

## REGULAR CITY COUNCIL MEETING

July 19, 2010

6:00 P.M.

Mayor Pro-Tem Wayne Gallegos 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:***

Wayne Gallegos, Mayor Pro-Tem  
Councilor, Mary T. Aragon  
Councilor, Jerah R. Cordova  
Councilor, Lorenzo Carrillo

***ABSENT:***

\*Mayor, Rudy Jaramillo

***CITY STAFF:***

Mary Lucy Baca, Interim City Manager  
Audrey D. Torres, City Clerk  
Dan Robb, Interim Chief of Police  
Manny Garcia, Belen Fire Chief  
Michael P. Steininger, Finance Director  
Andrew DiCamillo, Planning & Zoning Director

***OTHERS:***

Norman McDonald, City Attorney  
Brent Ruffner, VCNB  
Joe Saiz, Citizen  
Gilbert Tabet, Circle T  
Herman Tabet, Tabet  
Nino Trujillo, Nino Trujillo & Co.  
Michael Vallejos, Mike & Ernest  
Randy Gettings, Esperanza Drive  
Rich Gettings, Randy Gettings  
Leslie Vallejos, Mike & Ernest  
Martin Marchi, MLA  
Marlene Feuer, Waste Management  
Alberto Guardado, Waste Management  
Patti O'Neill, Waste Management  
Ronnie Torres, Citizen  
Martha Sais, Citizen  
Unable to read, Citizen  
Dianne Mattson, Our Tomorrow  
Helen Mattson, Our Tomorrow  
Ed & Regina Griego, 2<sup>nd</sup> Street Community  
Carol Huston, Citizen  
Britney Lardner, NM Travertine

Sals Martinez, Citizen  
David Lopez, Citizen  
Cynthia Martin, Citizen  
Jim Lardner, Citizen  
JD Stasi  
Frank Stasi  
Tinky, Citizen  
Toby Jaramillo, Belen Moose Lodge  
Max Cordova, Belen Schools  
James StClaie, Belen Moose Lodge  
Albert Chavez, Citizen  
Michelle Dan Bleyker, YES Housing  
Joe Ortega, YES Housing  
Brenda Gurule, Recreation Director  
Candie Donele, Citizen  
Arturo R. Sais, Peralta  
Claudine Montano, Becker Street Pub

\*Mayor Rudy Jaramillo requested a note for the record advising he could not avoid missing the meeting he was on travel and was unable to catch a flight in time for the City Council Meeting.

***PLEDGE OF ALLEGIANCE:***

Mayor Pro-Tem Wayne Gallegos asked Randy Gettings to lead the pledge of allegiance.

***APPROVAL OF AGENDA:***

Mayor Pro-Tem Wayne Gallegos requested approval of tonight's agenda. Councilor Jerah Cordova moved to approve the agenda as amended. Councilor Mary Aragon seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Regular Meeting: June 7, 2010***

Mayor Pro-Tem Wayne Gallegos requested approval of minutes for the regular meeting of June 7, 2010. Councilor Jerah Cordova moved to approve the minutes. Councilor Lorenzo Carrillo seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Regular Meeting: June 21, 2010***

Mayor Pro-Tem Wayne Gallegos requested approval of minutes for the regular meeting of June 21, 2010. Councilor Mary Aragon moved to approve the minutes. Councilor Jerah Cordova seconds the motion, motion carried.

***PUBLIC COMMENT***

Herman Tabet advised he is a resident and businessman in the City of Belen. His statement was in defense of his long time friend Tim Lardner. He continued and said Tim is a businessman, a family man and a church going man, at this time he is battling cancer, he is not a fly by night and is not trying to make a quick buck from the City of Belen as stated in the newspaper. He has contributed a lot to this town he has helped all the churches and causes. The worst thing for Tim at this time is stress as he is in a battle for his life. He asked Council to please help Tim in his battle, pray for him and wish him well, all other things including the Old City Hall transaction can wait. Tim is not a criminal he is one of us.

There were several citizens and members of the community who stood up and reiterated Herman Tabets remarks they included-Nino Trujillo, Cynthia Martin, Dianne Mattson, Ronnie Torres, Michael Vallejos and Kathy McKormick.

***MOOSE DONATION RECOGNITION: Mayor Rudy Jaramillo***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to recognition of Moose Lodge Donation. Brenda Gurule, Recreation Director, whose department took a huge hit with the recent layoffs in April, advised because of the layoffs they were not going to have the summer recreation program because there was no way to fund it as was done in years past. Mayor Rudy Jaramillo made a connection with the Belen Moose Lodge, who through their generosity, the summer recreation program was funded. Because of the generosity of the Moose Lodge and the donation of three thousand dollars the program was a success. Brenda Gurule, Recreation Director called on Toby Jaramillo and James St Clair of the Belen Moose Lodge to receive a certificate of appreciation for their donation and support of the Belen Summer Recreation Program.

***PRESENTATION OF CITIZEN(S) AWARD OF VALOR: Manny Garcia, Fire Chief***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to presentation of Citizen(s) award of Valor as presented by Manny Garcia, Fire Chief. He wished to recognize three exceptional citizens of Belen that have made an impact and a difference in our community. It is not every day that an ordinary citizen does something extraordinary especially when it comes to helping a stranger.

The fire department was recently dispatched to a structure fire at the 1000 block of Esperanza upon arrival there were two men attempting to put out the fire with a garden hose and a portable fire extinguisher. These men alerted the occupants of the home and cared for her while the fire department extinguished the blaze and performing other fire fighting duties. The fire was knocked down which reduced the effort in extinguishing the blaze. There was no significant damage to the structure it was all cosmetic.

Manny Garcia, Fire Chief said it was his honor to present a citizen award of valor for their valiant effort to help a fellow neighbor and preventing a potentially life threatening incident and assisting the City of Belen Fire Department. One individual was present at the meeting and Mr. Randy Gettings received his award of valor after which he received a standing ovation. The other deserving individual of the award was Mr. Gary Stevens who is also a neighbor.

Additionally the EMS Rescue responded to a single occupant one vehicle rollover on interstate 25 upon arrival the patient was being stabilized, as they were gaining entry into the vehicle to care for the injured this person was already inside the van. This action greatly assisted the EMS personnel due to the major injuries suffered in the accident. Manny Garcia, Fire Chief was honored to present a citizen award of valor for her valiant effort to help safeguard a fellow citizen by stabilizing a critical and life threatening injury assisting emergency medical technicians of the City of Belen to Marcella Lyndsey who afterwards received a standing ovation.

***PRESENTATION OF YES HOUSING PROGRAM: Andrew DiCamillo, Planning & Zoning Director***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to a presentation of YES housing program as presented by Andrew DiCamillo, Planning and Zoning Director who also wanted to recognize Ed and Regina Griego who are strong advocates to the Second Street community who turned to the City for help because the Hacienda Apartments were in dilapidated condition and were inadequate for housing are now being turned around. The City gave Mr. DiCamillo a directive to do something about the Hacienda Apartments. The apartments had questionable goings on and the police department was frequently called. At this time the YES Housing program is in the process of purchasing the apartments for adequate housing. The YES is a not for profit affordable housing and that is the mission of YES housing. The Hacienda Apartments currently have 22 apartments which, after they are remodeled, will be managed by a real estate company.

The main concern of the public and the City Council was to make sure the apartment complex does not fall into a dilapidated state with questionable goings on. Andrew DiCamillo advised the applicants will be screened and there will also be more resources through the Police Department and the Planning and Zoning Department.

***PRESENTATION OF FAST DITCH: Andrew DiCamillo, Planning & Zoning Director***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to a presentation of a product known as Fast Ditch, Andrew Di Camillo, Planning and Zoning Director introduced Lisa Cleveland, Maria Montoya and Ed Suazo of Fast Ditch, the company has tentatively selected Belen for relocation. The company originated in Vallecito, NM. The power point presentation began and questions were taken. According to Maria 95% of the water that flows through fast ditch reaches its destination. It can be used for storm water management, erosion control and other areas. Minimal tools are required for installation for a crew of two to three individuals.

The new product they are talking about bringing and manufacturing in Belen is a new type of injection molding, which will also have a critter ladder so if something falls in it can crawl out if it gets stuck in the water.

What they see as a potential project for Belen is to build a thirty thousand square foot building out on the eastern side of town at the Rio Grande Industrial Park. They predict to employ 40 workers to begin which would be sale, installation and manufacturing jobs as well as administrative jobs within the company. As they continue to see the market grow over the next few years they would add machines and add product lines to the area.

Andrew Di Camillo, Planning and Zoning Director advised he has met with members of the County so that we are all on the same page so let's keep our fingers crossed and hope this pulls through.

***DISCUSSION OF DESTRUCTION OF RECORDS-FINANCE DEPARTMENT: Michael Steininger, Finance Director***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to discussion of destruction of records-finance department as presented by Michael Steininger, Finance Director who advised Audrey Torres, City Clerk and Roseann Peralta, Finance Clerk recorded a list of unusable and outdated items in the vault, a copy of those items are in the packet, a copy of which is made an integral part of these minutes by reference. Councilor Wayne Gallegos advised he wanted to mention that as long as they follow the NM Municipal league guide and work with Councilor Jerah Cordova it should be fine.

***DISCUSSION OF INSURANCE COVERAGE FOR THE CITY OF BELEN-MANUEL LUJAN INSURANCE-Martin Marchi, Manuel Lujan Insurance.***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to discussion of insurance coverage for the City of Belen as presented by Martin Marchi of Manuel Lujan Agencies. Martin advised he meets with personnel every year and he has already done the paperwork he is basically just present tonight to see if council has any questions about what they have done or where they are. Martin also invited them to a Meeting on August third with travelers, he also noted that their carrier had been changed from Mountain States to Travelers which is a company the City was with several years before.

Mayor Pro-Tem Wayne Gallegos asked what the cost ratio was to which Martin advised he did not want to discuss that here but would gladly set up a meeting to discuss his question.

***DISCUSSION OF CITY VEHICLE USAGE: Councilor Mary Aragon***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to discussion of City Vehicle Usage by Councilor Mary Aragon who began by reminding the council the gross

receipts taxes were down again by about \$25,000 we need to take a look at the take home vehicles for the police, airport manager, city engineer all except the Fire Chief and Police Chief. She strongly suggest city council take a good look at the take home vehicles in Albuquerque and Socorro there is no benefit to the City. She would be willing to allow those officers who live in Belen and Valencia County however the out of county vehicles should be seriously looked at.

Councilor Jerah Cordova asked, Interim City Manager, who at this time take-home vehicles Lucy have advised it was the airport manager, engineer, and police officers. Councilor Jerah Cordova asked there was a directive given sometime in March advising city employees there was to be no take home vehicles except for emergency personnel, and asked if that included the airport manager and engineer. Lucy, Interim City Manager, advised after discussion with the finance director it was concluded the previous administration had a verbal agreement in reference to vehicles.

Councilor Lorenzo Carrillo advised there was nothing in writing in reference to the vehicles. He also asked Michael Steininger, Finance Director what the cost savings would be on the vehicles should they not be taken home. Michael directed the question to Audrey Torres, City Clerk, who has been tracking fuel usage. Audrey D. Torres, City Clerk advised she is still working on getting more accurate figures, she started more accurate tracking in July and stated new more accurate figures won't be ready until the end of August for reporting during the first meeting in September.

Mayor Pro-Tem Wayne Gallegos advised at the time they were looking at the budget it may have been part of the negotiations with the Police Chief when he left. Councilor Mary Aragon advised it was not. Councilor Jerah Cordova advised it was his understanding Mayor Jaramillo and former Chief, Mike Chavez had discussion relating to the cash savings from his salary would go towards take home vehicles for police officers.

Mayor Pro-Tem Wayne Gallegos advised he understood however Councilor Mary Aragon's concern is the crunch is here and we need to revisit the issue. Councilor Jerah Cordova asked for a timeline from Councilor Mary Aragon. Councilor Mary Aragon advised it was her understanding the issue come before the council and it be voted at the next meeting of August 2<sup>nd</sup>. Councilor Mary Aragon asked City Clerk, Audrey D. Torres if that would be enough time, which Councilor was advised it would not because the billing is always a month behind so the billing for August would not be invoiced until September.

Councilor Lorenzo Carrillo advised they were already given a report and as per the City Clerk the tracked numbers would not change except for the unpredictable gas prices. Mayor Pro-Tem Wayne Gallegos asked for input from the people it was affecting. Councilor Lorenzo Carrillo advised the issue of the incentives should go to the City Manager, and he is not sold on the issue that taking vehicles out of the county is a benefit to the City. A lengthy discussion ensued on the benefit to the city versus a benefit to the officer.

Councilor Mary Aragon advised with the tanking of gross receipts and implementation of layoffs and furloughs the only alternative, if the gross receipts taxes are under budget, is to lay off more people and implement more furloughs and it is not fair to the people that have already been laid

off. The Council needs to take steps today so that “everyone” currently employed is affected of what everyone else is doing it is not fair to the rest of the employees to have more layoffs when the city is already understaffed.

Chief Dan Robb advised it would be a very contentious issue no matter where you stand, in the short term there is no argument but in the very short term the city would save some money. In the long run it will cost the city more money for recruitment and moral. There are other agencies currently trying to recruit Belen officers for the same amount of money and if the city has no

incentive what would keep them here, the vehicle is one benefit they do appreciate. During the initial talks of removing the take home vehicle one officer left immediately just on the assumption and Chief Dan Robb foresees the potential of other officers leaving the department as well because we don't have anything to offer them.

***DISCUSSION TO RESCIND AGREEMENTS ON NORTH BELEN INTERCHANGE AND SIGNET SOLAR: Councilor Jerah Cordova***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to discussion to rescind agreements on north Belen interchange and Signet Solar as presented by Councilor Jerah Cordova who advised he would announce the agreements and then open for discussion. Councilor Cordova advised there is S12619 which is a two party agreement between the City of Belen and the NM Department of Transportation, which is for the N Belen interchange and cooperation that would take place between the City and the NMDOT, everything in the agreement has been completed and will expire June 30, 2010.

D12274 is another agreement which is a three party agreement between the City of Belen, NM DOT and NM Development Partners, it was a controversial agreement because it required NM Development Partners place money in escrow to complete the interchange project which was not done. Councilor Jerah Cordova recommends the city terminate the contract for failure of one party to fulfill the terms of the agreement. The agreement requires 30 day notice prior to termination and has no expiration date. D12274 is a first amendment which is a supplement from above and changes only the funding numbers.

There are two ordinances one is 2009-07 which is directly related to Signet Solar wanting to build at Rancho Cielo and it is Councilor Cordova understands the company has completely pulled out and has no interest in building. The other ordinance is 2009-12 related to the previous ordinance and lays out specifics. Councilor Cordova recommended repealing both ordinances. Councilor Cordova advised until the ordinances, holding three million dollars in funds, are repealed the City cannot obtain any additional funds. Councilor Lorenzo advised he did not want to upset a company if there was a remote chance they would come to Belen eventually.

Andrew DiCamillo advised Signet solar it not coming to Belen, coupled with not obtaining the DOE loan guarantee which would have solidified their presence in Belen, China has flooded the market with photovoltaic in the industry. Rancho Cielo Development Partners are doing everything they can to obtain another suitor for the project and would like to make a presentation at a council meeting. Mayor Pro-Tem Wayne Gallegos wanted to make it perfectly clear the City does not have the three million dollars and it may not even be available for the City as well.

***ACTION ITEMS***

***APPROVAL OR DISAPPROVAL TO RESCINDING AGREEMENTS ON NORTH BELEN INTERCHANGE AND SIGNET SOLAR: Councilor Jerah Cordova***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to approval or disapproval to rescind agreements on North Belen Interchange and Signet Solar as presented by Councilor Jerah Cordova and asked for a motion. Councilor Lorenzo Carrillo moved to hold off on any motion until we hear from Mr. Wood. Councilor Mary Aragon seconds the motion,

Councilor Lorenzo Carrillo	Yes	
Mayor Pro-Tem Wayne Gallegos	Yes	
Councilor Jerah R. Cordova	Yes	
Councilor Mary T. Aragon	Yes	motion carried.

***APPOINTMENT OF PLANNING AND ZONING COMMISSIONER-MAX CORDOVA: Mayor Pro Tem Wayne Gallegos***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to appointment of Max Cordova as submitted by Mayor Rudy Jaramillo.

Councilor Jerah Cordova asked if it was legal for Mayor Pro-Tem Wayne Gallegos to make a nomination for Mayor Rudy Jaramillo. Norm McDonald advised Mayor Pro-Tem Wayne Gallegos has all the rights and privileges of the Mayor.

Mayor Pro-Tem Wayne Gallegos continued and submitted the name of Max Cordova for appointment to the Planning & Zoning Commission and asked for a motion.

Councilor Carrillo moved to approve the appointment of Max Cordova to the planning and zoning commission. Councilor Jerah Cordova wished to second the motion, however he did want to note that even though they are both Cordova they are not related.

Max Cordova advised they were related. Councilor Jerah Cordova retracted the second. Councilor Mary Aragon seconds the motion.

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

***APPROVAL OR DISAPPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BELEN AND RIO METRO REGIONAL TRANSIT DISTRICT REGARDING STORAGE OF VEHICLES: Michael Steininger, Finance Director***

Mayor Pro-Tem Wayne Gallegos read the next agenda item in reference to approval or disapproval of memorandum of agreement between the City of Belen and Rio Metro Regional Transit District regarding storage of vehicles which was presented by Michael Steininger, Finance Director, who advised back in October 1, 2009 the City signed over the rights of the transportation system to Rio Metro. The previous City Council Meeting the City signed over the vehicles to Rio Metro and they have now asked if they continue to store their vehicles in Belen since they are used here. They would be stored at the same lot they are now and accommodate 15 busses; they will be willing to pay \$1.50 per vehicle every day even for vehicles that are not here at this time. The annual rent would be \$8,213.00 or \$684.00 per month. Insurance would be provided by Rio Metro on their vehicles.

Mayor Pro-Tem Wayne Gallegos asked for approval or disapproval of the memorandum of agreement with Rio Metro and requested a motion. Councilor Mary Aragon moved to approve the agreement. Councilor Jerah Cordova seconds the motion.

Councilor Lorenzo Carrillo	Yes	
Mayor Pro-Tem Wayne Gallegos	Yes	
Councilor Jerah R. Cordova	Yes	
Councilor Mary T. Aragon	Yes	motion carried.

#### ***INFORMATIONAL ITEMS:***

***CITY MANAGER'S REPORT:*** The City Managers report is attached hereto and made an integral part of these minutes by reference.

#### ***COMMUNICATIONS FROM CITY COUNCIL:***

**Councilor Mary Aragon:** advised she attended the Eagle Park Cleanup and it has made a big difference.

**Councilor Jerah Cordova:** attended a meeting on Recycling Center they are looking to reopen it but the hours will be limited it will be tested for a couple of months and if it looks like it is not having a major financial impact on the city we will continue to move forward.

Belen Main Street partnership have been doing improvements around town and are looking for business in the downtown area that are looking to having their facades improved. Bernies' fabric and notions have a mural on the north side and it looks nice.

He attended a meeting on the Belen marsh there is still a group looking to preserve the site. He also attended the Eagle Park Cleanup which was the kickoff for adopt a park program, hopefully there will be letters sent out soliciting more participation.

**Mayor Pro-Tem Wayne Gallegos:** attended a dinner for the 515<sup>th</sup> which is the National Guard Unit which was deployed from Belen. The dinner was well attended by members and families; there were members who had done up to four tours of duty to Iraq. The Yes housing is a great program which will help rehabilitate housing in the Belen area. He attended doodle bug hearings

with the City Engineer and there is another one scheduled for tomorrow to remodel the engine. He also attended the cleanup at the park and it was well attended.

The older Americans sponsor a food bank he learned that for \$100 they can buy \$2,500 worth of food from the community commodity food bank, the seniors get involved as well. This is done every quarter.

Waste Management is working on the audit in coordination with City staff.

**Councilor Lorenzo Carrillo:** is working on water issues and has given Michael Steininger, Finance Director directive to help figure out costs associated with securing of fire hydrants, he does not have much information at this time because he had given Michael a break to finish year end. He attended the parks and recreation meeting with Brenda and a serious discussion is being held on the issues of fees. There are other users aside from the community for usage of the parks with no fee and these large events leave a mess and destroy our park. There is another meeting scheduled at the end of the month.

***ADJOURNMENT:***

Mayor Pro-Tem Wayne Gallegos asked for a motion to adjourn tonight’s meeting.

Councilor Jerah Cordova moved to adjourn the meeting. Councilor Mary Aragon seconds the motion;

Councilor Lorenzo Carrillo	Yes	
Mayor Pro-Tem Wayne Gallegos	Yes	
Councilor Jerah R. Cordova	Yes	
Councilor Mary T. Aragon	Yes	motion carried.

/s  
Rudy Jaramillo, Mayor

**ATTEST:**

/s  
Audrey D. Torres, CMC, City Clerk