

REGULAR CITY COUNCIL MEETING

May 3, 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
Wayne Gallegos, Mayor Pro-Tem
Councilor, Mary T. Aragon
Councilor, Jerah R. Cordova
Councilor Lorenzo Carrillo

CITY STAFF:

Mary Lucy Baca, Interim City Manager
Audrey Torres, Deputy City Clerk
Michael Steininger, Finance Director
Robert Uecker, Airport Director
Lenore Pena, HR/FD
Manny Garcia, Fire Chief
Kathy Peoples Belen Fire Department
Ana Pope, Belen Fire Department
Mary Weinrick, Belen Fire Department
Mike Chavez, Chief of Police
Andrew DiCamillo, Planning & Zoning Director

OTHERS:

Norman McDonald, City Attorney
Brent Ruffner, VCNB
Joe Saiz, Citizen
Kevin Carrillo, Citizen
Earl & Regina, Griego, Citizens
Martha Saiz, Citizen
Randy Gettings, Citizen
Della Gaul, grandson Eagle Scout
Frank & Louise Ortega, Belen Consolidated Schools
Gloria Sanchez, Citizen Volunteer
Sonny Sanchez, Citizen Volunteer
Jacquie Martinez, Molzen-Corbin & Associates
Charles Cox, Boy Scouts of America Troop 864
Ken Johnston, “ “ “ “
Fran Johnston, “ “ “ “
Michael Humble, Boy Scouts of America Troop 864
Joan Urtiaga, Citizen

Pasqual Armijo, Citizen
Dolores Lola Quintana, Belen Schools
Gilbert Tabet, Circle T
Anthony Ruez, Citizen
Carol & Ernest Huston, Citizens
Ron Paiz, La Villa Belen Apts
Dubra Karnes-Padilla, Community Citizen

PLEDGE OF ALLEGIANCE:

Mayor Rudy Jaramillo asked Michael Humbel 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 as amended. Councilor Wayne Gallegos seconds the motion, motion carried.

PUBLIC COMMENT

Mayor Rudy Jaramillo read the next agenda item in reference to public comment and asked if there were any public comments, there were no public comments presented session was closed.

Joan Artiaga and Pasqual Armijo-own the Kohn hotel on Reinken Street near the overpass where proposed construction of the pedestrian walkway is planned and her main concern is safety and health and it is her understanding there are plans to close the road and would like more information on the plans. Mayor Rudy Jaramillo directed Andrew DiCamillo, Planning and Zoning Director to meet with the owners and MRCOG for clarification on her questions and concerns.

Ned Griego and his wife Regina Griego submitted a letter for the record a copy of which is attached hereto and made an integral part of these minutes by reference. Their main concern was the problems with the Hacienda apartments and the dilapidated conditions there. Regina circulated pictures for council review. Mayor Rudy Jaramillo Directed Andrew DiCamillo, Planning and Zoning Director to check into what the city limitations are and proceed.

Anthony Baca-said the number one priority of Belen should be safety of the community and that is what he has been asking for the past ten or twelve years. He advised the Griego they can contact DEA to seize the property, seal it up and it is up to the landlord to prove it is not a crack house or drug house, they will seize it, just contact the DEA. That is an easy fix and a suggestion the council might look at.

Couple of requests from the City Manager the policies on selling City assets, property and merchandise whether they exist or not. Also requested the sale of any City assets in the last eight years because there are a couple of areas in Belen that those properties were basically given away to individuals and wanted to see what was sold in the last eight years, it may not be that much but if there was there should be some kind of public record on it. Also requested documentation on all settled cases from the past eight years, the reason he is asking for that is because the previous meeting held they kept hearing there are no lawsuits against the police department anymore. He also requested a detailed Police Department budget, as a businessman he can help the city with that, if there are problems with the budget he can help, he has run budgets for multimillion dollar corporations before he got into business for twenty five years. He also requested training records for mayor, council and employees that are exempt and that they understand the policies and procurement ethics for all city officials in the state of New Mexico.

Mayor Rudy Jaramillo advised this is a new mayor and council and there is a lot of transparency happening and there are a lot of things we cannot get a magic wand and wave it over but we are all trying to work together as a governing body for the community, as we go along you will see a lot of openness like what is going on with the Hacienda apartments and the like.

Anthony Baca-continued stating “the thing with the DEA you call show them three police reports on that and they will seal the property.

Chief Mike Chavez-“that is not true Mr. Mayor I cannot sit down anymore for that bunch of nonsense that this guy comes up with these fabrications and lies every council meeting.

Anthony Baca and Chief Mike Chavez exchanged words and Mayor Rudy Jaramillo asked for silence.

Councilor Lorenzo Carrillo-there are many issues that the council is facing that we know have taken place in the past and I can guarantee you one thing we cannot change what has happened in the past. I know that there are individuals in this community that are looking for some type of retribution or some kind of way to fix what happened. I can guarantee you it’s not going to happen we cannot change and the issue that keeps coming up to me that I hear out in the community is that someone has got to be held accountable. In order for that to happen you have to insure that you have facts, that the city has facts, not just a statement, in order to pursue any type of legal action. We are not looking at those, as the Mayor said, we are correcting and addressing issues. We have some weaknesses in our City government, there is no doubt and we have weakness in those that lead all the way through, we have positive and we do have negative those are being addressed. The issues of property are going to be addressed in this town and it is not going to be pleasant because it is going to affect people’s personal property and those that haven’t taken the personal responsibility to take care of the things they actually own, they will be held accountable, we are looking into all these issues but it takes time.

Tony Savilla-just to clarify what this gentleman said, I am a retired police officer and I have worked with the DEA as a task force officer for six years and you cannot do what he said.

Sonny Sanchez and Gloria Sanchez-both citizen volunteers with the City of Belen wanted to invite citizens to participate in the homecoming of the 515th on Wednesday at the Calvary Chapel.

Randy Gettings: asked if citizens could volunteer helping with recreation programs.

Mary Lucy Baca, Interim City Manager advised any citizen can come into city hall and fill out a form after which they may be allowed to volunteer.

PRESENTATION OF EAGLE BADGE TO MICHAEL WILLIAM HUMBLE: Mayor Rudy Jaramillo and PRESENTATION OF EAGLE SCOUT CHALLENGE: Dr. R. Ken Johnston, Advisor for Venturing Crew 864.

Mayor Rudy Jaramillo read the next agenda item in reference to presentation of the Eagle Scout Badge to Michael William Humble and Presentation of the Eagle Scout Challenge by Dr. R. Ken Johnston, Advisor for Venturing Crew 864. Mayor Rudy Jaramillo read a prepared presentation a copy of which is attached hereto and made an integral part of these minutes by reference. After presentation of the Eagle Badge by Mayor Jaramillo, Dr. R. Ken Johnston presented Michael William Humble with the Eagle Scout Challenge and Michael received a standing ovation by all present.

PUBLIC HEARING ON INTENT TO ADOPT AN ORDINANCE ESTABLISHING FLOOD PROTECTION REGULATIONS FOR THE CITY OF BELEN, NEW MEXICO; REPEALING ORDINANCE 1982-4 AMENDING SECTION 15.28 OF THE CITY OF BELEN MUNICIPAL CODE AND DECLARING AN EMERGENCY: Manny Garcia, City of Belen Fire Chief

Mayor Rudy Jaramillo read the next agenda and opened the public hearing on intent to adopt an ordinance establishing flood protection regulations for the City of Belen, New Mexico; repealing ordinance 1982-4 amending section 15.28 of the City of Belen municipal code and declaring an emergency as presented by Manny Garcia, Fire Chief who advised last year FEMA conducted a field survey in Belen regarding flooding areas that we have in response to the major flood that we had in 2006, usually what happens at the time when we have flooding emergencies and we do have an event FEMA comes and re-asses the complete town to make sure that the areas that were flooded are in a current flood zone and the areas that were impacted may be in a future floodplain. There was only one change on the entire floodplain map and those were a couple of tracts, with the help of P/Z, by Auge's car dealership which was taken out of the floodplain.

The current ordinance is outdated and in need of updating which is the one in front of the council tonight, the reason it has become an emergency is because right now we are not in compliance with FEMA regulations. Based on the action taken at the next meeting if it is approved it will become effective immediately which is what FEMA requires. If it is approved a copy of the ordinance will be sent to FEMA for updating.

Mayor Rudy Jaramillo asked if there were any further questions and none were presented public hearing closed.

FINANCE REPORT: Michael Steininger, Finance Director

Mayor Rudy Jaramillo read the next agenda item in reference to finance report by Michael Steininger, Finance Director who advised he broke his report into two parts the first is to review the quarterly report, a copy of which is attached hereto and made an integral part of these minutes by reference, that was sent to DFA for the period ending March 31st nine months thru the year 75%.

The good news is that it has not changed much since the last report it is consistent revenues, speaking of general fund, are still down 18% from what was budgeted which is consistent with the past two reports. Department directors are at 72% of budget versus 75% of the way thru the year which is impacted by reduced purchasing put into effect in December. Thru the end of March General Fund is at a deficit of 2.5 million which is more than double what the projected was for the entire year.

The schedule of investments is the last page of the packet and is broken down in four types of money the city has, operating funds, project accounts, reserve accounts, trust accounts. As of March 31st the report shows 6.7 million dollars in total cash \$74,000 is held in trust which is the water meter deposits, \$2.2 million are mandatory reserves, \$4 million is pledged for projects, \$400,007 under the control of the city which is not obligated or otherwise committed.

Councilor Mary Aragon-do you think DFA will approve the budget if we have a \$1.4 million deficit. Michael Steininger, Finance Director advised no, but he has been in constant contact with DFA and they know we have taken the proactive approach of addressing the problem rather than being reactive we are not being stared at.

PRESENTATION OF REQUEST BY LOLA QUINTANA AND FRANK ORTEGA, BELEN PRBLIC SCHOOLS REFERENCE SUMMER SWIM PROGRAM:

Mayor Rudy Jaramillo read the next agenda item in reference to a request by Lola Quintana and Frank Ortega of the Belen Public Schools requested water from the City to fill the school swimming pool for the summer swim program. Lola Quintana a member of the school board and representing the school board along with Frank Ortega gave a history of cooperation with the City of Belen and congratulated the current City Council for their cooperative efforts. A packet of information on the history was handed to City Council a copy of which is attached hereto and made an integral part of these minutes by reference.

Mayor Rudy Jaramillo and the City Council listened to the history and request for water and later advised it would be considered at the next City Council Meeting.

PRESENTATION OF THE UNMVC NURSING PROGRAM: Don Austin & Jennifer Ambers

Mayor Rudy Jaramillo read the next agenda item in reference to a presentation of the NUMNVC Nursing Program and advised Don and Jennifer were not present and advised it would be presented at a later date.

FIRE DEPARTMENT IMPROVEMENT PLAN: Manny Garcia, Fire Chief

Mayor Rudy Jaramillo read the next agenda item in reference to Fire Department Improvement Plan as presented by Manny Garcia, Fire Chief who advised the improvement plans was a result of a request by Council for such a plan. The Belen Fire Department Improvement Plan is attached hereto and made an integral part of these minutes by reference.

Gloria Sanchez, Citizen Volunteer prepared a packet in support of the Belen Fire Department a copy of which is attached hereto and made an integral part of these minutes by reference.

MUNICIPAL AIRPORT IMPROVEMENT PLAN: Robert Uecker, Airport Manager

Mayor Rudy Jaramillo read the next agenda item in reference to Belen Alexander Municipal Airport Improvement Plan as presented by Robert Uecker, Airport Manager who also advised the improvement plans was a result of a request by Council for such a plan. The Belen Alexander Municipal Airport Improvement Plan is attached hereto and made an integral part of these minutes by reference.

DISCUSSION OF DESTRUCTION OF PLANNING & ZONING DEPARTMENT PUBLIC RECORDS: Andrew DiCamillo, Planning & Zoning Director

Mayor Rudy Jaramillo read the next agenda item in reference to discussion of destruction of City of Belen planning and zoning department public records as presented by Andrew DiCamillo, Planning & Zoning Director who advised the records listed are far beyond the records retention schedule as provided by Local Government Records Retention and Disposition Schedule Title 1 Chapter 19.

Question was raised by Councilor Jerah Cordova on an item on the list “Taos County sign regulation” information and asked clarification on its contents. Andrew DiCamillo advised it would be pulled and would report to Councilor Cordova the contents of said file.

Mayor Rudy Jaramillo and the City Council reviewed the information supplied and advised the request would be considered at the next City Council Meeting.

DISCUSSION OF DESTRUCTION OF FIRE DEPARTMENT PUBLIC RECORDS: Manny Garcia, Fire Chief

Mayor Rudy Jaramillo read the next agenda item in reference to discussion of destruction of City of Belen Fire Department public records as presented by Manny Garcia, Fire Chief who advised the records listed are far beyond the records retention schedule as provided by Local Government Records Retention and Disposition Schedule Title 1 Chapter 19, he also advised they may not have to come before council in the future to destroy records because they are working to store them electronically.

Mayor Rudy Jaramillo and the City Council reviewed the information supplied and advised the request would be considered at the next City Council Meeting.

PEDESTRIAN OVERPASS UPDATE: Andrew DiCamillo, Planning & Zoning Director

Mayor Rudy Jaramillo read the next agenda item in reference to the pedestrian overpass update as presented by Andrew DiCamillo, Planning & Zoning Director who advised he was happy to report the pedestrian overpass bridge coring is progressing and advised a news release was done and a copy is attached hereto and made an integral part of these minutes by reference.

Joanne Artiaga and Pasqual Armijo had several concerns and requested a meeting with the architect, the city and other property owner Robert Ulivarri. Andrew DiCamillo advised to address those concerns they were a part of the process from day 1 and if clarification is required then it will be done as soon as they come into City Hall set up a meeting and be re-briefed.

ACTION ITEMS

DISCUSSION AND CONFIRMATION OF DATE FOR BUDGET WORKSHOP.

Mayor Rudy Jaramillo read the next agenda item in reference to discussion and confirmation of date for budget workshop on May 6, 2010 at City Hall and asked for a motion to approve. Motion was made by Councilor Mary Aragon to approve the date for the workshop. Councilor Wayne Gallegos, seconds the motion, 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 Lorenzo Carrillo: unable to transcribe-citizen Randy Gettings and others commenting.

Mayor Pro-Tem Wayne Gallegos: last week meeting on waste management for the City was a good meeting. He and the staff met with individuals from waste management and were enlightened on what is going on. Current contract was discussed and work the staff is doing is going to help be more efficient. We need to find out where the numbers are a lot of the problems are on billing and staff is working on that. The information the city is gathering needs to be sent to waste management who will in turn give us a report no later than the 15th.

Mayor Rudy Jaramillo: was proud of Michael receiving the Eagle Scout that was a great accomplishment. The workshop coming up is going to be a challenge. May 6th is also the national day of prayer at the Heart of Belen. May 5th the 515th National Guard which left a year ago is returning from Iraq.

Councilor Jerah Cordova: had a few concerns he keeps hearing from constituents. Street maintenance is a problem in terms of debris in curbs and center turn lanes, the worst part he has noticed is the Reinken overpass, there is also an ADA ramp on the bottom of the overpass that is filled with dirt.

Also there are issues with the pickup program after paying a fee to have large items removed from their residence and business. He is not sure what has happened to the work orders for that but it seems they are not getting addressed from the Solid Waste Department.

Councilor Mary Aragon: wanted to commend the staff at City Hall the ladies have been cleaning the restrooms, as she has noticed, and are scrubbing the floors and vacuuming. They do this task cheerfully there is no complaining. Everyone is short staffed and everyone is trying to help each other. Lenore Pena advised that the male employees of City Hall also help with the cleaning as scheduled.

EXECUTIVE SESSION:

Mayor Rudy Jaramillo read the next agenda item and called for motion to go into executive session to discuss pending or threatened litigation. Mayor Pro-Tem Wayne Gallegos moved to exit into executive session. Councilor Mary Aragon seconds the motion.

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

Mayor Rudy Jaramillo asked for a motion to return from executive session into open session. Councilor Lorenzo Carrillo so moved. Mayor Pro-Tem Wayne Gallegos seconds the motion

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

Mayor Rudy Jaramillo advised for the record no action was taken. Councilor Jerah Cordova moved to confirm they discussed only pending or threatened litigation. Councilor Mary Aragon second the motion, motion carried.

ADJOURNMENT:

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

Councilor Mary Aragon moved to adjourn the meeting. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carried.

/s
Rudy Jaramillo, Mayor

ATTEST:

/s
Mary Lucy Baca, Interim City Manager

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