

***REGULAR CITY COUNCIL MEETING***

**July 6, 2009**

**6:00 P.M.**

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

***PRESENT:***

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

***CITY STAFF:***

Sally G. Garley, City Manager  
Audrey Torres, Procurement Specialist  
Mike Chavez, Chief of Police  
Lawrence Kanishero, IT  
Mildred Garley, Finance Director  
Robert Uecker, Airport Director  
Mario Sisneros, Solid Waste Supervisor  
Lisa Mille, P & Z

***OTHERS:***

Norman McDonald, City Attorney  
Brent Raffner, VCNB  
Eugene (Kenny) Maestas, Citizen  
Jerah Cordova, Our Tomorrow  
Sonny Sanchez, Citizen  
Gloria Sanchez, Volunteer  
Jerry Martinez  
Evangeline Martinez  
Della Gaul  
Gilbert Taber, Circle T  
Jacquie Martinez, Molzen-Corbin  
Vidal Torres, ACO

***PLEDGE OF ALLEGIANCE:***

Mayor Ronnie Torres asked Bernadette Martinez to lead the pledge of allegiance.

***APPROVAL OF AGENDA:***

Mayor Ronnie Torres requested approval of tonight's agenda Councilor Rudy Jaramillo moved to approve the agenda. Councilor David Lopez seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Regular Meeting: June 15, 2009***

Mayor Ronnie Torres requested approval of minutes for June 15, 2009. Councilor Terese Ulivarri moved to approve the minutes. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carried.

***CITIZENS PETITIONS:***

Mayor Torres read the next agenda item referring to citizen petitions and asked if there were any citizen petitions.

1. **Gloria Sanchez:** approached to podium with Captain Peete of the NM National Guard. He thanked the City of Belen for the sendoff from all citizens of the City of Belen, the governor and others. The update of the unit is that they are doing well at Camp Adeberry. One of the soldiers had a heart attack because of the intense training. He is on medication and doing well and spirits are high. They are already looking forward to their return. Mayor Ronnie Torres asked Captain Peete if he would be giving address for mailing the soldiers and he said he would get them. Gloria continued to read from a list of individuals and businesses that helped make the yellow ribbon ceremony a success. Captain Peete mentioned they received a letter from Senator Udall and handed a copy to the Council, a copy of which is attached hereto and made an integral part of these minutes by reference.
2. **Eugene Kenny Maestas:** approached council and complained about the areas of Mesa Road and other areas around town where the locations are trashed out. He continued saying there are several areas of city owned property and private citizens who have property in worse shape than his and he is being harassed. His main concern was a letter he received from the City in reference to having to pay garbage on top of the water bill which is set by ordinance. A lengthy discussion ensued as to why he has to pay and said he would rather shut off the services. Mayor Ronnie Torres said the ordinance was followed. His other complaint was in reference to violation at the intersection of Mesa Road and Joan Court which violates the 25 ft clearance site triangle as required by City of Belen Ordinance. Again a lengthy discussion ensued on the harassment issue as there are several other areas in town that violate this rule. Mayor Torres said he would have the Planning and Zoning office look into the issue.

***PUBLIC HEARING ON REQUEST TO AMEND THE ZONE MAP FROM C-R TO R-2  
BELEN CONSOLIDATED SCHOOLS: Lisa Miller, Code Enforcement Officer.***

Mayor Ronnie Torres read the next agenda item and opened the public hearing on request to amend the zone map from C-R to R-2 by the Belen Consolidated Schools as presented by Lisa Miller, Code Enforcement Officer. Lisa advised the School was in the process of upgrading Infinity High School and in doing so realized it did not meet the criteria for the C-R zone and needs to be changed to R-2 to be in compliance with the surrounding schools.

Mayor Ronnie Torres asked if there were any questions from the Council and also asked if there were any questions from the audience. There being no further questions Mayor Ronnie Torres closed the public hearing.

***ACTION ITEMS:***

***APPROVAL OR DISAPPROVAL OF REQUEST TO AMEND THE ZONE MAP FROM C-R  
TO R-2 BELEN CONSOLIDATED SCHOOLS: Lisa Miller, Code Enforcement Officer.***

Mayor Torres read the next agenda item referring to approval or disapproval of request to amend the zone map from C-R to R-2 as requested by the Belen Consolidated Schools. Councilor Terese Ulivarri said “I have a commend and then I will make a motion-that is right next door to me and they have been great, I was expecting more noise than what has happened. So I am really impressed with what they are doing. But I agree with the zone change so I’d like to move to approve the request for the zone change. Councilor Rudy Jaramillo seconds the motion, motion carries.

***RECOMMENDATION TO APPROVE A JOINT POWERS AGREEMENT BETWEEN THE  
CITY OF BELEN AND VALENCIA COUNTY REGARDING THE VALENCIA COUNTY  
ANIMAL CONTROL CENTER: Mike Chavez, Chief of Police***

Mayor Ronnie Torres read the next agenda item in reference to recommendation to approve a joint powers agreement between the City of Belen and Valencia County regarding the Valencia County Animal Control Center as presented by Chief of Police, Mike Chavez who advised this was the same joint powers agreement as last year it entails the structure the pound and Valencia County taking care of our animals, for the feeding, euthanasia, adoptions and paperwork.

Mayor Ronnie Torres asked if there were any questions. Councilor Terese Ulivarri asked if the \$2,811 per month is a bargain. Chief Mike said it was not but if you calculate the cost of trying to put up and maintain a shelter, employment of three personnel, following the rules for euthanasia and storage and feeding then it would be a bargain. Councilor Terese Ulivarri asked if that many pets came out of the City of Belen. Chief Mike advised that some months are worse

than others but we do send a lot of animals there. Councilor Terese Ulivarri asked if we have been called out for mutual aid. Chief Chavez advised yes however they have been a wash as we go out and help them and then they go out and help us.

Mayor Ronnie Torres entertained a motion. Councilor Terese Ulivarri advised if there were no further questions or comments she moves to approve the Joint Powers Agreement. Mayor Pro-Tem Wayne Gallegos, seconds the motion, motion carries.

***RECOMMENDATION TO AWARD BELEN ALEXANDER MUNICIPAL AIRPORT-AWOS PROJECT: Sally G. Garley, City Manager, Robert Uecker Airport Director***

Mayor Ronnie Torres read the next agenda item in reference to recommendation to award Belen Alexander Airport AWOS project as presented by Sally G. Garley, City Manager who advised advertisement was done and two bids came in with the recommendation to award the bid to the apparent low bidder who is Vis-Com in the amount of \$164,643.38 which is the base bid and does not include NMGRT.

Jacque Martinez, Molzen-Corbin & Associates advised if the recommendation is to award it needs to be contingent upon getting the grant from FAA. 95% of the funds are from Federal Aviation and 2.5% from a grant with the State and 2.5% City match.

Councilor Terese Ulivarri recommended to approve the bid contingent upon getting the grant from FAA. Councilor David Lopez, seconds the motion, motion carries.

***LAND EXCHANGE AGREEMENT WITH VALENCIA COUNTY: Sally G. Garley, City Manager***

Mayor Ronnie Torres read the next agenda item in reference to land exchange agreement with Valencia County as presented by Sally G. Garley, City manager who advised this issue has been talked about for a couple of years and the County Commission on July the first voted to approve the exchange of 17.85 acres of property at the corner of frontage road and Aragon west of the interchange. And the City transferred 6.0825 acres up near the transfer station. We are requesting approval for this land exchange also.

Mayor Pro-Tem Wayne Gallegos said “yes”. Mayor Ronnie Torres asked if he wanted to make a motion and he said again “yes” he wanted to make a motion, we have been waiting for this for a long time this is part of the flood control for the area, planning, drainage watershed of the mesa I am just happy that it is finally here and that the county and city can work together. And with that I make a motion to approve”. Councilor Terese Ulivarri seconds the motion, motion carries.

Councilor Terese Ulivarri wished to make a comment: “years passed the river that flows down Aragon road when we get a major rain comes off that piece of property that we are exchanging for so now can contain the water and alleviate the flooding down Aragon so this is one of the best things we have ever done with the County that benefits everybody in the city. I think this is a fantastic thing we are doing here. I would like to give thanks to the County for recognizing the plight that we are in and they are willing to exchange lands so that we can help the citizens.”

Mayor Ronnie Torres asked what is the difference between retention and a detention pond. Jacque Martinez of Molzen-Corbin and Associates advised that a retention pond holds the water and a detention pond releases it slowly.

***RECOMMENDATION TO APPROVE RESOLUTION 2009-08 RELATING TO REIMBURSEMENT OF PUBLIC OFFICERS AND EMPLOYEES FOR TRAVEL EXPENSES: Sally G. Garley, City Manager***

Mayor Ronnie Torres read the next agenda item in reference to recommendation to approve resolution 2009-08 relating to reimbursement of public officers and employees for travel expenses as presented by Sally G. Garley, City Manager who advised we are updating the DFA rules and the allowable expenses through DFA and we have made the changes requested. All we are asking is for approval of the current rates which includes the mileage rate of 50.5 cents per mile.

Mayor Ronnie Torres asked if there were any questions if none he entertains a motion. Councilor Terese Ulivarri recommended to approve the resolution. Councilor Rudy Jaramillo, seconds the motion, motion carries.

***RECOMMENDATION TO APPROVE RESOLUTION 2009-09 RELATING TO A CONTRACT TO AUTHORIZE ACCEPTANCE OF A GRANT OFFER MADE BY THE FAA FOR EQUIPMENT INSTALLATION OF AN AUTOMATED WEATHER OBSERVATION SYSTEM (AWOS): Sally G. Garley, City Manager/Robert Uecker, Airport Manager***

Mayor Ronnie Torres read the next agenda item in reference to recommendation to approve Resolution 2009-09 relating to a contract to authorize acceptance of a grant offer made by the FAA for equipment installation of an automated weather observation system (AWOS) as presented by Sally G. Garley, City Manager and Robert Uecker, Airport Manager. Sally advised this was what Jacque was eluding to earlier we are submitting the application requesting that 95% of the funding from FAA and it is also a resolution accepting the grant offer derived from the application. The funding is 95 % from FAA, 2.5% from the state and 2.5% City match for a total estimated project cost of \$200,000.

Mayor Ronnie Torres asked if there were any questions if none he entertains a motion. Councilor David Lopez recommends to approve. Councilor Terese Ulivarri seconds the motion, motion carries.

***INFORMATIONAL ITEMS:***

***CITY MANAGERS REPORT:***

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

***COMMUNICATIONS FROM CITY COUNCIL:***

**Councilor Rudy Jaramillo:** said “display for the fourth of July was really, really nice. I came by the heart of Belen to see the festivities and then went by the restaurant and there were a lot of people in the parking lot. Also the Rio Abajo they are working hard, the Chamber of Commerce is putting together a lot and I have been hearing a lot of good that it is going to be held here at the Heart of Belen. When the Rio Abajo days were at the fairgrounds they would just do the areas and no one would show. Tickets are available from a lot of chamber folks.

**Mayor Pro-Tem Wayne Gallegos:** said “the fourth I guess we all survived the fireworks thanks to the monsoon rains. I did attend the Older American meeting it is looking good they are fighting for a lot of money also and they were aware of some money out there and they were able to capture some money. They appointed me to sit on the capital outlay committee. I know we have a project going right now in Belen at the Senior Center it will affect that one because it is already in but there are some other centers that it might and I am glad to be on that board. The first meeting is the first of August for the capital outlays and we are going to look at their needs.

I want to commend Yvette Flores, our Court Clerk, she received the Court Clerk of the Year in Albuquerque that we all attended and it was very nice and that is nice that one of our own employees was nominated throughout the entire state.

Once again I will say it again monsoon rains are here and we are not going to stop the rain but we need to be prepared and do the best that we can as a city and also ask the citizens to do their part. At any time those clouds can dump a lot of water. Any time we get more than an inch of rain within an hour we go under water real quick I just want to mention that and ask that all citizens be prepared”.

**Mayor Ronnie Torres:** said “did we have a lot of illegal fireworks, did we have a lot of action or was it pretty quiet-referring question to Chief of Police, Mike Chavez-Chief advised everything went well we had a lot of calls about the loud noise. I got some calls today asking what we paid for the fireworks. City Manager, Sally G. Garley advised we had a new vendor and they did an awesome display. Mayor Torres advised he had somebody who said that Elephant Butte was advertising a twenty two thousand dollar display which they attended and this display just rant circles around that display. I wanted to thank Sally on the work with the land because I know you worked a lot on that all those calls. It is good to see we finally got that going so that will take care of that area an now Camino Del Llano it will take up about 75% of the flooding that actually happens in this town so good deal.”

**Councilor Terese Ulivarri:** said “these are the things that I have attended since the last meeting-we had a Rio Metro Regional Transportation District Meeting and I was elected vice chair for the year. Then we had the RSVP recognition luncheon and Wayne MC’d that and Sally and I attended and helped serve the RSVP volunteers they do that every year it is a big group of people that do a lot of volunteer work within the community and I don’t know how much total hours that they put out but if you calculate it out per man hours are not paid for but volunteered it

would be huge. Wayne you could probably give that number you would probably know that more than me. It is amazing all the people that were there so you know there is a lot of good work going on within the city.

The Yellow Ribbon that was just fantastic it was a beautiful ceremony I can't say enough about that so it was heart wrenching but it was a beautiful ceremony.

Once again congratulations to Yvette on being the Judicial Court Clerk of the year.

I attended a meeting at the COG for people up and down the Rio Grande River, all the communities and counties, and it was about the levee. Apparently what we consider a levee system was never really engineered it is more of a slump off system where they just clear parts of the river and the only engineered part is the one in Albuquerque where they have jetty jacks the rest of it around here and up above Albuquerque up into Bernalillo has never been engineered it has just been pushed aside and then conservancy comes and puts ditches in between them. So due to all the flooding issues that happened along the Mississippi in New Orleans we are going to get hammered pretty quickly by flood insurance. So what is going on right now is there is a study from Belen south and another one from San Acacia south to identify the levee system and get it engineered but it is going to take millions and millions of dollars to actually get it done. In the meantime there is a good faith effort being done so that at the time, they are talking about in three years flood insurance may go up for everybody in communities that are along the Rio Grande river system because those levees were never really engineered. Corp of Engineers, Bureau of Reclamation, the State and all the communities from Bernalillo south past Socorro are getting involved to see if we can come up with a joint effort to get it fixed, and so that is big. I identified something at that meeting-I told them the City of Belen encompasses probably only 100 yards of the border of that river for our boundary, our main concern was up on the mesa with the flooding issues we have had every summer. I also told them we had two critical events, a one hundred year flood and a five hundred year flood within a week of each other-go figure. There was a state senator there who showed interest in carrying a bill for us to start an arroyo control (flood) like in Albuquerque and Sandoval County. Erik Zamora from the County called and asked if we would be interested in getting involved in a flood control authority and I said "you bet" we have been trying to get this done since the 80's.

Fourth of July display was fantastic and once again parks and recreation employees did a fantastic job and kudos to them for putting on a good show and also keeping it clean and orderly."

**Councilor David Lopez:** said "fourth of July I got a lot of comments from people in Albuquerque, Los Lunas and Tome that the display went well. The Farmers market was a little busy. As for the Yellow Ribbon Ceremony, Gloria that went very well and it is surprising how those soldiers wanted to thank the council and everyone involved when it is us who should be thanking them.

Due to the fact that we had that, I am in a community involvement team at work, we were looking for a project for the month of July and I suggested that we get in contact with the Blue Star Mothers' and we are putting together care packages for all our soldiers from July 1<sup>st</sup> to July

17<sup>th</sup> so we are collecting a lot of goodies for the soldiers and we will be transporting them to the Blue Star Mother's of Albuquerque in the middle of the month so that is a positive thing.

***ADJOURNMENT:***

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

Councilor Rudy Jaramillo moved to adjourn this meeting. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carried.

/ss

Ronnie Torres, Mayor

**ATTEST:**

/ss

Sally G. Garley, City Manager