

REGULAR CITY COUNCIL MEETING

January 18, 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 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, CMC
Audrey Torres, City Clerk, CMC
Dan Robb, Interim Chief of Police
Michael P. Steininger, Finance Director
Manny Garcia, Fire Chief
Lenore G. Pena, Risk Manager
Eddie Jaramillo, BPD
Adam Keck, BPD

OTHERS:

Brent Ruffner, VCNB
Gilbert Tabet, Circle T
Charles W. Clark, ESGR Department of Defense
Anthony Aragon, Belen Little League
Mr. & Mrs. Michael Botts, Main Street Bakery
Ted Osborn, Belen Consolidated Schools
Joe M. Sais, Citizen
Martha Sais, Citizen
Brianna Jaramillo, Citizen
Carolyn & Ernest Huston, Citizens
Donna Hernandez, Citizens
David Carter, Belen Consolidated Schools
Ronnie Torres, Citizen
Sals Martinez, Citizen
Dianne Mattson, Our Tomorrow
Sack Dillenback, NMFA

PLEDGE OF ALLEGIANCE:

Mayor Rudy Jaramillo asked Dianne Mattson 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 Jerah Cordova asked to move item number seventeen between items twelve and thirteen and remove executive session so that discussion on the matter can be held. Councilor Lorenzo Carrillo seconds the motion-roll call vote:

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

APPROVAL OF MINUTES

Regular Meeting December 27, 2010

Mayor Rudy Jaramillo requested approval of the minutes for the regular meeting of December 27, 2010. Councilor Wayne Gallegos moved to approve the minutes. 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.

PUBLIC COMMENT

Mayor Rudy Jaramillo read the next agenda item in reference to public comment and asked if anyone had a public comment, now is the time.

Dianne Mattson: advised last year councilors were assigned tasks and wished to have a report on those issues. Councilor Lorenzo Carrillo was dealing with water; Councilor Mary Aragon was dealing with City Beautification and Code Enforcement; Councilor Jerah Cordova was dealing with City Ordinances and the hospital and Councilor Wayne Gallegos was dealing with fire and flooding. She also questioned the assignment of alternate Judge, and requested the limitation of Municipal Court in reference to fees that could not exceed its income budget.

Michael Botts: commented on the “art” on the building adjacent to his bakery. He complained on the paintings and graffiti on the walls. He handed out examples of art and then what they used to cover it up. Copies of the hand outs are attached hereto and made an integral part of

these minutes by reference (photos). He advised the art looks like South East Los Angeles, it is his understanding these forms of art should have been brought to the City for approval prior to placement and hopes the City will follow its own regulations such as 17-36 MainStreet Overlay Zone which he printed of the website. Councilor Jerah Cordova advised his ordinance had different wording.

Anthony Aragon: complained that Vivian Park is a disgrace to the City and advised he and the Mayor had a three hour meeting at the park and Mr. Aragon's goal is to revitalize the park, have a clean and safe park and utilize it for Little League. The Board of Directors for LL has a passion to resurrect the Vivian Baseball Field. The LL is hoping to host a tournament at the Park this year and their goal next year is to host the state tournament. City Council advised they would be supportive of Mr. Aragon's efforts.

Mary Aragon, Councilor: advised that Leona Chavez sent an email reference GRT taxes being down again, 305,000 for November Leona proposed there be a connection fee when citizens call and request their water be turned on. PNM and NM Gas Co. charge for the service. Councilor Aragon advised this was a good idea and advised she would be working with Leona and get an ordinance started on the issue.

Additionally the trip to Washington DC, with the gross receipts down, she did not think it would be a good idea for anyone to attend unless they pay their own way.

EMPLOYEE OF THE QUARTER: Councilor, Wayne Gallegos

Mayor Rudy Jaramillo read the next agenda item in reference to employee of the 4th quarter 2010. Councilor Wayne Gallegos read a letter aloud, a copy of which is attached hereto and made an integral part of these minutes by reference, commending Eddie Jaramillo as employee of the fourth quarter. Mayor Rudy Jaramillo noted Eddie was another employee who is always willing to help; he also has several jobs and is also security at the school among several other activities.

PRESENTATION OF SCHOOL BOND ELECTION: Board Member Jamie Goldberg, Mr. Osbourn, Director of Finance and David Carter, Director of Transportation

Mayor Rudy Jaramillo read the next agenda item in reference to a presentation regarding the upcoming School bond election. Mr. Jamie Goldberg, Board Member advised it was the belief of the board to inform as many citizens as possible of the upcoming election. Mr. Goldberg advised there were several meetings set up to help better inform the public. Mr. Goldberg handed out a pamphlet which gave information on the Regular School Board, Two-Mill Levy and General Obligation Bond election scheduled for Tuesday, February 1, 2011 from 7 am to 7 pm. Mr. Goldberg's presentation focused on the factual information within the packet a copy of which is attached hereto and made an integral part of these minutes by reference.

DEPARTMENT REPORT: Chief Dan Robb, Police Department

Mayor Rudy Jaramillo read the next agenda item in reference to Department Report for the Belen Police Department by Dan Robb, Chief of Police. A copy of his report is attached hereto and made an integral part of these minutes by reference.

PRESENTATION CITY COUNCIL MEETINGS/MAYORAL VETO POWER: Councilor Jerah Cordova

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of City Council Meetings and Mayoral veto power as presented by Councilor Jerah Cordova who advised council received a version of the presentation in their packed. The ordinance was discussed in part at the June 7th Council Meeting. A brief explanation is that according to state law the Mayor does not have veto power as provided by City Ordinance and that needs to be changed and clarified. There are some powers the Mayor does have and those are in section 3-17-4B NMSA.

Section 2.4.60 is the start of the council meeting section and as discussed in June there is not much that has changed as of that date. The proposed changes are what is already being done this action formalizes it as a process that can be followed.

NEW DIRECTION 2011 CITY OF BELEN REBUILDING PLAN: Mary Lucy Baca, Interim City Manager and Michael P. Steininger, Finance Director

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of City of Belen rebuilding plan as presented by Mary Lucy Baca, Interim City Manager and Michael P. Steininger, Finance Director advising Andrew DiCamillo, Planning and Zoning Director was not able to be present tonight because his father was on life support as of this morning and were going to make a decision to take him off life support. Mary Lucy Baca, Interim City Manager advised she would be giving most of the information and Michael will be covering the financial part of the presentation.

Lucy advised the water rights sale was discussed at a meeting on Friday along with Councilor Wayne Gallegos and it was determined there were some water rights that could be sold without creating any problems for the City that is sixty acre feet of sales. The delegation in attendance was also advised there would be a referendum election if a petition was submitted by citizens against the sale of water rights as provided by law. The plan recommends the sale of sixty acre feet of water rights and there is a process involved. The City has not been able to contact anyone who is interested in buying.

Councilor Jerah Cordova advised he spoke with Nino Trujillo who had a buyer who was interested in purchasing thirty acre feet of water rights. Lucy advised that maybe Andrew did not know about that contact, Councilor Cordova advised that individual did try to contact Andrew but his calls were not returned. Lucy advised the sale price is down at this time and may

not be worth selling them. There was talk as well on leasing of water rights but no contacts have been made on anyone who is interested in leasing them.

Councilor Wayne Gallegos did note that the State Engineers office advised if the City does sell water rights now somewhere down the line there may be a need to purchase them back. Also if you request more water rights down the road the State Engineers office may request more information as to what the intent is for. There are a lot of pros and cons on the issue. The Office of the State Engineer did advise the water rights belong to the people and cannot just be sold the sale may go to referendum.

Councilor Jerah Cordova advised that on the water issue is one that he has heard from more constituents than any other issue discussed thus far, the public seems to be very much opposed to selling any water rights.

Councilor Lorenzo Carrillo stated he was not aware of the meeting with the State Engineers office and was wondering why he was not advised. Lucy Baca, Interim City Manager advised the meeting was originally set up for herself and Andrew and she asked Andrew if he had advised any of the Council Members to which he advised he had not. Councilor Carrillo was notably upset about the situation and reiterated “if this city is not run as a business we are in trouble, the issue of water is not the end all it is not”. Unable to transcribe too many speaking out of turn. “We are drowning”.

Councilor Jerah Cordova wanted to go over the numbers again to try to explain his concern with the issue. The argument made at this time is “whether or not the City can use some of the water rights, to sell, to generate revenue to keep the city afloat for future growth however, the sale of water rights can also inhibit future growth because if you don’t have the water rights you simply cannot grow”. By the numbers: 1500 acre feet of vested water rights; 67 acre feet not vested available for sale; two developers who own the vast majority of water rights totaling 1067.

Mayor Rudy Jaramillo there is still the acquisition of the land the City purchased for the ponding the City needs to still, as he has been pressing the issue, make a decision on what is going to be done with that property. Councilor Lorenzo Carrillo advised a vote had already been done on the issue, Mayor Jaramillo advised there was no vote taken, and in agreement with the Mayor was Councilor Mary Aragon.

Councilor Jerah Cordova inserted a remark in reference to discussion of land and whether or not low income housing was going to be built or something else. Another possibility for use of the land has been brought to council attention with reference to the bond election, to which a family school will be built if the bond passes, that should be taken into consideration. That land should be offered to insure the City has a structure like that in one of the business districts, whether it is Camino Del Llano, Becker or some other area city land is available.

PRESENTATION SMALL SOLAR REC PURCHASE AGREEMENT 1029730: Andrew DiCamillo, Planning and Zoning Director

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of small solar REC purchase agreement 1029730 as presented by Andrew DiCamillo, Planning and Zoning Director. Mary Lucy Baca, Interim City Manager advised Andrew DiCamillo was not present advising council the purchase agreement was signed by Mr. DiCamillo without her knowledge. Lucy, Interim City Manager advised the purchase agreement is a contract and is now being presented to council. Councilor Wayne Gallegos advised maybe legal advice should be sought.

Mayor Rudy Jaramillo informed Council it was his understanding there was an issue with the Solar Dishes and a variance was needed from PNM to confirm the electricity could be sold back. It was the Mayors understanding this was basically a variance and funds for purchase would be given to the City.

DISCUSSION RESOLUTION 2011-01 REFERENCE AUTHORIZATION AND APPROVAL FOR SUBMISSION OF TWO COMPLETED APPLICATIONS FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL OF THE NEW MEXICO FINANCE AUTHORITY: Michael P. Steininger, Finance Director.

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of discussion of resolution 2011-01 reference authorization and approval for submission of two completed applications for financial assistance and project approval of the New Mexico finance authority as presented by Michael P. Steininger, Finance Director who advised there would be a cost savings to the city of \$226,000 for 26 years.

DISCUSSION RESOLUTION 2011-02 AMENDING THE SCOPE OF WORK ON THE 2010-2011 NEW MEXICO DEPARTMENT OF TRANSPORTATION MUNICIPAL ARTERIAL PROGRAM: Michael P. Steininger, Finance Director

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of discussion resolution 2011-02 amending the scope of work on the 2010-2011 NM DOT MAP as presented by Michael P. Steininger, Finance Director who advised the City applied for two waivers on the 25% matches on Map funding. One was denied and one was authorized, even with the waiver the city did not have the match funding to pay for the engineering to complete Becker Street. The NMDOT was approached with the possibility that we could not use the funding and wished to return it for use by some other municipality who could use it. NM DOT resisted the offer and counter offered and proposed: in addition to waiving the match the NMDOT is amending the phase 5 Becker to include design and development phase and increasing the project from first to Third Street instead of only Second Street at no cost to the City.

DISCUSSION OF ATTORNEY CONTRACT: Mary Lucy Baca, Interim City Manager

Mayor Rudy Jaramillo read the next agenda item in reference to discussion of attorney contract as presented by Interim City Manager, Lucy Baca who advised there was included in the packet various reasons why it would be in the best interest of the City to retain and extend the current Attorney contract. At this time the attorney does not attend meetings, unless requested, he is also working on a few cases but otherwise there are substantially lower costs. It would not be advantageous for the City to seek other professional legal services because of the financial situation.

Councilor Mary Aragon advised the City should seriously consider looking into the services of a specialized attorney to venture into the legality of pursuing tax reimbursement from the County. It is Councilor Aragon's understanding the County Clerks' office is still discussing the issue, and an effort should be made to continue with that issue as there may be a statute of limitations.

PUBLIC HEARING ON INTENT TO ADOPT AN ORDINANCE RELATING TO THE NM UNIFORM TRAFFIC ORDINANCE ADOPTED BY THE CITY; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; DEFINING PENALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPLACING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF. Mary Lucy Baca, Interim City Manager

Mayor Rudy Jaramillo read the next agenda item and opened the public hearing in reference to intent to adopt an ordinance relating to the NM Uniform Traffic Ordinance adopted by the City, establishing a penalty assessment program; defining penalty assessment misdemeanors; establishing listed schedule of penalty assessments and replacing all ordinances or parts of ordinances in conflict thereof and presented by Mary Lucy Baca, Interim City Manager advised this was previously presented and passed by council, being an ordinance it required publication and notification of public.

Mayor Rudy Jaramillo asked if there were any questions or comments: Councilor Jerah Cordova advised there were a few changes one of which was an increase in the double fine in work zone and the other was a lettering change, otherwise it is the same.

Mayor Rudy Jaramillo asked if there were any questions or comments, no further comments were presented and Mayor Jaramillo closed the public hearing.

ACTION ITEMS:

APPROVAL OR DISAPPROVAL OF PENALTY ASSESSMENT PROGRAM AND SCHEDULE ORDINANCE; RELATING TO THE NM UNIFORM TRAFFIC ORDINANCE

ADOPTED BY THE CITY; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; DEFINING PENALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPLACING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF. Mary Lucy Baca, Interim City Manager

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval of penalty assessment program and scheduled ordinance relating to the NM Uniform Traffic Ordinance adopted by the City, establishing a penalty assessment program; defining penalty assessment misdemeanors; establishing listed schedule of penalty assessments and replacing all ordinances or parts of ordinances in conflict thereof and presented by Mary Lucy Baca, Interim City Manager advised this was previously presented.

Mayor Rudy Jaramillo asked for a motion: Councilor Jerah Cordova moved to approve as submitted by Judge Savilla. 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 2011-02 TO AMEND THE SCOPE OF THE 2010/2011 NMDOT MUNICIPAL ARTERIAL PROGRAM: Michael P. Steininger, Finance Director.

Mayor Rudy Jaramillo read the next agenda item in reference to consideration of adoption of resolution 2011-02 to amend the scope of the 2010/2011 NMDOT MAP as presented by Michael P. Steininger, Finance Director.

Mayor Rudy Jaramillo asked for a motion: Councilor Wayne Gallegos moved to approve as presented. 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 2011-01 AUTHORIZATION AND APPROVAL FOR SUBMISSION OF TWO COMPLETED APPLICATIONS FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY: Michael P. Steininger, Finance Director

Mayor Rudy Jaramillo read the next agenda item in reference to consideration of adoption of resolution 2011-01 authorization and approval for submission of two completed applications for financial assistance and project approval to the New Mexico finance authority as presented by Michael P. Steininger, Finance Director.

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

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

ADJOURNMENT:

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

Councilor Lorenzo Carrillo moved to adjourn the meeting. 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.

/s
Rudy Jaramillo, Mayor

ATTEST:

/s
Audrey D. Torres, CMC, City Clerk