

## REGULAR CITY COUNCIL MEETING

March 15, 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 Mary Lucy Baca, Acting City Manager.

***PRESENT:***

Mayor, Rudy Jaramillo  
Wayne Gallegos, Mayor Pro-Tem  
Councilor, Mary T. Aragon  
Councilor, Jerah R. Cordova

***CITY STAFF:***

Mary Lucy Baca, Acting City Manager  
Audrey Torres, CMC Deputy Clerk  
Michael Steininger, Finance Director  
Mike Chavez, Chief of Police  
Robert Rimorin, Utility Director  
Andrew DiCamillo, P/Z Director  
Manny Garcia, Fire Chief  
Joe M. Saiz, Fire Department  
Roseann Peralta, Finance Department  
Pamela Toledo, Finance Department  
Lawrence Kaneshiro, IT Specialist

***OTHERS:***

Norman McDonald, City Attorney  
Brent Ruffner, VCNB  
Gilbert Tabet, Circle T  
Saul Renteria, CIUNA PSWROC  
Anthony Savilla  
Joe & Martha Saiz, Citizens  
LonAnne McBride, Citizen  
Annie Carrillo, Citizen  
Patrick McBride, Citizen  
Randy & Priscilla Krause, Citizens  
Lorenzo Carrillo, Citizen  
Cindy Carter, Citizen  
David Carter, Citizen  
Joan Burnett, Citizen  
Rebecca Jaramillo, Citizen  
Mr. & Mrs. Alfredo Jaramillo, Citizens  
Jesse J. Renteria, PSWDL  
Delbert Jaramillo, Citizen

Dianne Mattson, Our Tomorrow  
David Lopez, Citizen  
Kevin Eades, Molzen-Corbin & Associates  
Gloria Sanchez, Citizen  
Ginger & Dan Mercer, Citizen  
Randy Gettings, Esperanza Street Citizen  
Mr. & Mrs. Frank F. Ortega, Citizens  
Rod Storey, Citizen  
Frank Storey, Citizen  
Sylvia Chavez, Citizen  
Sarah Rueben, Citizen  
Mickey & Virginia, Citizens  
Al Padilla, Citizen  
Andy Jaramillo, Citizen

***PLEDGE OF ALLEGIANCE:***

Mayor Rudy Jaramillo asked Pamela Toledo to lead the pledge of allegiance.

***APPROVAL OF AGENDA:***

Mayor Rudy Jaramillo requested approval of tonight's agenda Councilor Jerah R. Cordova moved to approve the agenda. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carries.

***APPOINTMENT OF CITY COUNCILOR: Mayor Rudy Jaramillo***

Mayor Rudy Jaramillo read the next agenda item in reference to appointment of City Councilor. Mayor Jaramillo submitted the name of Lorenzo Carrillo to fill the vacated City Council seat and asked for a motion to approve the appointment. Councilor Jerah R. Cordova moved to approve Lorenzo Carrillo as the person to fill the vacant City Council Seat. Mayor Pro-Tem Wayne Gallegos seconds the motion, Councilor Mary T. Aragon votes against the appointment, Mayor Rudy Jaramillo advised, motion carried.

Mayor Rudy Jaramillo advised there will be a swearing in of Lorenzo Carrillo. Appointee Lorenzo Carrillo was sworn in by Municipal Judge Kathy Savilla and accompanied by his family.

Mayor Rudy Jaramillo said "I have chosen Lorenzo Carrillo because I feel he can do a very good job in this seat he is very independent very knowledgeable and I think we can all work together for the betterment of this community for our people and I think he will do a great job, thank you".

Councilor Lorenzo Carrillo thanked the councilors for their support and advised he could work with everyone his objective in the two year term is to see Belen grow.

***APPOINTMENT OF ACTING CITY MANAGER: Mayor Rudy Jaramillo***

Mayor Rudy Jaramillo read the next agenda item in reference to appointment of Acting City Manager. Mayor Jaramillo submitted the name of Mary Lucy Baca, HR Director; she has been serving as Acting City Manager the past week. Mayor Rudy Jaramillo requested a motion to approve. Mary T. Aragon moved to approve Mary Lucy Baca as Acting City Manager. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carried.

***CITIZENS PETITION***

Mayor Rudy Jaramillo read the next agenda item in reference to citizen petitions.

**Randy Gettings** stood and advised he was representing Esperanza street citizens and advised he had talked with the previous administration and fought with them for approximately nine months or so and now he wants to know if this administration is going to give him an answer. The speak hump issue has been going on for over a year. Mayor Rudy Jaramillo advised they have met and are trying to amend the ordinance and they have gained some ground. Norman McDonald, City Attorney advised they have met three times and revisions have been made they are currently making changes to the body of the ordinance as well as to the procedures to be followed. There should be one more meeting to have the ordinance in final form for presentation to Council.

Mayor Rudy Jaramillo asked Councilor Mary T. Aragon or Councilor Jerah R. Cordova to fill the committee vacancy created by former Councilor Terese Ulivarri; the appointment was accepted by Councilor Jerah R. Cordova. Mayor Rudy Jaramillo advised there will be a workshop prior to presentation of the final form to Council.

**Gloria Sanchez** congratulated the City Council and asked for their support, and these events require a lot of time, for the events held within the City of Belen which she has been a volunteer doing so. There are several events she has volunteered for which include but not limited to Founders Day, Memorial Day and most recently Yellow Ribbon Deployment Ceremony.

Mayor Rudy Jaramillo asked Gloria if she is rescinding her letter of resignation so that she can continue volunteering for the projects. Gloria advised that letter was just for Memorial Day and not all of the events. She also requested an appointment of a individual with authority to which Mayor Jaramillo advised he would get together with her to discuss the appointment.

***PRESENTATION OF POTNTIAL COMMUNITY HIRING AGREEMENT: Saul Renteria, Labor Relations Representative-Laborers' International Union of North America***

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of a potential community hiring agreement as presented by Saul Renteria, Labor Relations Representative-Laborers' International Union of North America. Saul Renteria thanked the Mayor and Council for the presentation opportunity. Saul submitted a handbook for review in Council packets, a

copy of which is attached hereto and made an integral part of these minutes by reference. The brief initial introduction was followed by a slide show presentation.

Excerpt from the booklet- “the purpose of the booklet and the accompanying video, is to show how Project Labor Agreements are a winning opportunity-not just for workers and contractors, but also for public and private project owners, and especially for taxpayers. In summary...project labor agreements are negotiated labor agreements, designed to provide uniform labor policy for all construction workers involved in the building of a specific project, or series of projects. As part of the stabilization of wages, benefits, and working conditions, the workers agree to use the PLA’s specific dispute resolution process and forego strikes and other work actions. The primary goal of the PLA is to save the owner of a project significant amounts of money by dramatically reducing the risk of delay and cost overruns due to labor disputes. The reduction in risk also results in lower financing and insurance costs for the project-driving even more savings to the owner’s bottom line. A project Labor Agreement is an elegant device that delivers benefits to all parties involved”.

Mayor Rudy Jaramillo asked if there were any questions from the council, Councilor Jerah R. Cordova noted these particular agreements seem like they would increase the regulation oversight in terms of the company that is involved in the agreement and asked if that would have any effect on decreasing the number of bidders for a particular project or increasing the cost for the contractor. Saul advised that PLA’s or Community Workforce Hire Agreements are usually a project of one million dollars or higher. There are no studies that can substantiate a comment as to whether the PLA’s or Community Workforce Hire Agreements would increase the cost for the contractor or limit the pool of bidders.

Mayor Pro-Tem Wayne Gallegos asked if they were a Union and what is the difference between that union and the Builders and Contractors union. Jesse Renteria advised those are associations and have more contractors and are not excluded to bid on project labor agreements, the Laborers’ International Union has a trained workforce that provides training and certifications which other contractors do not provide. The purpose of the Laborers’ International Union is to work with the City to create a community hiring agreement.

Councilor Lorenzo Carrillo questioned the confusion of training the local workforce and then the comment of bringing in expertise. Jesse Renteria advised they do have schools for example apprentice and journeyman which are paid by the contractors. Councilor Carrillo advised the cost associated with all those has to be built in somewhere so you are building in to the negotiation. The question posed is “if there is a cost overrun who absorbs those costs?” The owner always absorbs those costs if it is done under agreement or no. A lengthy discussion ensued as to the benefits of Project Labor Agreements.

***BUDGET UPDATE/FINANCE DEPARTMENT: Michael Steininger, Finance Director***

Mayor Rudy Jaramillo read the next agenda item in reference to budget update/finance department as presented by Michael Steininger, Finance Director who advised there was a

financial report provided in their packed and will be referring to it for his report and clarified for the record it is not a budget update it is a financial report the budget report will be next month. He was directed by the Mayor to give the Council a summary of where the City is financially at this point in time. Mr. Steininger advised Council he was going to be making reference to gross receipts tax but they needed to understand it was not the end all be all of the City's revenues. The City does budget revenues from other sources. After a lengthy review of the budget the synopsis of the report was that through March it shows that year to date collections of \$409,000 less than what was budgeted and that budget was downgraded from prior year. Everything that the City relies on for revenue be it property taxes, charges for services other various taxes, penalties and interest is down almost across the board. This is not a problem that has materialized within the last couple of months there are a number of people who for a number of reasons believe that all of this spending has only occurred within the last few months, the current budget which was approved in August had a built in deficit of \$1.193 million dollars so to sit and say that this happened recently is misleading because it was intended that during the course of the year that the general fund budget was going to run deficit and as shown in the report it has run deficit for the last three years which were the only years pulled for reporting purpose.

Michael P. Steininger reported a cost of \$600,000 for purchase of land to which he added was required by NMDOT in order to secure funding for the Camino Del Llano Project. Councilor Mary T. Aragon and Jerah R. Cordova questioned if the purchase of the land was necessary or cost effective at the time it was approved without Council approval knowing the budget was running deficit. Finance Director, Michael Steininger advised more creative options should have been sought prior to the purchase of the land, it was his understanding that NMDOT basically came in and said if you don't put that thing in then, then again I don't know the exact wording, then we will not fund the program or continue with it. Mayor Pro-Tem Wayne Gallegos said "that was correct as the City did not have the cash flow to fund the project, some of the grants we get are 40% match and it seems like a great deal but when you don't have the cash flow you have to do things in phases. The studies were done in phases the work was done and once you start then you work it for the next year well the hang up on that project was that, that the channel ways arroyos, anything feeding off that basin would have to be included right away so there was a red flag thrown saying you guys aren't going to get Camino Del Llano you have the money there but you're not going to do it unless you move on a ponding area right away, although the planning was done for it they did not want to hear it. So that's where that came about.

Councilor Jerah R. Cordova said "just one correction on that. I attended the City Council meetings where the project was discussed and ground had not been broken, it was actually (unable to transcribe too many individuals speaking at the same time)

Michael Steininger, Finance Director said "contracts were awarded so for all practical purposes it was done".

Councilor Jerah R. Cordova said "well there were discussions and the project was actually delayed and I imagine the project could have been delayed further had it been (unable to transcribe too many individuals speaking at the same time).

Mary T. Aragon said “well I have a question too maybe you Wayne can answer it. The land was purchased and yet it did not go through the council until after the fact, and I don’t understand why we did that after the fact. I just do not understand how you can acquire something without having council approval, I just don’t understand that. And voting on it that vote came during the election that vote was only about a month ago. But yet the property was purchased before, the agreements were made before.

Mayor Pro-Tem Wayne Gallegos advised it was done primarily because of negotiations so that the cost would not rise once the property owners realized the City “needed” their property.

Gilbert Tabet, citizen advised when they bid the project it was bid at 3.5 million dollars what happened to the other million and a half is my question for that project. The land purchase was not a million and a half. They began with five million dollars and now we don’t seem to have enough to finish it.

Councilor Jerah R. Cordova advised he remembered there was a budget of 6 million for Camino Del Llano the bid was lower and somewhere in the process about two million dollars just disappeared it would be important to know where that money went.

Michael Steininger, Finance Director advised he knew that some of that money went to replace the heating and cooling units at City Hall, computer upgrades, camera system around City Hall and other buildings. He would get a detail on where the money went and continued with his report. A copy of the financial report is attached hereto and made an integral part of these minutes by reference.

### ***ACTION ITEMS***

#### ***ADOPTION OF CITY OF BELEN OPEN MEETINGS ACT- RESOLUTION 2010-06: Councilor Jerah R. Cordova***

Mayor Rudy Jaramillo read the next agenda item in reference to adoption of Resolution 2010-06 in reference to adoption of City of Belen Open Meetings Act-Resolution 2010-06 as presented by Councilor Jerah R. Cordova who advised the City of Belen is required each year to pass an open meetings act resolution a copy of which is attached hereto and made an integral part of these minutes by reference. Mayor Rudy Jaramillo asked if there were any questions or comments from City Council. Mayor Pro-Tem Wayne Gallegos moved to approve the resolution. Councilor Mary T. Aragon seconds the motion, motion carries.

## ***INFORMATIONAL ITEMS:***

### ***CITY MANAGER'S REPORT***

The City Managers report is attached hereto and made an integral part of these minutes by reference. Mary Lucy Baca, Acting City Manager asked if there were any questions.

Councilor Jerah R. Cordova said he was advised that the City shut off water services to some businesses because they were delinquent on their water bill and requested an explanation. Mary Lucy Baca, Acting City Manager said the businesses were given sufficient notice they were going to be shut off and did not think the City would follow through. Michael Steininger, Finance Director added some of the businesses that were shut off were delinquent as much as six months most of those were caught up last month because last month they were warned if they did not comply with the ordinance, as has been done historically, they were going to be shut off.

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

**Mayor Rudy Jaramillo:** said "I appreciate Mary Lucy her HR duties have not stopped we threw this Temporary Acting City Manager position upon her and to my knowledge everyday that I have been in her office grasping all information that I can from her she has not stopped her daily duties plus she has picked up the extra duties and done well. She has a lot of information there are other individuals within the City that I have been able to go to and get information. So much is happening, as you can see with Michael, within the City you can see it is something that we have to deal with as a governing body I think we will do great and get it under our belts and work with this budget. Again Lucy thank you so much for stepping up I appreciate that".

**Councilor Mary T. Aragon:** said "I would also like to thank Lucy and Audrey and Michael and everybody they have been very supportive and very helpful to us all and trying to keep us on track and I appreciate that.

**Councilor Jerah R. Cordova:** said "I am going to take this opportunity to mention two concerns that I heard from constituents this week one is Don Felipe road the entrance way to the Taco Bell Pizza Hut entrance I am told that road is a mess right now but it is within county jurisdiction and a county maintained road so I will be in contact with Commissioner David Medina who represents that area about that roadway.

Also I have heard complaints about trash along the curbs on Main Street and Reinken Ave. I have asked Mayor Jaramillo look into that to see if we can get some crews to look into that see if we can put some crews on that to get it cleaned up.

At the next meeting I am having placed on the agenda a report on the North Belen Interchange project from Jim Woods of Coast Range Investments who is the developer of Rancho Cielo. I am also trying to get a representative of Signet Solar present and someone from the NMDOT who can update us on the project so I hope you can all attend and listen to that because it will be interesting”.

**Mayor Pro-Tem Wayne Gallegos:** said “I would just like to welcome Lorenzo again on behalf of us already here, you have to hit the ground running pretty much. I know you have experience on the school board and we really don’t have that much of a learning curve you know with the deficits that we face (unable to transcribe too much desk noise) people with different minds you know it’s nice to see that I think it is going to make that work. Once again welcome. Also there was a balloon rally this weekend it was nice to see them up in the air and that they chose Belen to be here. A run and walk sponsored by the recreation center that they have every March and I think that one went well also. I will be attending a meeting with RSVP.

**Lorenzo Carrillo:** said “once again thank you for your support. Just a little bit about my background I have 30 years of federal government experience, I have worked in budget and contracts I have worked in procurement and I have 14 years of HR experience I currently work at security. I want to say that I certainly do not have the internal expertise yet, there is a lot to learn looking at this budget one thing I am very thankful for is that during the election a lot of promises were not made and I think that is a good thing because we are in a opportunity to sit back and breathe a little bit and try to bring our budget back in line and certainly get out of the deficit we are in. That is going to be very important to us in the future we do not see the silver lining yet, as you know the economy is not stabilized yet so we have a lot of things to do but I know we have a lot of expertise here and I certainly will be drawing upon that. I am getting, or I want to get to know the different department managers so I plan to hit the ground running as Wayne said I am really excited about the opportunity but I am a fiscal conservative so with that said I am looking forward to the many challenges that we do have coming. I guess my question would be to the Mayor is-how do I get communication to the community do we have an email address or do we establish one”?

Mayor Rudy Jaramillo instructed Mary Lucy Baca, Acting City Manager to help Councilor Carrillo get his email through the City IT.

I enjoy working with Norm I have worked with him in the past and I am looking forward to that.

***EXECUTIVE SESSION:***

Mayor Rudy Jaramillo read the next agenda item and called for executive session  
Mayor Pro-Tem Wayne Gallegos moved to exit into executive session. Councilor Jerah R. Cordova seconds the motion.

Councilor Lorenzo Carrillo	Yes
Councilor Wayne Gallegos	Yes
Mayor Rudy Jaramillo	Yes
Councilor Jerah R. Cordova	Yes
Councilor Mary T. Aragon	Yes

Mayor Rudy Jaramillo reconvened this regular meeting and stated for the record that no action was taken.

***ADJOURNMENT:***

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

Councilor Jerah R. Cordova moved to adjourn this meeting. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carried.

/s/  
Rudy Jaramillo, Mayor

ATTEST:

/s/  
Mary Lucy Baca, Acting City Manager

Transcribed by:  
Audrey D. Torres, CMC Deputy Clerk  
Procurement Specialist