

REGULAR CITY COUNCIL MEETING

December 20, 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 Torres, City Clerk, CMC
Dan Robb, Interim Chief of Police
Manny Garcia, Belen Fire Chief
Lenore Pena, Risk Manager
Andrew DiCamillo, Planning & Zoning Director
Robert Uecker, Airport Manager
Enrique Valdez, Police Department
Archie Koenemund, Belen Fire Department
Michael P. Steininger, Finance Department
Marcia O. Amaro, RSVP Director
Bertha Flores, RSVP
Robert Miller, Police Department
Jose Natividad, Police Department
Joe Chavez, Police Department
Eddie Jaramillo, Police Department
Stephen Hall, Police Department
Ed VonKutzleben, Police Department

OTHERS:

Brent Ruffner, VCNB
Bobbie Valdez, Citizen, PD Support
Pete Benavidez, Citizen
Dianne Mattson, Our Tomorrow
Mike Wood, Citizen
Mary Wood, Citizen
Sue Moran, Citizen
John Moran, Citizen

Tibo Chavez, Citizen
Carolyn Huston, Citizen,
Mario & Pauline Vallejos, Citizen
Gilbert Tabet, Circle T
Jim Rickey, Citizen
Gloria Sanchez, Citizen Volunteer
Clarke Metcalf, Citizen
Albert Chavez, Citizen
Donna Hernandez, Citizen
Corrine Sedillo, Citizen

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA:

Mayor Rudy Jaramillo requested approval of tonight's agenda. Councilor Jerah Cordova moved to approve the agenda. Councilor Wayne Gallegos seconds the motion-roll call vote:

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

PUBLIC COMMENT

Mayor Rudy Jaramillo read the next agenda item in reference to public comment and asked if everyone present would please keep their comments within the five minute time allotted in order to give everyone time to speak.

Pete Benavidez: wanted to speak about the budget cuts specifically on the take home vehicles for the police department and advised council to start cutting at the top and public safety is not one of those areas that should be cut. You have good officers and they work very hard. If you get new hires make it effective for them. You will lose officers to other agencies and strongly suggested this not be a place to cut.

Corine Sedillo: reported on an incident in which she helped a lady who needed aid to which she did help. Corine gave her number to the lady and she befriended her. Soon Mrs. Sedillo noticed there were several items missing here and there like her wallet, her checkbook and misc. change was also missing. After calling the police they advised they knew who she was her name is Tanya Gabaldon, and a dangerous person to be on the street. The reason she is at this meeting is in support of the police department and we have to provide them cars. She begged the City Council to give their salaries to the police department because they need it.

Mario Vallejos: advised he is a lifetime resident, business owner and coach for the Belen Schools. His reason for attending was in support of the Police officers taking home their vehicles. He lives in Belen with his family by choice. His biggest fear right now is the rise in crime. One of the positives is the younger generation of police officers they interact with the community which has not happened in quite a few years and losing them would harm the city. He asked council to reconsider their vote and to allow officers to take their vehicles home.

Mike Wood: he sympathized with the lady who was hurt for being a Good Samaritan it is not a shock with so many people on drugs. He also sympathized because it took so long for the officers to get there. He advised this may have been avoided if the hospital would be here two or three years ago maybe the cuts could have been avoided. He also mentioned there is a citizen who refuses to pay the mil levy tax because of the site selection of the hospital and is encouraging others to do the same, her actions although will hurt no one but her. He continued and asked the council to support the hospital regardless of the site selection.

Clark Metcalf: mentioned it was too bad the Rio Communities site was chosen and was sure it would bring a barrage of protests and comments of serving only a limited citizenry and limited professional staff. He continued to speak in support of the site selection.

Ray Gallegos: lifetime resident of Belen spoke in support of the police department and requested allowing them to take their vehicles home. Mr. Gallegos works with the schools and works hand in hand with the police department and advised it was not a good trade off to hire new officers versus retaining trained officers to save a few dollars in fuel. He said “there are two areas that should never be cut that is Fire Rescue and Police force”, if we do not have as good a police force as we do right now we are going to be in some trouble.” In closing he asked the council to reconsider their vote and noted that a petition has been started to support officers taking their vehicles home, doing the right thing is sometimes difficult but doing the right this is always right.

Tibo Chavez: thanked the council for their attention and wanted to report on something that has been bothering him, greatly. His reason for being present was in protest of the hospital site selection process as being unfair, biased and flawed for several reasons: Bob Davey, as long time CEO, treasurer and board member if VIA had not only professional, but personal interests in securing the construction of a hospital on VIA land. Davey is also the Chairman of the VHC, the entity responsible for selecting the hospital site. Mr. Chavez continued to give a statement on how the presentations for site selections were biased. Mr. Chavez also advised VHC never published notice or put out RFP’s, because of commitment by VHC Chairman Davey to the Valencia County Commission on April 21, 2010 that the site selection would be re-opened to the public for fair and open consideration of any other sites. The contract between the Valencia County Commission and the Health Commons was due to expire on July 15, 2011. Chairman Davey made the commitment to re-open the site selection as part of the basis to secure from the County Commission a 20 month extension on the VHC contract. A copy of the correspondence dated December 20, 2010 is attached hereto and made an integral part of these minutes by reference.

Albert Chavez: had two issues for the council number one issue is the injection of 216,000 gallons of questionable polluted water into the aquifer per day by BNSF, “you cannot trust BNSF as they are the biggest polluter in Belen”. He is 67 years old and when he was 5 years old the railroad which was Santa Fe at the time, put thousands of gallons of oil in Belen. He is requesting the Council have some oversight with regards to the questionable polluted water into the aquifer and keep BNSF from polluting any more. His other issue was code enforcement, which is a joke in Belen, he has been trying for a year to get them to enforce code on Aragon Road two blocks west of Main Street and nothing has been done.

Gloria Sanchez: 20 years ago she and her husband began volunteering in Belen and the motivation was to bring more attention to first responders. She does not want them to be short changed they are important in the community and experienced it first hand when her husband had his stroke. “When they showed up at our home and she recognized the faces and they are friends of yours it meant all the difference.” The other point she wanted to make was to thank the two councilors who voted for a pay cut it was the honorable thing to do. Because of all the struggling the City is going through she is disappointed it did not pass. “It was an insult to volunteers who donate so much of their time their talent and their money to worthwhile projects in Belen”. Gloria noted it was Councilor Gallegos who said it was time for all of us to tighten our belts, and get our act together.

Carolyn Huston: she is present to give an unsolicited and humble opinion about the recent news concerning police vehicles and volunteer firemen. She has spoken to the Council several times and “it should have been glaringly evident that she has no love for the police department” but she is disturbed the police department and fire department are not considered sacred cows. She is aware of the budget crisis but do taxpayers need a security crisis to top it off. How did the authorization of take home vehicles, who when and why was it decided that officers living outside the county would be allowed to take home vehicles. Someone authorized it, whether it be part of the merit system, if City officials, in essence gave their word/our word-taxpayers that any Belen officer could use their cruisers as their own, for whatever reason, how can you now turn around and take it back, isn’t that dishonoring your word/our word. “For some of us our word is all we have to give” if it means nothing then what does, and “why would an ethical officer accept a take home vehicle knowing he or she cannot respond in a timely fashion to an emergency anyway, are there not principles or values left” she agreed with the news bulletin for the first time in which Belen officers are the lowest paid and apply here for certification and move on. There is nothing to keep qualified officers here. Criminals are not stupid they will invade our community. When her son Howard was murdered his death was handled shabbily due in great part because the police department was not adequately trained. If council action causes a loss of officers versus having to hire inexperienced replacements she hopes they will opt for the lesser of two evils. “My hostility aside, these officers wear a bulls eye on their chests everyday for us and for that I ask that your reconsideration for your decision to take away any perk away from them”. As for going to an all volunteer fire department, you have an excellent fire chief from what she could see.

Councilor Lorenzo Carrillo: presented the audience with a synopsis of the funding for the City of Belen a copy of which is attached hereto and made an integral part of these minutes by reference.

Andrew DiCamillo: noted he felt compelled to approach the Council and talk about generating cash, his main agenda was to sell assets namely water rights, land, fixed assets/property and

USDA funding. His frustration is that these options have been discussed and no action has been taken. He also added “there is a lack of confidence by the council on staff to find answers and do what they are paid to do and that is very disappointing”. “As a personal note if my job is taken because of these cuts that maybe we have to make, but knowing that there is something else that could have been done is very hard to swallow, then I ask who are you selling out”.

Councilor Mary Aragon advised a presentation by Mr. Gannon of the state engineers office will be present at the next meeting to discuss the water rights we have and do not have. **Councilor Wayne Gallegos** added that he is aware things take a long time but also cautioned Mr. DiCamillo that a lot is at stake here and “for a few people to make some choices that will have an impact on our community for the next ten twenty or thirty years we got to be careful that we just don’t sell out our community” if it will give us time then maybe leasing is an option. Be patient and work with us. **Councilor Lorenzo Carrillo** advised and reiterated the city must be run like a business “we have to take a good look on how to operate the city from a business standpoint that is the only way this city is going to survive”, there are some citizens that are antigrowth. He invited citizens to contact him by email or phone and he would be happy to answer questions.

Mayor Rudy Jaramillo: added that the broken tie on the salaries was done by him. The News Bulletin and its editor is not a fan of the Mayor which is disturbing to him, but they are never around for the good news and they never report “actual facts”. Mayor Jaramillo advised he voted the way he voted because he needed time to research something that was going to have an impact on him. He does a lot for the community for several funerals, fund raising, for any child organization, and several other events he is not looking for a pat on the back but a person is due their worth. He is willing to donate his salary to the city if they need it but is everyone else willing to do the same. He himself is not willing to cut the fire department and by no means is he going to cut the police department he is behind them one hundred percent.

PRESENTATION OF AWARD-GLORIA SANCHEZ: Manny Garcia, Fire Chief

Mayor Rudy Jaramillo read the next agenda item in reference to a presentation of award to Gloria Sanchez which was done at the fire banquet which she was unable to attend. Fire Chief Manny Garcia noted it was the department’s distinct pleasure to work with two individuals Sonny and Gloria Sanchez; they are now faced to continue projects without Sonny as he was taken suddenly during the Thanksgiving Holiday. He turned the meeting over to Archie Kennimen who is a volunteer firefighter and a retired deputy fire chief from the NY city fire department and was also one of the first responders for 911. Archie presented Gloria with a plaque of appreciation for the work they did on the 911 Memorial. Gloria thanked the department for the plaque and stressed how difficult it will be to continue without Sonny but it would be his wishes for her to continue. Gloria presented Manny, Fire Chief with a shirt that

Sonny wore to all the events which their son sent them from 911 as he was one of the first responders at the pentagon. Manny jokingly said it would be hard for him to fit into the shirt.

RISK MANAGEMENT STATISTICAL REPORT: Lenore Pena, Risk Manager

Mayor Rudy Jaramillo read the next agenda item in reference to a Risk Management Statistical Report presented by Lenore Pena, Risk Manager. Lenore reported on statistics which was included in the Council Packet a copy of which is attached hereto and made an integral part of these minutes by reference. Her report included damages to city vehicles, OSHA recordables, Citizen Claims, City Property Damage by departments. She also advised her main goal was to keep the experience modifier low in order to keep premiums down. Lenore wanted to thank Mayor Jaramillo, adding he did not say enough, for providing meals for all the events which are normally provided by the City.

DISCUSSION SPEED HUMP ORDINANCE: Andrew DiCamillo, Planning and Zoning Director

Mayor Rudy Jaramillo read the next agenda item in reference discussion of speed hump ordinance as presented by Andrew DiCamillo, Planning and Zoning Director who advised the committee met and had the following recommendations. One was to enforce the ordinance which was determined was a worthwhile and viable ordinance and a process was added. The other was a moratorium; finally there was the option to install cameras which would be more feasible.

Councilor Jerah Cordova asked what the next step was on the ordinance, Andrew DiCamillo advised the committee would meet and would make a recommendation for council action which would be allowing citizens to pay for the installation, the moratorium, or camera installation.

DISCUSSION FOR RECONSIDERATION OF PD VOTE: Dan Robb, Chief of Police

Mayor Rudy Jaramillo read the next agenda item in reference to discussion for reconsideration of Police Department vote. Dan Robb advised he was present to request council reconsider the vote they made concerning the take home care policy. He stressed that if the council follows through with the vote the department stands to lose many good officers which will not only place the city in jeopardy but also be more of a cost to the city than savings. It will also turn the department into a reactive instead of a proactive police department. Chief Dan Robb advised they are having problems right now trying to fill the vacant positions because there are not enough qualified individuals in the county, the department does not want to do what was done in the past by hiring just anyone and having plenty of problems. The department is an accredited department and is held to high standards.

Chief Robb advised there have been some rocks in the roadway one of which are economic issues which cannot be eliminated but he did offer some proposals to reduce the rocks in the

roadway: he proposed going to twelve hour shifts so instead of officers driving into work ten times in a pay period they drive to work seven times. This action would reduce overtime and would give officers more days off. Additionally there have been studies that prove the 12 hour shift as more beneficial. There are three vacancies and he is proposing to not hire someone for one of the vacancies for the next six months which would save the City approximately \$24,000 actual cost to the city for six months he has briefed the finance director on his proposals.

ACTION ITEMS:

APPROVAL OR DISAPPROVAL OF APPOINTMENT OF MARY T ARAGON AND MARK ROSENBLUM AS NEW MEMBERS TO THE RSVP ADVISORY BOARD: Mayor Rudy Jaramillo

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval of appointment of Mary T. Aragon and Mark Roseblum as new members to the RSVP advisory board. Councilor Wayne Gallegos read a letter of recommendation from Marcia O. Amaro, RSVP Program Director requesting Mary T. Aragon and Mark Roseblum be appointed as new members to the RSVP advisory board.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the two new members as recommended. Councilor Wayne Gallegos moved to approve the two new members as presented. Councilor Jerah Cordova seconds the motion-roll call vote:

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

APPROVAL OR DISAPPROVAL OF ADOPTION OF UNIFORM TRAFFIC CODE PENALTY ASSESSMENT PROGRAM AND SCHEDULE: Kathy Savilla, Judge.

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval of adoption of Uniform Traffic Code Penalty Assessment program and schedule as presented by Chief Dan Robb, Judge Kathy Savilla did not attend the meeting. Chief Dan Robb advised the penalty assessment is in conjunction with the Uniform Traffic Ordinance passed previously by the Council. The program and schedule updates the charges to the UTO.

Mayor Rudy Jaramillo asked for a motion to adopt the Uniform Traffic Code Penalty Assessment Program and schedule. Councilor Mary Aragon moved to approve. Councilor Lorenzo Carrillo seconds the motion-roll call vote:

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

APPROVAL OR DISAPPROVAL OF RECONSIDERATION OF PD VOTE: Chief of Police, Dan Robb

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval of reconsideration of Police Department vote as presented by Chief of Police Dan Robb.

Mayor Rudy Jaramillo asked for a motion. Councilor Mary Aragon moved that all current officers be allowed to permanently take home vehicles with a stipulation that there will be no more take home vehicles for new officers living outside the county. Councilor Lorenzo Carrillo second the motion with a stipulation that negotiations be allowed for new officers, Councilor Mary Aragon added that was not her motion and would not accept the requested stipulation by Councilor Carrillo.

Councilor Jerah Cordova asked for a restatement of the motion. Councilor Mary Aragon restated her motion as follows “the motion is to allow the officers that are now going out of the county to continue to take their vehicles home. Any new officers that come in that live in the county can take them home but not if they live out of the county”.

Mayor Rudy Jaramillo asked for a second to the motion. Councilor Wayne Gallegos seconds the motion-roll call vote:

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

CONSIDERATION OF ADOPTION OF RESOLUTION 2010-24 UNITED STATES AIR FORCE: Robert Uecker, Airport Manager

Mayor Rudy Jaramillo read the next agenda item in reference to consideration of adoption of resolution 2010-24 United States Air Force as presented by Robert Uecker, Airport Manager who read the resolution aloud. Councilor Jerah Cordova advised he has had concerns voiced by the public and was expressed by one or more of the Councilors which is written in the resolution which states “we welcome training in areas over the City of Belen” there have been some concerns of noise and is questioning if the word “over” should be included.

Robert Uecker, Airport Manager advised the Air Force is not conducting any training over the city only surrounding areas. Councilor Jerah Cordova advised we should reword the resolution. Robert Uecker, Airport Manager recommended striking the wording “areas over”. Councilor

Jerah Cordova recommended striking “in areas over and around the City of Belen and” and leave “we welcome training at the Belen Alexander Municipal Airport”.

Mayor Rudy Jaramillo asked for a motion. Councilor Jerah Cordova moved to approve the resolution with the recommended amendments. Councilor Wayne Gallegos seconds the motion-roll call vote:

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

CONSIDERATION OF ADOPTION OF STATE PERSONNEL OFFICE 2011 PAID HOLIDAY SCHEDULE: Mary Lucy Baca, Interim City Manager

Mayor Rudy Jaramillo read the next agenda item in reference to consideration of adoption of State Personnel Office 2011 paid holiday schedule as amended. Interim City Manager, Mary Lucy Baca advised the schedule was amended and is requesting adoption.

Mayor Rudy Jaramillo asked for a motion. Councilor Wayne Gallegos moved to approve the adoption of the holiday schedule as amended. Councilor Mary Aragon seconds the motion-roll call vote:

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

CONSIDERATION OF ADOPTION OF RESOLUTION 2010-25 BUDGET ADJUSTMENTS FOR FY 2010-2011 BUDGET: Michael P. Steininger, Finance Director

Mayor Rudy Jaramillo read the next agenda item in reference to consideration of adoption of resolution 2010-25 budget adjustments for fiscal year 2010-2011 budget as presented by Michael P. Steininger, Finance Director. Michael P. Steininger, Finance Director read from the Schedule of Budget Adjustments as presented in the council packet a copy of which is attached hereto and made an integral part of the minutes by reference.

Mayor Rudy Jaramillo asked for a motion. Councilor Lorenzo Carrillo moved to approve adoption as presented. Councilor Wayne Gallegos seconds the motion-roll call vote:

Councilor Mary Aragon	Yes	
Councilor Jerah Cordova	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Lorenzo Carrillo	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: on December 9 she attended the RSVP board meeting and followed by a Christmas dinner at the sheriff posse. She attended the First Footers Festival which was well attended, the art show was nice and the vendors were happy as well. A suggestion to have more Art shows and promote the city as an "Art Colony" should be well received as we have several artists who live in Belen. On the 14th she attended the Senior Christmas dinner it was also well attended. The evening of the 14th the workshop was held and council went over the legislative wish list. The 16th she attended the airport meeting and welcomed the new member Mr. Kennedy.

Councilor Jerah Cordova: took quite a few calls from constituents on everything from police vehicles to council pay and there was one in particular about speed signs on Mesa Road and asked if any action had been taken. City Manager advised it is being scheduled. He participated in the FFF and it was well attended. He also participated in the City's holiday lunch which was last week.

Mayor Rudy Jaramillo: Christmas party for the employees was great. The FFF was also well attended and the individual that won happen to have a business on Becker a part of Main Street and Claudine and her family was the first to cross the bridge. The Harvey House was decorated well and thanks to former mayor Ronnie Torres, Mayor Rudy Jaramillo suggested leaving the display up forever since this is the town of "Bethlehem".

Mayor Pro-Tem Wayne Gallegos: was a member of the selection committee for the RSVP advisory board members. He is a strong supporter of senior support. He wanted to mention there is going to be a food bank, could not remember the day, but it will be for the first fifty senior applicants. The Harvey House was in the NM Magazine which promoted Belen quite a bid and talked about the current events. He also received many calls on the BNSF water remediation at the railroad and suggested the City keep an eye on it at all times.

Councilor Lorenzo Carrillo: he also attended a lot of the parties and celebrations and decided not to elaborate on that, one thing he did attend was on December 14th the Safety Committee Meeting with BNSF and they advised they have a problem with pigeons. There were several solutions submitted like a slide, netting and an extermination product, they may go with the netting issue. We have a swallow issue which is seasonal issue but it will be a problem in the future.

ADJOURNMENT:

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

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

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

/s
Rudy Jaramillo, Mayor

ATTEST:

/s
Audrey D. Torres, CMC, City Clerk