved to award the bid to TLC.

Diane Mattson, interrupted and asked legal council if it is try that a contract can be changed after it is awarded. Legal Council, advised change orders are allowed if costs are feasible.

Councilor Rudy Jaramillo again advised he moved to award to TLC. Mayor Ronnie Torres advised there was a motion and asked if there was any discussion. Mayor Pro-Tem David Lopez, seconds the motion, motion carried.

***ADOPTION OF RESOLUTION NO. 2008-11 AUTHORIZING TO SIGN THE AGREEMENT AND APPOINTMENT OF AUTHORIZED GRANTEE REPRESENTATIVES FOR THE REFUSE CONTAINER, CLEANING, DEODORIZING AND SANITIZING: Sally G. Garley, City Manager***

Mayor Ronnie read the next agenda item pertaining to adoption of Resolution 2008-11 authorizing to sign the agreement and appointment of authorized grantee representatives for the refuse container, cleaning, deodorizing and sanitizing project as presented by Sally G. Garley, City Manager who advised there was a special ten thousand dollar appropriation the City was awarded through the legislature for the purpose of cleaning, deodorizing and sanitizing refuse containers. This is a resolution authorizing Sally G. Garley, City Manager to sign the agreement and appointing Sally G. Garley and Mildred Garley as authorized grantee representatives and authorizing them to sign documents pertaining to this particular project.

Mayor Ronnie Torres asked if there were any questions or comments. Councilor Terese Ulivarri asked if the \$10,000 charge was for cleaning all the dumpsters. Sally G. Garley, City Manager advised we have twenty six to twenty seven hundred poly carts and the charge was six dollars per cart but they did them all for that price.

Mayor Ronnie Torres asked if there were any further questions. Councilor Terese Ulivarri moved to approve Resolution 2008-11. Councilor Wayne Gallegos seconds the motion, motion carried.

***ADOPTION OF RESOLUTION IN SUPPORT OF DEDICATED AND ONGOING STATE FUNDING FOR UPDATING REGIONAL WATER PLANS: Joe Quintana, Mid Region Council of Governments***

Mayor Ronnie Torres read the next agenda item in reference to adoption of Resolution 2008-12 in support of dedicated and ongoing state funding for updating regional water plans as presented by Mr. Joe Quintana, Mid Region Council of Governments.

Mr. Quintana referenced the resolution, a copy of which is attached hereto and made an integral part of these minutes by reference. Mr. Quintana advised he staffs the Water Resources Board of the MRCOG and the Chairman is Councilor Terese Ulivarri. Mr. Quintana advised that in 1988, the state legislature started a program for funding a regional water planning and every year they would appropriate funding throughout the state to self-organized regional planning areas. There are sixteen in NM. Belen is within the Middle Rio Grande Regional Planning area that has just completed the regional plan in 2004, which was accepted by the interstate stream commission. We now have another regional water planning area within the board, which is the Estancia Basin. Some of these plans are now getting old and there is no more funding appropriated except for completing the sixteen regional plans statewide.

The legislature has not moved into a “keep going” mode and in order to do that the funding needs to be appropriated. This resolution is being sent throughout the state through the regional planning groups to be complete by the time the Interim Committee on water and Natural Resources of the legislature meet the third week of September and on the agenda is an issue about the regional water planning and MRCOG wants to present resolutions from throughout the state for support of funding and make it a dedicated funding source. The resolution states the history of the regional water plan and the reasons for updating the regional water plans. Mr. Joe Quintana asked if there were any questions.

Councilor Terese Ulivarri noted the City water plan is five years old and needs to be renewed. Some of the implementation that has been done is simple for instance putting a note on the water bills in reference to water conservation. We need to go back and renew it and suggest some new ideas.

Councilor Wayne Gallegos asked how many plans, as we are in the Middle Rio Grande one, how many are there? Joe Quintana advised there were sixteen water-planning regions and the COG has the water resources board, which covers two regions. Which is the Middle Rio Grand that includes Sandoval, Bernalillo and Valencia County also Torrance County and parts of Santa Fe County, which is the Estancia basin. Councilor Wayne Gallegos noted it is an important plan and we just heard about growth, which we all want, and we need to continue to update the plans as described in the resolution to ensure adequate water supply for the citizens.

Mayor Ronnie Torres asked if there were further questions. Councilor Terese Ulivarri asked if there were not further comments or questions, she makes a motion to approve. Mayor Pro-Tem David Lopez seconds the motion, motion carried.

***INFORMATIONAL ITEMS:***

***CITY MANAGERS REPORT:***

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

***COMMUNICATIONS FROM CITY COUNCIL:***

Mayor Ronnie Torres said things would be done a little different today in reference to communications from city council they would start with Councilor Terese Ulivarri who received a lifetime achievement award. Mayor Torres said the City Council was at the MRCOG banquet and were attending in support of Councilor Terese Ulivarri who is their favorite councilwoman. It is very well deserved.

**Councilor Terese Ulivarri:** said thank you for the recognition. She attended the National Night Out, which was sponsored by the Belen Police Department with support from the Fire Department, it was well received and is getting bigger, and bigger it was a nice celebration. It is nice to see all the kids out and get so excited when they win those prizes. There are some kids who may never get anything, probably in their lifetime; except for those prizes, they receive. Congratulations to the Police and Fire.

She attended the county commission meeting, for the first time, in support of the E911 ballot inclusion. The 911 center in Los Lunas, which supports our region, is running out of funding. School is in session so please be careful with them out here; she gets to hear them every single day because she lives next door to the middle school.

Mayor Ronnie Torres advised the student body liaisons that another thing the council does is talk a little about what they have done and the student body representative needs to report on what is going on in school they would like us to know. We are here to exchange information and be informed. In addition, asked if there were anything, they would like to report. They advised that school had just started and they are glad to be back and homecoming is the week of September 15, which is early this year.

**Councilor Rudy Jaramillo:** all three students are on the national honor society. The storm was a devastation a lot of people with broken windows and other damages it hit ferociously in a split second and it was here. There are a lot of people who are going to need help down the road and a lot of them probably did not have insurance. Terese congratulations on our lifetime achievement award. The national police night out was a good event it did rain but it started late just sprinkles. The fiestas were here and the storm hit there was a person in the store the other day that had a lot of welts and bruises. Dolores thanks for your support.

**Councilor Wayne Gallegos:** welcome to the students and Tinky congratulations again on your award and thanks for representing us so well. National night out was a big success and it is nice for the whole community that has gone on for a long time with the city and hopes it can continue. Mitigation preparedness response recovery the storms again we are at that time of year it is the season the better we prepare on our own and mitigation is important. We as a community need to do more for ourselves and the more we do for ourselves the more we can do for those citizens who are really in need. The response, Sally thanks for getting everybody out as soon as possible, and again that response comes from our workers, believe it or not, are citizens also they do live in the area and have damage themselves and their family and their property but yet we need to bring them out and they do respond. Here we are in recovery again, not too long ago we had a storm, we are talking roll offs cleaning yards and things like that. Thanks to the crews who are cleaning. The neighbors in our area, maybe they never talk to each other, when something like this happens everyone comes together and helps each other out boarding windows or putting plastic and help, each other clean. There were businesses that were hit along with homes. The fiestas did happen and a lot of people could have gotten hurt but we came together as a group and provided shelter and it was announced through the PA. Everything was cut short, the raffle was held today at five, and the results will be put up.

**Mayor Ronnie Torres:** said we had some calls from Senator Sanchez, Representative Andrew Barreras and Elias Barela and wanted to see if we needed funding for the storm and it was nice of them to contact us we did send them some numbers and some of the concerns we have. We asked them for money to work on some of our flooding to help out on the holding ponds. I know we can receive some money but some of the money we get, unfortunately, cannot go to fix a private persons window or stuff like that. Anything that happens to the City we have insurance on that like cars and buildings. We do need funding for some of the flooding that we continue to have here.

We got a comment the other day from Los Lunas they are trying to make their national night out as good as ours and that was a nice compliment.

Mayor Ronnie Torres said “Diane and Paul I will meet with you guys in the morning and we will go over different things to see if we can get questions answered and stuff like that first thing in the morning.”

Thanks to Andrew and Sally for working on that \$100,000 for the green grant. Fiestas worked out really well and everyone worked hard David and Ruth were padrinos there. Thanks everyone that helped.

**Mayor Pro-Tem David Lopez:** said he was just going to reiterate on what everyone else has already reported. The national night out was a good deal and the hamburger and hot dogs were all gone. It seems that every year it gets better. The fiestas were a lot of work but we had a good crew. There were a lot more tables this year and there was not an empty chair in the house so that was nice to see. Wayne was instrumental in getting everyone out of the golf ball size hailstorm by announcing it on the PA system. There were large holes in the tents and it was surprising that no one was seriously hurt.

The county fair is coming up and it is an opportunity to go out there and meet the kids of the community and help support them. Many of these kids show and hope that they make sale to save up money for college. The fiesta parade went nicely it was well attended

There was a tragic accident recently where one brother ran over his brother and please keep that family in your prayers. In addition, the grandmother upon hearing the news suffered a heart attack, they are going through trials, and tribulations so please keep them in your prayers.

You know it never pays to brag after looking at our gardens and bragging about how much chili we have then after the hail storm now we just have nothing. There was a lot of damage to everything.

***EXECUTIVE SESSION:***

Mayor Torres called for executive session

Mayor Ronnie Torres	Yes
Councilor Rudy Jaramillo	Yes

Councilor Wayne Gallegos	Yes
Councilor Terese Ulivarri	Yes
Mayor Pro-Tem David Lopez	Yes

Mayor Torres reconvened this regular meeting and stated for the record that no action was taken.

***ADJOURNMENT:***

Mayor Ronnie Torres asked for a motion to adjourn tonight's meeting.

Councilor Terese Ulivarri moved to adjourn this meeting. Mayor Pro-Tem David Lopez seconds the motion, motion carried.

ss/  
Ronnie Torres, Mayor

ATTEST:

ss/  
Sally G. Garley, City Manager