

REGULAR CITY COUNCIL MEETING

May 4, 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:

Audrey Torres, Procurement Specialist
Mike Chavez, Chief of Police
Lawrence Kanishero, IT
Mike Chavez, Police Chief
Andrew DiCamillo, Planning & Zoning Director
Robert Uecker, Airport Director
Mario Sisneros, Solid Waste Supervisor
Gary Barreras, P&Z
Lisa Miller, P&Z
Pedro Martinez, WWTP
Robert Rimorin

OTHERS:

Norman McDonald, City Attorney
Brent Raffner, VCNB
Gilbert Tabet, Circle T
Alice Gallegos, Ruben Lopez
David Blocher, Blocker Family Holdings
Rebecca Yslas Lara, self
Cindy Chavez, self
Donnita Thompson, self
Johnny E. Chavez, self
Jacquie Martinez, Molzen-Corbin & Associates
Dan Hogan, “
Jerah Cordova, Our Tomorrow
Dianne Mattson, Our Tomorrow
Paul Baca
Loretta Baca
Sandra Gaiser, MRCOG
Tony Sylvester, MRCOG

PLEDGE OF ALLEGIANCE:

Mayor Ronnie Torres asked Leroy Baca to lead the pledge of allegiance.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

Regular Meeting: April 6, 2009

Mayor Ronnie Torres requested approval of minutes for April 6, 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. Jerah Cordova said "I am Jerah Cordova tonight representing Our Tomorrow for a better Belen. I have 2 quick issues that I want to address. The first is graffiti control; I know that the City has some sort of process in place for addressing graffiti. I wanted to point to three locations that I think need some attention. The first is the 600 block of 6th Street there is a wall there that got some graffiti on it that is just directly north of Central. There is also an alley way behind Central Elementary in view of the kids that has some graffiti on it. And I know the Reinken avenue bridge has been mentioned before I am not sure if it's been noticed but on the, where the pedestrians can walk on the inside wall there is some graffiti on both sides I believe".

"The other issue I wanted to address is that the City will tonight have on their agenda a proclamation for the Municipal Clerk and, I wanted to reiterate publicly what I have discussed privately with several of you. And that is that I believe the City of Belen may be violating state law by having by ordinance abolished the position of City Clerk. I know that is not necessarily the way that you all operate, because I think that there is a City Clerk but within municipal ordinance that abolition took place and I wanted to bring that to your attention again and I hope sometime in the near future it will be addressed".

Mayor Ronnie Torres asked if there were any more citizen petitions. There were no further citizen petitions at this time.

DEPARTMENT REPORT-BELEN ALEXANDER MUNICIPAL AIRPORT: Robert Uecker, Airport Manager

Mayor Ronnie Torres read the next agenda item in reference to a department report of Belen Alexander Municipal Airport by Robert Uecker, Airport Manager who reported during the last year the airport has seen a lot of progress in land acquisition for the new runway, opening and use of the new pilot's lounge, use of the airport by more diverse aviation community and there are plans for upcoming improvements in the facility. The land acquisition for the large twelve acre tract adjacent to the airport is essentially completed and progress is being made on seven final tracts which are in condemnation and progress is being made to resolve outside of the court system. Once this is complete progress can begin on the crosswind runway. Other than the crosswind runway new improvement plans are Automated Weather Observation System (AWOS) this system broadcasts on a dedicated radio frequency so that pilots that are flying can receive information even when no one is at the airport. The AWOS is funded mostly by the FAA. He is continuing to replace the old FBO building that is somewhat of an eyesore this may be accomplished within a couple of years depending on the funding sources. One great thing in process is the beginning of a fire station at the airport which has been accomplished with the hard work of Mayor Pro-Tem Gallegos and Fire Chief Garcia. The fire station will be a substation to provide service to the west mesa area along with the county. It will be a great addition to the airport, there have been inquiries by businesses on how far the nearest fire station is located and how long it takes to get there. The budget this year for the airport should be about ten percent lower than last year this is due to lower matching needs for grants and a better understanding of what is actually needed at the airport.

DEPARTMENT REPORT-WASTEWATER TREATMENT PLANT: Dale Tafoya, WWTP Supervisor

Mayor Ronnie Torres read the next agenda item in reference to department report for the wastewater treatment plant. Sally G. Garley, City Manager advised we needed to reschedule this item for the next meeting as Mr. Tafoya was unable to attend.

RECOGNITION OF 15 YEAR EMPLOYEE: Mayor Ronnie Torres

Mayor Ronnie Torres read the next agenda item in reference to recognition of 15 year employee. Mayor Torres advised these are usually given at a different time of year; however this employee was inadvertently missed. Nevertheless we have a certificate of recognition to Pedro Y. Martinez a copy of which is attached hereto and made an integral part of these minutes by reference.

PROCLAMATION "BACA AUTO DAY": Mayor Ronnie Torres

Mayor Ronnie Torres read the next agenda item in reference to a proclamation for Baca Auto. Mayor Ronnie Torres said "we have proclamations that are whereas, whereas, whereas or whereas and I hate that. When I get to do a proclamation for something I did this one myself so it is very simple but it comes from the heart. And it is a tough one already, we have a

proclamation here and it was very difficult to write something down. It reminded me of that song "To Sir with Love" how you can say something about somebody who has taken you from crayons to perfume or whatever and something about special people. This proclamation goes out to a group of people who had a business in Belen for seventy years and I didn't put that down in the proclamation because everybody knows about it. What they don't know is everything you guys have done for the community.

Lodger's Tax, we wouldn't have had lodgers tax in this community had it not been for Paul Baca who, I remember many years ago sitting in his house typing a lodgers tax agreement for the City. With that we have been able to fund thousands of dollars of things for our community-police protection, fire protection, a lot of the events that we have-all of that is because of one person and that is Paul Baca and we thank you for that.

Another thing is that whenever there are different things going on in the community that people need donations for and the first place they go to Baca Auto and they always get money, they get dash boards, oil changes everything continually you have given to the community. And it is hard to say what you guys did fifty years ago I just know what you guys have done for the last twenty five years and it has been fantastic.

And then Rhona, another person in the Baca Auto fan there. You are the head governess of the Pilot Club so it is not like you didn't have enough to do there in the office but you actually have taken the name of Belen throughout the Country and you have shown people what we are all about and I think it is fantastic.

Mayor Ronnie Torres proceeded to read the proclamation aloud a copy of which is attached hereto and made an integral part of these minutes by reference.

After the proclamation was read the Baca family received a standing ovation. Mayor Ronnie Torres mentioned the location, where Baca Auto sits, won't stay vacant for long because the Baca's are always busy thinking of something else to do. He also told Paul Baca to stay away from Long John Silver because Loretta knows how to run it and let her do what she knows best you go do something else. Mayor Ronnie Torres thanked Leroy and Sylvia Baca and family for their service to the community and also thanked them for having such wonderful children. It is truly an honor to have them run a business in the community.

Councilor David Lopez wanted to add that last year they were the Padrinos for the fiestas and they needed to get a hold of some vehicles and Paul Baca was up there immediately volunteering some cars. We got some cars from Belen and there was one individual that got a car from Los Lunas and when it was all said and done we had all the Baca Auto cars still there and no cars from Los Lunas. One day I called Paul to ask him a question and Loretta answers and I asked her to speak to her mom. These are the type of people who are down to earth you can tell them and ask them anything and they always go above and beyond to help you out, coming from my family and myself.

Councilor Rudy Jaramillo said he knew the family forever and when he was a teenager his father got him his first vehicle from Baca Auto not just for him but for his brothers, his sisters were not that fortunate. It has been continuing with us it is something that is going to be missed. It was a place we were able to go and you were always there for them and my dad has always

thought the world of you guys you were fair and did things the right way. Thank you; you have been a pillar of the community.

Mayor Pro-Tem Wayne Gallegos thanked the Baca family from his family to theirs. Way back when their parents were smaller his parents took them to buy cars and they shared a friendship with Mr. Romero and spent a lot of time at the shop visiting. I am proud to say that the vehicle I have outside came from your place not to long ago. They very last vehicle my dad bought before he passed away was from your place. You guys are already missed.

Councilor Terese Ulivarri thanked the Baca family for everything they have done for the community. You are community leaders and have lead by example and that is fantastic because you don't see that very often. You put into this community what you got out of it and we are the better for it and we thank you so much for everything. Rhona I am going to miss the EBay deals, she was my EBay shopper I don't know how to do that. Thanks for everything you have done and I hope you can continue in some way or another and enjoy your retirement.

PROCLAMATION “MUNICIPAL CLERK MONTH”: Mayor Ronnie Torres

Mayor Ronnie Torres read the next agenda item in reference to a proclamation for Municipal Clerk Month and asked if there was anyone present for the Municipal Clerk and Councilor Terese Ulivarri said “City Clerk”. Mayor Ronnie Torres apologized to Sally G. Garley, City Manager for the mistake and said that his shade of red was a different shade of red. Mayor Ronnie Torres read the proclamation aloud a copy of which is attached hereto and made an integral part of these minutes by reference. Mayor Ronnie Torres presented the proclamation to Sally G. Garley.

PROCLAMATION “OLDER AMERICAN’S MONTH”: Mayor Ronnie Torres

Mayor Ronnie Torres read the next agenda item in reference to Older American’s Month and asked if there was anyone present to accept the proclamation. Mayor Pro-Tem Wayne Gallegos advised he was on the RSVP Advisory Board and would accept the Proclamation and present it at the next meeting. Mayor Ronnie Torres read a portion of the proclamation aloud a copy of which is attached hereto and made an integral part of these minutes by reference.

Councilor Rudy Jaramillo added that sometimes we don't look at the scope of the picture of older Americans. He has been going to the nursing home and sees all the folks just sitting and thinking and his mind wonders to say what these people did in their time. These older Americans were a productive part of America at one time and sometimes we just forget them yet we are a result of what they have brought into this life.

Mayor Ronnie Torres advised we would be going into four public hearings now. For the benefit of the audience Mayor Torres explained the process: the public hearing is opened and then closed, then open the next and close and so on. Then we will come back to those public hearings and take action on each public hearing.

APPROVAL OR DISAPPROVAL TO AMEND ZONE MAP FROM A-R TO C-1 BY RUBEN D. LOPEZ: Lisa Miller, Zoning Enforcement Specialist and Gary Barreras, Building Inspector

Mayor Ronnie Torres read the next agenda item and opened the public hearing on intent to amend the zone map from A-R to C-1 by Ruben D. Lopez as presented by Andrew DiCamillo, Planning and Zoning Director who advised this action had come before the Planning and Zoning Commission the applicants partner Alice Gallegos is present. Andrew directed Council to the map which was include in the packet and highlighted. Andrew advised the Planning and Zoning Commission on March 30 and was denying recommendation to pass. The property is between two residences and the business being requested is a propane refill station. Present in opposition to the approval of the zone change were Rebecca Laura, Becky Chavez and Joe Silva protested regarding mainly safety, noise and traffic in the area.

Mayor Pro-Tem Wayne Gallegos asked “on the notes of the planning and zoning commission that I went over there was a lot of things that was brought to the attention but of course the one that caught my eye was on the safety issue with the fire Marshall and things like that have all those been looked at? Andrew DiCamillo advised “there is some city infrastructure there being a lift station also the close proximity of adjacent neighbors to the type of use the application wanted to conduct there caused those issues to come up. For example they talked about the sale of manufactured homes there, the sale of wood, those types of issues brought concern by both fire department and constituents within that area, more specifically the adjacent neighbors”. Mayor Pro-Tem Wayne Gallegos proceeded asking if they had received answers because the minutes were inconclusive.

Andrew DiCamillo advised the state fire Marshall was concerned because one of the proposed uses was to sell propane and some of the issues he brought up was how the tank was going to be set on the site, it is an upright. Mayor Pro-Tem Wayne Gallegos advised there was concern to spot zoning and asked if this was considered spot zoning or no. Andrew DiCamillo P/Z Director advised that technically speaking having the C-1 zone between two agricultural residential zones could be considered spot zoning, however the corridor is planned out to be commercial and there is commercial within close proximity of the site.

Mayor Ronnie Torres asked if there was anything anyone wanted to add. Alice Gallegos, partner to the petitioner, said she understood the concerns of the residents but they are at the mercy of the meeting whatever is decided. Mayor Pro-Tem Wayne Gallegos asked what exactly they were planning to do on the location because there were several mentioned. Alice advised it would be a small bottle dock business plus maybe sell some wood. They did have a mobile home there as a last resort because they had no place to put it but they moved it out. She also mentioned there is a fire hydrant close to the location.

Andrew DiCamillo advised council they had the power to impose restrictions on the approval if it is approved and the state fire Marshall would require those conditions and they would be the certifying agency.

Mayor Ronnie Torres asked if there were any other questions and comments from the audience, no questions public hearing was closed.

***INTENT TO ADOPT AN ORDINANCE AMENDING ORDINANCE NUMBER 2004-04
INCREASING GARBAGE COLLECTION RATES: Sally G. Garley, City Manager***

Mayor Torres read the next agenda item intent to adopt an ordinance amending ordinance number 2004-04 increasing garbage collection rates as presented by Sally G. Garley, City Manager who advised every year in July the rates have been increased by 3%. This ordinance is to update the numbers from 2004 to 2008. Mayor Ronnie Torres asked if there were any questions.

Mayor Pro-Tem Wayne Gallegos had a comment; asked if this was the workshop they had. Sally G. Garley, City Manager advised that was correct.

Councilor Rudy Jaramillo asked if everything else stayed the same except for the 3 percent increase. Sally G. Garley, City Manager advised that was correct.

Mayor Ronnie Torres asked if there were any other questions and comments from the audience, no questions public hearing was closed.

***INTENT TO ADOPT AN ORDINANCE AMENDING ORDINANCE NUMBER 1998-1
GARBAGE AND REFUSE CONTAINERS: Sally G. Garley, City Manager***

Mayor Torres read the next agenda item referring to intent to adopt an ordinance amending ordinance number 1998-1 garbage and refuse containers as presented by Sally G. Garley, City Manager who advised Mario Sisneros, Solid Waste Supervisor and Robert Rimorin, Utility Director were available to answer any questions. Sally G. Garley, City Manager advised the ordinance was amended to add a couple of paragraphs, H & I (a copy of which is attached hereto and made an integral part of these minutes by reference) pertaining to the commercial business containers which were not stated in the original ordinance. Also added was the paragraph pertaining to any restaurant or business within the city limit, which deals with grease or oil, shall retain the proper container for the proper disposal.

Mayor Ronnie Torres asked if there were any questions or comments from the council. Councilor Rudy Jaramillo had a question pertaining to the retaining of the grease from the restaurant. Councilor Rudy Jaramillo said “how are we going to look into that to make sure it is done properly”. Mario Sisneros, Solid Waste Supervisor advised he would personally be going to businesses. Councilor Rudy Jaramillo said “right now there’s a lot and I am going to change where we are at because of the oil, but a lot of people who are taking the oil for bio diesel and containing the oil in fifty five gallon drums. And I think that needs to be looked at and to say that needs to go to valley disposal”.

Mayor Ronnie Torres asked if there were any other questions and comments from the audience, no questions public hearing was closed.

INTENT TO ADOPT AN ORDINANCE ANNEXING PROPERTY CONTIGUOUS TO THE CITY AND AMENDING THE COMPREHENSIVE ZONING ATLAS: Andrew DiCamillo, Planning and Zoning Director

Mayor Torres read the next agenda item referring to intent to adopt an ordinance annexing property contiguous to the city amending the comprehensive zoning atlas as presented by Andrew DiCamillo, Planning and Zoning Director who said “this annexation has been under way for several months and it did go through a public hearing process, planning and zoning commission and in October of last year it passed with a recommendation for approval. The residents of the surrounding area and all the private property owners have been notified of this annexation. I have received several calls in favor; I’ve questioned what the planning efforts are underway for the airport. Present here tonight is the Airport Director, Robert Uecker and Jackie from Molzen & Corbin. The property is fourteen, basically 796.86 acres is privately owned property and 685 of the acres is what the city has obtained and will be zoned as C-1”.

Councilor Rudy Jaramillo advised he had been receiving calls from individuals who had questions of the annexation. Andrew DiCamillo, Planning and Zoning Director said “he has received calls from folks who are a part of this process of annexation that they were in favor. This property has been acquired to allow for the airport cross wind runway that has been in the works for several years. This is one step in getting that runway to reality.

Mayor Ronnie Torres asked if there were any other questions and comments from the audience, no questions public hearing was closed.

ACTION ITEMS:

APPROVAL OR DISAPPROVAL OF RESOLUTION NO. 2009-06 ACCEPTING THE STATION AREA STUDY TO INFORM AND GUIDE LAND USE, TRANSPORTATION AND RELATED POLICY DECISIONS IN THE PORTIONS OF THE CITY NEAR THE NM RAIL RUNNER EXPRESS COMMUTER RAIL STATION: Andrew DiCamillo, Planning & Zoning Director

Mayor Ronnie Torres read the next agenda item in reference to approval or disapproval of Resolution No. 2009-06 accepting the station area study to inform and guide land use, transportation and related policy decisions in the portions of the City near the NM Rail Runner express commuter rail station. Mayor Ronnie Torres asked if there were any questions on the resolution.

Councilor Terese Ulivarri wished to comment saying “there has been a lot of work put into this thing. Council of Governments along with citizens of Belen have put a lot of work into this study and there have been a lot of good comments a lot of positive stuff that has come out of this some things that we need to look at. But it is all in the area of the Rail Runner Station, within a quarter mile and then a half mile of what we would like to see done in the future regarding this whole process”.

Andrew DiCamillo, Planning and Zoning Director said “the first resolution that is up now is a resolution accepting the stationary study to inform and guide land use, transportation and related policy decisions in the portions of the City near the NM Rail Runner Station. The folks from the COG are here tonight, they have facilitated this study for us, Tony Sylvester. I do want to thank the Mayor and Councilor Terese Ulivarri and the Council for actively being involved in this process. We even had our senator come down and participate with some comments that we will take forth and try to implement.

Mayor Ronnie Torres entertained a motion. Councilor Terese Ulivarri so moved to approve the Resolution 2009-06 accepting the stationary study plan. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carries.

APPROVAL OR DISAPPROVAL OF RESOLUTION NO. 2009-07 ADOPTING THE GOALS AND OBJECTIVES FOR THE STRATEGIC GROWTH PLAN FOR THE CITY OF BELEN, NEW MEXICO: Andrew DiCamillo, Planning & Zoning Director

Mayor Ronnie Torres read the next agenda item in reference to approval or disapproval of Resolution No. 2009-07 adopting the goals and objectives for the strategic growth plan for the City of Belen as presented by Andrew DiCamillo, Planning and Zoning Director who said “this plan was initiated through a Community Development Block Grant we obtained funding for we were able to contract the services of the Mid Region Council of Governments, Joe Quintana and Sandra Gaiser are present here tonight, and available for questions, they facilitated the plan. This plan compliments the station area study.

Mayor Ronnie Torres asked if there were any comments. Councilor David Lopez said “I want to thank you all for all your hard work. I have been involved with these developments before and when you go ask for a loan or something to get funding to follow through on a project it is good to know you have it on a strategic plan it helps sell the project a little better. It also helps future investors see what the potential is coming into the City so it is a good plan to have and I am glad we have it”. Mayor Ronnie Torres entertained a motion. Councilor Terese Ulivarri so moved to approve the Resolution 2009-7 adopting the goals and objectives for the Strategic Growth Plan for the City of Belen. Councilor Rudy Jaramillo seconds the motion, motion carries.

APPROVAL OR DISAPPROVAL OF AMENDMENT TO THE ZONE MAP FROM A-R TO C-1 BY RUBEN D. LOPEZ: Lisa Miller, Zoning Enforcement Specialist and Gary Barreras, Building Inspector

Mayor Ronnie Torres read the next agenda item on approval or disapproval of amendment to the zone map from A-R to C-2 by Ruben D. Lopez and in reference to the public hearing that was just held. Councilor David Lopez said “this went to the Commission Andrew with a do not pass correct”. Andrew DiCamillo said that was correct. Councilor David Lopez continued saying “we’ve had problems in the past and the council always seems to be the last line of defense but I just like to back the decision of the P & Z due to the fact that we have people on that committee who have the time to research this and follow through on a lot of stuff. I did say as far as the safety aspect on the tanks I feel that they are safe. We do have people here that are residential on

both sides that have some serious concerns on that. I would make a motion to either send it back to the P & Z and see if they change their decision or make a motion to deny this A-R to C-1 zone”.

Mayor Ronnie Torres said “so it wouldn’t go back to P & Z so it would have to be to deny right”? Councilor David Lopez said “yes”. Mayor Ronnie Torres said “ok then a motion to deny, do I have a second”. Councilor Rudy Jaramillo seconds the motion, motion carried.

Alice Gallegos said “I was wondering if I could say something, I was wondering if we did go with the propane business if it would make a difference or is it just the zoning that makes the biggest difference here, because if you propose a business everything has to go through planning and zoning and then you council members”. Mayor Ronnie Torres said “that would be something that would have to go back with planning and zoning, to me it looked like the biggest thing was the safety issue on the propane but one of the issues was the traffic”.

INTENT TO ADOPT AN ORDINANCE AMENDING ORDINANCE NUMBER 2004-04 INCREASING GARBAGE COLLECTION RATES: Sally G. Garley, City Manager

Mayor Torres read the next agenda item on intent to adopt an ordinance amending ordinance number 2004-04 increasing garbage collection rates. Councilor Rudy Jaramillo said if there are no questions he moves to approve the ordinance number 2004-04. Councilor David Lopez seconds the motion, motion carried.

APPROVAL OR DISAPPROVAL OF ADOPTION OF AN ORDINANCE AMENDING ORDINANCE NUMBER 1998-1 GARBAGE AND REFUSE CONTAINERS: Sally G. Garley, City Manager

Mayor Torres read the next agenda item referring to adoption of an ordinance amending ordinance number 1998-1 garbage and refuse containers. Councilor David Lopez moved to approve the ordinance. Councilor Terese Ulivarri seconds the motion, motion carried.

APPROVAL OR DISAPPROVAL OF ADOPTION OF AN ORDINANCE ANNEXING PROPERTY CONTIGUOUS TO THE CITY AND AMENDING THE COMPREHENSIVE ZONING ATLAS: Andrew DiCamillo, Planning and Zoning Director

Mayor Ronnie Torres read the next agenda item referring to adoption of an ordinance annexing property contiguous to the City and amending the comprehensive zoning atlas. Councilor Terese Ulivarri moves to approve. Mayor Pro-Tem Wayne Gallegos seconds the motion, motion carries.

RECOMMENDATION TO AWARD BECKER STREET PHASE III: Sally G. Garley, City Manager

Mayor Ronnie Torres read the next agenda item in reference to award of Becker Street Phase III. City Manager, Sally G. Garley said “we had ten sealed bids that were received for the Becker

Avenue improvements. They range from a low of \$302,601.56 to a high of \$562,776.50. The apparent low bidder was Rio West who did the first phase of Becker Street Project and according to the letter that I received if the subcontractor was not registered with the Workforce Solutions which at the time we were told was a technicality and therefore the bid was ineligible. But then in the conversations our engineers have had with Workforce Solutions they've had some mixed signals there so we are not real sure if it is invalid that their subcontractor is invalid or it is not. Now I understand this correctly if their contract is under \$50,000 then it was not necessary that they be registered with Workforce Solutions. Ok so the bid of \$302,601.56 the next bid being TLC being \$359,527.10 I am open for any comments that the City Council may have regarding this".

Councilor David Lopez asked if Sally G. Garley would explain what it means to be accredited with that certificate. Sally G. Garley advised that Dan Hogan, Molzen Corbin and Associates would explain as he deals with this on a daily basis. Dan Hogan advised "essentially contractors and subcontractors register with the NM Department of Workforce Solutions stating their qualifications to be contractors".

Councilor Rudy Jaramillo said "so then Rio West Sprinklers when they submitted their bid now we are saying they are ok because workforce solutions they are in line with the bid". Dan Hogan said "Rio West didn't have anything to do with the letter or the recommendation. What we do as part of making a recommendation to the City on bids is we check to see if everyone is registered properly the way they are supposed to be and there are statutes that cover the process for awarding public bids. And in checking the subcontractors that Rio West had listed one of them was not registered with Workforce Solutions". Councilor Rudy Jaramillo said "so we can't use them is what you are saying". Dan Hogan said "it's not clear. Originally after we discussed it a couple of days after the bid they indicated that "no" all contractors regardless of the threshold of the work they were doing had to be registered. But since then they have kind of put a block on what they told us and it has all been verbal and they said that the subcontractors only had to be registered if the work they were doing was over \$50,000 and this subcontractor won't be doing work over \$50,000. And since then the subcontractor has gone to Workforce Solutions and registered. Councilor Rudy Jaramillo said "so let me ask what is in the best interest of the City of Belen, if the bids have already put out there now what's in the best interest for us".

Sally G. Garley, City Manager advised if an so the recommendation was to award this we would have to really sit down with Rio West and be specific on what we expect being as we have had past experience with them so it is up to the Council on what you want to do.

Councilor David Lopez asked "how much did that past experience cost the City Sally". Sally G. Garley, City Manager advised a little over two million dollars for the entire project, and it was a nine month project and became a two year project after we were done with it all.

Councilor Rudy Jaramillo said "and it was Rio West Sprinkler that had that right". City Manager Sally G. Garley advised that was correct. Councilor Rudy Jaramillo said "then your recommendation Sally is to go with TLC is that what". Sally G. Garley City Manager advised she was leaving the recommendation up to the City Council.

Councilor Terese Ulivarri said "would you explain the problems we had with this vendor the first time we used them." Sally G. Garley advised it took two years for a nine month project and

there were several change orders. We had problems with the subcontractors, but they have listed different subcontractors now. Right now we still have some concerns with the Gazebo and the lights and the sprinkler system and things like that. So it has just been an ongoing thing. The punch list they took care of but it was just different situations. Councilor Terese Ulivarri said she knew there were concerns from businesses on the street and adjoining street and also “Our Tomorrow” had some issues with them also. And they went through a lot of change orders and the bond was another issue. But now they are apparently okay with the bonds.

Councilor David Lopez said “we are talking a difference of a little over \$56,000 for the next lowest bidder. City Manager, Sally G. Garley advised we have used TLC before on a couple of other projects and they have done a good job in a timely manner.

Councilor Terese Ulivarri said “then the state transportation gave us more money than we need to even if we went with TLC we would be okay”. City Manager, Sally G. Garley said that was correct.

Mayor Pro-Tem Wayne Gallegos said that based on the information he makes a motion to go with TLC Plumbing and Utility. Councilor David Lopez 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 David Lopez: said “last Saturday we had a budget meeting and went over the budget and policy council to update. As far as the project on Becker Street it is kind of hard to make a decision when you have information on history that other folks don’t have it is difficult. Being in construction when you get burned with one construction company you don’t use them again. I know there are going to be repercussions on this since they were the lowest bidder but I feel that it is in the best interest of the City to go with TLC. I heard the gathering at the High School went well”.

Councilor Terese Ulivarri: said “since I was last here I attended a Water Board meeting to represent the City, a COG board meeting, Regional Transportation Planning Organization meeting, and a meeting on Main Street the Eagle Park meeting. We attended a green conference in Portland, and just so you know the Mayor and I paid our way because I think it is that important that we know about green building and anything we can do for this community. Whether you know it or not the grant application we received changed all the ballasts and lights at City Hall. Our own people, Gary, did the work and changed them all out and it is really nice. It is going to change the way our energy bills come in. Also another grant that is coming in we

will see it this summer we are getting some solar discs to run a lot of the electricity within this building. And that will save us again in electric bills. So we are doing all that we can within City Hall within our City buildings and we came away with a lot of good information from that conference. One of the things that really interested me was wind power there is a company that developed a turbine and I can see residents using this type of propeller. There were also solar panels not the glass. I did attend the High School Carnival there were about 500 people there not just students but parents and everybody had a great time. There were activities all over the field and the bon fire was great. I would like to thank our police officers for being there helping with security and then our fire department for helping with the bon fire. Solid waste department was also there. The event was successful and they may be doing it again. Congratulations to the Belen High School Academic decathlon they represented not only Belen but the entire state of New Mexico at their national conference and they did very well. They did not come home with any first place but I think for a small community to represent the entire state is fantastic so congratulations to them.

Mayor Ronnie Torres: said “about that conference we attended on “green” it also went into a lot of the recycling. We got a lot of tips on different things we can do as far as recycling and another thing was the urban forest that we needed to continue to do in our City, this is something we’ve done a lot I think this council as far as planting trees along Main Street and other areas. They were also telling us about diversifying the trees that we plant to make sure that if a bug or a virus comes in it doesn’t take our all your trees in your town. Now that the winter has past we see that some of the trees did not make it through the winter so we are going to replace them and with something else other than what we had there.

On Mother’s day Sally and I are going to Washington DC to try to get some more money for the City. We are taking our requests for appropriations for money; we have received several million dollars from DC in the past. We are also taking our stimulus package that we have together. I want to make sure that no one tells us that we are not doing our job, we are going up there and we are going to fight for every penny that we can get. Also Andrew will be going because he will be talking to some people on solar energy/power up there and Terese is going also to talk about some things as far as what we are doing and they are paying their own way. The City is paying only for a couple but the other two are going because they feel it is important to also go. Hopefully we can come back with quite a few dollars for our community”.

Councilor Wayne Gallegos: said “thank you Robert on your department head report on all the work we have been doing the last eight months, I guess, to try to get that fire station up there and I know your plate is full with the annexation and the runway. I really think it is important to get that fire station up there, that is what I feel, so anything I could do and I just really want to thank you and of course Chief Garcia for all the input and all the hustle that we have been trying to work as a team to get it up there.

Also Baca Auto it is going to be missed I went to eat across the street and there were no cars. They pushed out over 60 cars in a matter of days. People just wanted to buy their last cars there for the last time, or whatever, and they were pretty honest when you buy a vehicle from them.

I am glad the H1N1 flu that has been going around and there has been a lot of talk about closing the building and the schools, it is serious and it is happening but there are a lot of good plans in place. I was glad that Tommy Sanchez was here at the prior meeting with our agreement with people up north and I know Chief Chavez is well aware of vaccinations, we have been working on emergency management plans for a long time on that and I am just glad to see that all that is in place I just hope that is under control and it doesn't get as bad as it could be because it can get bad it is pretty serious.

A lot of the fundraisers we attended raising money for different people for our deal here at the City the cookout I did a little bit there. It was nice to see the whole team of the City come together to do something like that it shows a lot of strength when people do that. You look at places like Intel and all these big ones and they say "oh Intel did it or United Way" it is nice to see when the City of Belen employees do that.

Chief Mike Chavez stood and said it is nice when a lot of employees get together for Relay for Life. Delma has been extremely instrumental, and Leona, in getting thing up and going for the fundraiser. Sally is one of our biggest seller of tickets and the Mayor it is a team effort. We are not getting the money we did in previous years because people just don't have the money to give. For us to reach our goal everyone in the City has come together, the fire department, police department it is just everybody.

Also the Belen High School Carnival I went there for a little while and it looked like everybody was having a good time. I don't know why I thought they were going to have a carnival rides and all that". Councilor Terese Ulivarri said they could not get one.

Councilor Rudy Jaramillo: said "same thing you know the Council of Governments great job on the work they have done and trying to put a project together and a strategic plan to see what is happening with the City good work. Andrew went along with them on these meetings and stuff and not just the Council of Governments but the community itself. Many people attended the meetings. Also the Baca Family like what I said earlier they are the pillar of the community their established their roots are so dug into this community that they are commended their family and everything they've done not just sell cars but everything they have done. Those people have done a lot for this town.

Prom I did not have any kids that went to prom but I had a granddaughter. Two good things she went to the prom here in Belen and then to the prom in Los Lunas. That never happened when we were kids. She invited a Los Lunas boy and then he invited her back. The good thing is she didn't have to get another dress. They grow up my granddaughter is seventeen and graduating next year.

Also on that swine flu that is going on and I know I feel for our students here you know the school didn't close, many did around the state, all the sports activities that were going through this week district and everything these kids look forward to all of that going through and all of that has been put on hold but for how long we don't even know, softball, baseball, track everything has been put on hold by the Athletics Association. I feel for those kids who have trained all year for that and now they don't know what will happen.

Frances from France's Restaurant her daughter passed away Friday services were tonight for her and the funeral is tomorrow. Keep that family in your prayers I have known Frances for several years I was a cook years ago in the early 70's and she was a waitress. Now she has her business and we got ours we have always worked together even if we have different restaurants. Their daughter was only 36 years old.

ADJOURNMENT:

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

Councilor Rudy Jaramillo moved to adjourn this meeting. Councilor David Lopez seconds the motion, motion carried.

/ss

Ronnie Torres, Mayor

ATTEST:

/ss

Sally G. Garley, City Manager