

REGULAR CITY COUNCIL MEETING
December 12, 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
Leona Vigil, Deputy Clerk
Chief Dan Robb, Police Dept
Pamela Toledo, Payroll
Manny Garcia, Fire Chief
Jonallyn Torres, Fire Dept.
Damian Rivera, Fire Dept.

REPORTER: Abigail Ortiz, VC News Bulletin

OTHERS: See attached sign-in sheet

PLEDGE OF ALLEGIANCE:

Mayor Rudy Jaramillo led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mayor Rudy Jaramillo stated, before we approve tonight's Agenda he would like to add executive session for limited personnel matters and pending litigation. Mayor Jaramillo asked for a motion with that addition. Councilor Mary Aragon moved the approval of the Agenda with the addition of executive session. Mayor Jaramillo asked if there was a second. 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 OF THE MINUTES DATED NOVEMBER 21, 2011:

Mayor Rudy Jaramillo asked for a motion to approve the minutes dated November 21, 2011. Councilor Wayne Gallegos made a motion to approve the minutes dated November 21, 2011. 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

PUBLIC COMMENTS:

Mayor Jaramillo asked if there was anybody with public comments. There was nobody with public comments at tonight's meeting. Mayor Jaramillo closed Public Comments.

PRESENTATION PRESENTED TO ARENA LEWIS BMS ATHLETE: Rudy Jaramillo, Mayor

Mayor Jaramillo read the proclamation to Arena Lewis for the recognition of being an outstanding athlete. A copy of the proclamation is attached hereto and made an integral part of these minutes by reference. Mayor Rudy Jaramillo asked the Cross Country Coach, Joe Garcia, to come up to the front to recognize his teams. Coach Garcia congratulated all the athletes for a good job this year. The boys were district champions, and placed fifth at the state championship this year. The girls were district runner ups, and finished fifth at the state championship. Coach Garcia recognized several of his star players.

PRESENTATION OF EMPLOYEE OF THE QUARTER: Lorenzo Carrillo, Mayor Pro-Tem

Lorenzo Carrillo and the rest of the Council recognized Pamela Toledo as the Employee of the third quarter of 2011. She was recognized for her dedicated service and commitment. Each of the council members and Mary Lucy Baca individually thanked Pamela Toledo for all of her hard work and dedication. A copy of the certificate and nomination letter is attached hereto and made an integral part of these minutes by reference.

DISCUSSION OF THE LEASE AGREEMENT WITH PLATEAU TELECOMMUNICATIONS:

Marcus Rael, City Attorney Mary Lucy Baca introduced Marcus Rael to the Council. Mr. Rael is the City's new Attorney. Marcus Rael advised that there were a few changes to the lease. First of all the lease amount was raised as per negotiations. Mr. Rael added some language in the lease regarding the removal of the Plateau Telecommunication facility once they're done with the property, and added some language regarding the insurance. The City of Belen was added as an additional insured party.

2011 LEGISLATIVE OUTLAY REQUEST: Mario-Juarez-Infante, Wilson & Co. Mario reminded the council that there is a Legislative Session coming up. He has been working with City Staff by putting together a legislative packet of some of the priorities for the City of Belen, such as drainage and the Eagle Tank. There are two specific projects on the drainage. One of the projects is Camino Del Llano. The City has submitted a WaterTrust board application for construction 2012. The City can also submit for a capital outlay request. The other project is the Reid Mae Pond. The Reid Mae Pond will need two parcels for choking the water back. This pond will alleviate the area downstream. Andrew and other city staff have been working on getting the property donated. The third project is Eagle Tank. 1.2 million dollars for construction would be needed for the request of preliminary and final construction. Mario added that there are a couple of other solicitations for local government funds coming up in January. Council Lorenzo Carrillo asked Mario, that if the property were talking about on the east side is where the current drainage is coming from underneath the interstate. The State may have some obligation with the City to help alleviate some of this issue. Mario answered that Mr. Carrillo was correct. Mario added that there are DOT dollars that are available as well for drainage in that end. Mario also mentioned that the school district may be interested in helping because the drainage affects them as well. Mr. Carrillo asked Mario if he was aware that the City is looking at salvaging the Eagle Tank. Mario answered yes, and that quite a bit of money will be needed to investigate if the tank could withstand salvaging it.

BUSINESS REGISTRATION MANDATORY INSPECTIONS, ORDINANCE NO. 2009-09: Manny

Garcia, Fire Chief before Manny started his discussion on mandatory inspection, he wanted to recognize two of his employees. The first employee Jonallyn Torres, she was awarded the 2011 EMT of the year. She recently received her intermediate license and a Firefighter II license. 2011 Firefighter of the year is Damian Rivera. He recently received his Firefighter II. Chief Manny Garcia summarized Ordinance 2009-09. Any new business coming into Belen requires a fire inspection. Business renewal registrations also require a fire inspection. Fees were associated with these inspections as per city ordinance. A new business would be charged a certain amount per sq. ft. and a renewal inspection would be half of that amount per sq ft. Manny

mentioned that the ordinance has not been enforced since the time of lay-offs. At the Rate Committee he explained that they were not having any inspection due to the fees. Manny alleged that when the Mayor was a councilor he had an issue with charging businesses fees for inspections. The Mayor replied that he still does. Manny exclaimed that it is worth more to him making sure the public is safe than to collect the fees. Manny proclaimed that since then he has been given direction by the committee to start enforcing the fees, but he explained that he has not been doing so. Mayor Jaramillo stressed that he wants the City to be business friendly. Councilors Jerah Cordova and Wayne Gallegos announced that we cannot have an ordinance that we are not going to enforce. Manny Garcia stated that there have been several inspections due to this time of year when business registration renewals are due. He mentioned that the public has been cooperating well and fixing any violations. Manny stated that ordinance 2009-09 is solid and is working well. Councilor Carrillo asked since we are not collecting fees for inspections, who is paying for the time and money that you spend on doing the inspections. Manny answered the City. Councilor Carrillo stated if the Council is in agreement to not charge for inspection then it needs to be taken out of the Ordinance.

PROPOSED RESOLUTION IN SUPPORT OF THE NEW MEXICO LEGISLATURE TO MODIFY THE CURRENT SALES OF RECYCLED METAL ACTS: Wayne Gallegos, Councilor

Councilor Wayne Gallegos introduced Leo Baca from Century Link. Mr. Baca has been working with legislatures to address the metal theft issues we have in New Mexico. Leo reported that most of the thefts they are experiencing have been in the Belen and Valencia County area. Mr. Baca handed out a copy of his presentation; a copy of which is attached hereto and made an integral part of these minutes by reference. He would like the City to adopt a resolution in support of state legislation. He will be working with the state legislatures in January and February that will pass a law that will update the current law which is the sales of recycled metals act. Councilor Jerah Cordova asked for a clarification, on page 4 of the presentation it states that the seller must allow the recycler to take a photograph of the seller and the material; why is that better than getting a copy of the driver's license. Mr. Baca answered that it is an added safeguard. Councilor Cordova asked if the seller refuses to have his picture taken can he still make a sale. Mr. Baca answered no. Councilor Cordova asked what the metal theft alert system was. Mr. Baca answered that it is an existing alert system that is entirely free; you simply just sign up for it. The system is a way to receive alert on stolen items. The alert will come through email. Councilor Cordova asked who puts the information into the system. Mr. Baca answered whoever is part of the alert system, for example the City's Police Department. Councilor Cordova asked if there was a list of material that a recycler cannot purchase. Mr. Baca answered the list makes it clear to the recycler what seller's can or cannot take, for example water meter lids, metal guard rails, copper wire.

PROPOSED VIVIAN PARK LEASE: Mary Lucy Baca, Interim City Manager

Mary Lucy Baca reminded the Council that there was an ADA Compliance Complaint against the City's Vivian Park. We have discussed closing up the park or possibly leasing it to Little League and having them take care of the issues. A representative from ADA called Leroy Vallejos, Parks Director and explained that they didn't mean to close the park down. She stated the City could possibly loan it to Little League for practice only. Councilor Lorenzo Carrillo stated we would have to have that in writing. Councilor Lorenzo Carrillo stated that we have to get a hold of the state and ask them what is the minimum that we can do in order for the park to remain open. Loedi Silva a member of the Little League Board asked the Council if they could possibly move forward on the lease so that they can have something more long-term and start applying for grants to use towards the fields. Councilor Gallegos agreed that a lease would be more beneficial.

PROPOSED RESOLUTION 2011-25, A ONE-TIME SUPPLEMENTARY PAYROLL DEDUCTION:

Mary Lucy Baca, Interim City Manager introduced ordinance 2011-25 which would grant all full-time city employees a one-time pay check of \$125.00, and all part-time employees half that amount. The award would be to show the appreciation of all the hard work and dedication from the employees. A copy of the ordinance is attached hereto and made an integral part of these minutes by reference.

PROPOSED RESOLUTION 2011-26, REGULAR MUNICIPAL ELECTION: Mary Lucy Baca, Interim City Manager Mary Lucy Baca advised the Council that the Regular Municipal Election Resolution states that there would be two voting locations; one location being the Community Center and one at the Public Library. Election will be held on March 6, 2012. A copy of the resolution is attached hereto and made an integral part of these minutes by reference.

PROPOSED ORDINANCE REGARDING NON-PROFIT ORGANIZATIONS: Jerah Cordova, Councilor

Councilor Cordova introduced a Resolution related to non-profit contributions. Essentially he is trying to increase the accountability that we have to the tax payers when we are using their money for non-profit contributions. The resolution states that the organization must be a registered as a non-profit corporation. The resolution sets a limit on contribution amounts. The organization will have to provide a written request for contributions and documentation verifying they are a non-profit organization. A copy of the ordinance is attached hereto and made an integral part of these minutes by reference.

PROPOSED AMENDMENTS TO THE SIGN ORDINANCE NO. 1995-05: Jerah Cordova, Councilor

All signs will be calculated for a total sign face; that sign face cannot pass the amount limited. The biggest impact will be on commercial property due to the fact that limit is coming down from 500 sq ft to 288 sq ft. The billboard on Main and Reinken is 288 sq ft. Councilor Wayne Gallegos asked what about AutoZone where the whole side of the building says "AutoZone". Councilor Cordova answered that we can increase the amount, or grandfather the existing sign in. Mary Lucy Baca asked Councilor Cordova if election signs are included in the ordinance. Councilor Cordova answered that election signs have to follow these regulations as well. Councilor Cordova answered that you cannot regulate a particular type of signage based on its content. You can't have a section that specifically identifies election or campaign signs. The way the Councilor Cordova covered the elections signs was by identifying them as temporary signs. Councilor Mary Aragon wanted verification that temporary signs are allowed to be on display for 90 days. Councilor Cordova answered that was correct. Councilor Mary Aragon believes that is too long. Councilor Wayne Gallegos suggested working on the ordinance some more.

ACTION ITEMS:

APPROVAL OR DISAPPROVAL OF THE LEASE AGREEMENT BETWEEN THE CITY OF BELEN AND PLATEAU TELECOMMUNICATIONS: Marcus Rael, City Attorney

Mayor Rudy Jaramillo asked if there were any questions on the lease. With no questions, Mayor Jaramillo asked for a motion to approve or disapprove the lease agreement between the City of Belen and Plateau Telecommunications. Councilor Lorenzo Carrillo made a motion to approve the lease agreement as presented. Mayor Rudy Jaramillo asked if there was a second. 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 Carries

APPROVAL OR DISAPPROVAL OF THE PROPOSED RESOLUTION 2011-25, A ONE-TIME SALARY DEDUCTION: Mary Lucy Baca, Interim City Manager

Mayor Rudy Jaramillo asked if there was an approval or disapproval of the proposed Resolution 2011-25 for a one-time salary deduction. Councilor Mary Aragon made a motion to approve Resolution 2011-25. Mayor Rudy Jaramillo asked if there was a second. 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 Carries

APPROVAL OF DISAPPROVAL OF THE REGULAR MUNICIPAL ELECTION RESOLUTION 2011-26: Mary Lucy Baca, Interim City Manager

Mayor Rudy Jaramillo asked if there were any questions on the issue. With no questions, Councilor Mary Aragon made a motion to approve the regular municipal election resolution 2011-26. Mayor Rudy Jaramillo asked for a second. Councilor Wayne Gallegos made a motion to second the motion. Roll Call Vote:

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

INFORMATIONAL ITEMS

City Manager's Report: A copy of the City Manager's Report and current projects are attached hereto and made an integral part of these minutes by reference. The matanza for the employee appreciation luncheon is this Saturday from 11:00 AM to 3:00 PM at the Community Center. Tomorrow is the get Motivated Seminar. The Becker sidewalks will start on the 19th of December. A pre-con meeting was held on the 9th of December with Altor Construction. She had an informative meeting with Wilson & Co in reference to city projects. The Chamber Matanza will be held in January. The City proposed a lease agreement with Marvin Glidewell to keep the structure from the filmed movie; however he does not want to lease his property. Councilor Mary Aragon asked what about the fountain. Mary Lucy answered that the fountain will remain. There have been a total of 7 vehicles that were damages, and three that were totaled. Tommy Sanchez is still our Emergency Contact. She is still in the process of justifying the Judicial Building project to the adjuster. Lucy sent out a letter to Dr. Levine that the City will only landscape the Doodlebug area. She found out that the Doodlebug is not listed on the National Historic Listings. However, the Harvey House is on the National Historic Listing and any work that gets done on the Harvey House must get approval from the National Historic Committee. January 16th the MLK celebration will be held at the Anna Becker Park @ 6PM. She reminded the Council that the City is closed December 23rd and December 26th for the Christmas holiday. Marcus Rael, the City's Attorney has filed a motion for the Lorraine Dr. case. Leona has been working hard on preparing for the election. The Hold Harmless Act is back on the table, she stressed to please talk to your legislatures to support the issue. She authorized City employees to take home their city vehicle for extra security measures and to be available for on-call. She has asked Leona to put together a RFP for an on-call electrician to help with the street and traffic lights. She had tickets for the motivational seminar; the van will be leaving City Hall at 6:00AM if anyone is interested in a ride. Councilor Gallegos thanked the City crews for being prepared for the inclement weather.

Councilor Jerah Cordova: attended the Fire Department Dinner and Dance on Saturday. Senator Sanchez was the guest speaker at the banquet which was catered by Belen Schools. He participated in an event with UNM-VC student government. He reminded, if anyone has still not completed their hospital survey to please do so and turn them in. He would like to know what to do about the Attorney that was hired for the hospital being that now there is a City Attorney on staff. The Council will need to discuss if we should transition from

one Attorney to another. The feasibility study is coming out great. He participated in the Miracle on Main Street. Had a Belen Mainstreet Partnership Meeting at the end of last month; the group received a \$10,000 grant. The Partnership is planning and putting together a brochure for tourism. At the Lodger's Tax Meeting there was an action item that was approved, which was overtime for employees who worked the Miracle on Main Street.

Councilor Lorenzo Carrillo: wanted to clarify the next council meeting date.

Mayor Rudy Jaramillo: attended a Finance Conference with Lucy and Roseann. He attended a Los Lunas Concert on Saturday. He would have liked to paint the doodlebug however the National Historic Committee advised we could not without approval which could take up to a year. Mayor Jaramillo suggests the News Bulletin get behind the City of Belen instead of going against. The Harvey House Tree Display went really well. The City Crews have done a good job taking care of the iced roads.

Councilor Mary Aragon: started out saying she appreciates the hard work the city crews have done. They were out on the street at a quarter till 5:00 AM. Miracle on Main Street was very well attended. This was the first year there was an ice skating rink, pastelito contest and biscochito contest. She attended the Lodger's Tax Meeting. On December 1st she assisted the Senior Center in handing out large boxes of food. On the 9th they had an RSVP meeting and after that they attended their annual dinner at Fat Sats. She attended the Harvey House Festival of Trees; there were a lot of vendors; however it was very cold due to the heating system.

Councilor Wayne Gallegos: Miracle on Main Street was very nice. He helped with the Food Bank for Seniors. He stressed how important it is to be prepared for snow days. He attended the RSVP meeting on the 9th, and reviewed the letter in reference to the program. He advised that when a program as such is eliminated in your community it does not move to another, the program is diminished. RSVP is planning for their recognition banquet for the volunteers in March. Tuesday December 20th there will be a Senior Christmas Party.

APPROVAL OR DISAPPROVAL TO MOVE INTO EXECUTIVE SESSION FOR LIMITED PERSONNEL MATTERS AND PENDING LITIGATION:

Councilor Jerah Cordova moved to leave the open meeting and go into executive session for limited personnel matters and pending litigation. Mayor Jaramillo asked for a second. 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 Carries

APPROVAL OR DISAPPROVAL TO LEAVE EXECUTIVE SESSION AND RETURN TO THE REGULAR OPEN MEETING:

Councilor Lorenzo Carrillo moved to leave the executive session and return to the regular open meeting. Mayor Jaramillo asked for a second. 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 Carries

ATTESTATION THAT NO ACTION WAS TAKEN IN THE CLOSED EXECUTIVE SESSION:

Mayor Rudy Jaramillo asked for a motion to attest that no action was taken in Executive Session. Councilor Mary Aragon moved that no action was taken. Mayor Rudy Jaramillo asked for a second. 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 Carries

ADJOURNMENT:

Mayor Rudy Jaramillo asked for a motion to adjourn tonight's meeting. Councilor Mary Aragon motioned to adjourn the meeting. Councilor Lorenzo Carrillo seconds the motion.

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

/s/ _____
Rudy Jaramillo, Mayor

ATTEST:

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