

REGULAR CITY COUNCIL MEETING

October 5th 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 Audrey D. Torres, Procurement Specialist.

PRESENT:

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

CITY STAFF:

Audrey Torres, Procurement Specialist
Robert Rimorin, Utility Director
Mike Chavez, Chief of Police
Manny Garcia, Fire Chief

OTHERS:

Norman McDonald, City Attorney
Brent Ruffner, VCNB
Jerah Cordova, Our Tomorrow
Gilbert Taber, Circle T
Joan Artiaga-Armijo, Citizen
Pasqual Armijo, Reinken next to overpass
Nino Trujillo, Nino Trujillo & Co.
John Landoehr, NM Development Partners/Rancho Cielo
Dianne Mattson, Our Tomorrow
Claudette Riley, Belen EDC
Kathy McCormick, NMEDD
Dan Hogan, Molzen Corbin & Associates
Kevin Eades, Molzen Corbin & Associates
Chris Baca, Vector Engineering LLC
Tony Sylvester, MRCOG
Michael S. Castillo, CRI

PLEDGE OF ALLEGIANCE:

Mayor Ronnie Torres asked Nino Trujillo 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: September 21, 2009

Mayor Ronnie Torres requested approval of minutes for September 21, 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. There were no citizen petitions at this time.

Gilbert Tabet: asked about the road going up to the mesa if it was going to be rebid or what is going on with it. Mayor Ronnie Torres advised they were working on it. There were some changes required and needed to be addressed but it would be repaired as soon as the details are in order. There was a bid but the bid did not include a lot of things that it should have included so the price was about one million dollars under. There is not as much money left over as previously thought.

PROCLAMATION "FIRE PREVENTION WEEK" OCTOBER 4TH THROUGH OCTOBER 10TH 2009: Mayor Ronnie Torres

Mayor Ronnie Torres read the next agenda item in reference to Proclamation of Fire Prevention Week and read the proclamation aloud. A copy of the proclamation is attached hereto and made an integral part of these minutes by reference. Fire Chief Manny Garcia advised there were 18 field trips scheduled which includes 650 students (kids) that will be visiting. On a side note there has not been a home fire in about 7 months.

Mayor Ronnie Torres also thanked the fire department after several years as mayor he finally got the first call of a cat stuck in a tree. The lady was happy that the fire department came and rescued the cat.

Mayor Pro-Tem Wayne Gallegos remembered the theme "stay fire smart don't get burned" was also used as a teaching tool for children to stay at least three feet away from the stove as children were getting seriously injured around the stove. Apparently because of the kitchen and how it is made there are still several incidents around the country. Chief Manny said that was a good point and would use the three foot rule, while placing tape on the floor, as training tool on how far away from the stove they should stay. Mayor Pro-Tem Wayne Gallegos also wanted to remind everyone that it is getting cold and they should be alert on carbon monoxide and chimney fires.

REINKEN PEDESTRIAN CROSSING PUBLIC HEARING: Mayor Ronnie Torres, Tony Sylvester and Chris Baca.

Mayor Ronnie Torres read the next agenda item and opened the public hearing in reference to the Reinken Pedestrian Crossing and introduced Tony Sylvester with the Middle Rio Grand Council of Governments and Chris Baca with Vector Engineering LLC. Tony Sylvester advised he would be showing a power point presentation and fielding any questions or comments, and that Chris Baca would be answering the difficult engineering questions. A copy of the power point presentation is attached hereto and made an integral part of these minutes by reference.

The Reinken Pedestrian crossing project background was discussed, as well as the project area, one of the Project Goals which included a direct pedestrian and bicycle connection between station and west side of the tracks. The Project Goals are they need to be comfortable, safe and enjoyable connection. Meet ADA requirements. Create a "sense of arrival", compliment community character minimize future maintenance and operation costs. Meet a timeline, budget and engineering requirements. Several options were presented in the slide show. The next steps are to finalize plans and supporting documents, construction management and oversight, go out to bid, award project, begin construction-potentially spring of 2010, six month construction phase.

Mayor Pro-Tem Wayne Gallegos advised he has seen the one built in Santa Fe and it crosses I25, the height on that bridge versus this bridge is what difference? Tony Sylvester advised the crossing is seventeen feet which is the minimum requirement for the Department of Transportation. Mayor Pro-Tem Wayne Gallegos asked what was the one in Santa Fe? Chris Baca advised it was seventeen feet as well, or higher because of the trains which may be about twenty four. Mayor Pro-Tem Wayne Gallegos advised the reason he asked is because it looks kind of steep on the walkway when you get to the station itself and that is why he was trying to compare it to this also for ADA requirements the width looks pretty good and hopefully we will have more room so it won't be as steep and better planning. Mayor Pro-Tem Wayne Gallegos also mentioned the lighting was nice but they were on during the day and asked how that was going to work on this crossing. Chris Baca advised the lighting is one of the steps that has not been finalized out and the desire from the Mayor is to try to use solar power lighting. The intent is to have it well lit for the pedestrians.

Mayor Ronnie Torres commented on the design to notice the arches and the structure itself is a little bulkier than normal to blend with the architecture. The arches mimic the arches at the Coon Hotel also the wrought iron is like the windows at the Harvey House which has two lines with a half circle on each side and the same thing is done with the walkway. The antique lighting ties in with the rest of the City also. One of the designs we wanted them to do was to make sure that after a few years from now, after everything is how we would like it to be, that you could get off the bridge on either side you can go around and walk back towards first street where there are different buildings which can be little stores and shops and a place for artists. Everything is a work in progress and takes time but it will look nice. We want to make sure that we can allow people to go in every direction and not funnel them into one spot.

Councilor Rudy Jaramillo asked who would be responsible for the maintenance is it the DOT or the City of Belen. Tony Sylvester, MRCOG, advised they are drafting an agreement which is typical for the NMDOT project such as Aragon and Reinken which will put the City in control of these project which is good because the City will act quicker as apposed to hounding the DOT to take care of the problems. Mayor Ronnie Torres advised that was one of the reasons they went with this type of crossing versus the elevator.

Nino Trujillo asked if a wheel chair would be able to go through. Tony Sylvester, MRCOG advised it has to comply with ADA and there are level landings built in to rest and they are considering seating also. And you have the option of using the steps or the ramp.

Mayor Ronnie Torres asked if there were further questions or comments. There were none presented at this time. Mayor Ronnie Torres asked what the next step was and was advised the next step was to refine the design a little more, finalize the environmental work, get certification from the Railway that everything is okay with them and certification on rights of way. Mayor Ronnie Torres asked that once the drawings are a little more finalized he wanted to get together with some of the property owners so they can see them again.

ACTION ITEMS:

APPROVAL OR DISAPPROVAL OF AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT AND A PROJECT PARTICIPATION AGREEMENT ACCEPTING FROM THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT \$3,000,000.00 FOR ECONOMIC ASSISTANCE: Claudette Riley, Belen EDC, John Landoehr, Mike Castillo

Mayor Ronnie Torres read the next agenda item referring to approval or disapproval of an ordinance authorizing the execution of a contract and a project participation agreement accepting from the New Mexico Economic Development Department \$3,000,000.00 for economic assistance as presented by Claudette Riley who said “I am here tonight to present in front of you an ordinance to or authorizing the execution of contract and a project participation agreement accepting three million dollars from the NM Environment Department for economic assistance.

The New Mexico Department of Economic Development has three million dollars that through the 2009 capital outlay fund that they are wanting to contribute to the Signet Solar project at Rancho Cielo. With that we started I am excited that we started our first economic development project utilizing our Economic Development Ordinance that was passed in 2003. When the NM Economic Development came to us and informed us of the three million dollars we went and started on the application process with the NM Development Partners who are going to be overseeing the project with Signet Solar considering they are considered the developers of the Rancho Cielo Energy Hub, which is what they have named the industrial park at Rancho Cielo.

What this ordinance has outlined is that the application has come through Belen Economic Development Corporation the Board of Directors of the Belen Economic Development has

determined that the NM Development Partners LP also known as Rancho Cielo has been determined a qualifying entity as per the ordinance of Section 4.2.A and this ordinance is also defining the three million dollars that's through the 2009 Capital Outlay fund as per the process through NM Economic Development once the application has come through once Belen EDC has determined that the qualifying entity is a qualifying entity then the next process is to get into a project participation agreement. What this project participation agreement does is it is an agreement between the City of Belen and the qualifying entity to disperse the funds from NM Economic Development to the City of Belen where the City of Belen will act as a fiscal agent of the three million dollars which will then be dispersed to NM Development Partners to provide infrastructure to the Solar facility which is about 83 acres about a third into the energy hub at Rancho Cielo.

The application came through my office the City has reviewed it as well as well as the State the whole entire process we are working on we are seeking the assistance from the State Economic Department as well as Norm as we are putting together this project participation agreement. So what this ordinance is asking is that the City of Belen accept the three million dollars from the State under our local Economic Development Ordinance and that the City consider getting into a project participation agreement with the NM Development Partners also known as Rancho Cielo to use that three million dollars towards infrastructure to the Signet Solar facility.

As an update on Signet Solar facility we met with them two weeks ago and with the construction of the overpass that will be taking place now at the beginning of 2010 they are looking at breaking ground on their first phase of the facility which is their first lab of about two hundred thousand square feet by the spring of 2010. They want to be up and operational through that first phase by 2011 which would be the first two hundred employees of the six hundred employees that will eventually fulfill that entire project within the next five years”.

Mayor Ronnie Torres applauded Claudette Riley for her presentation. Claudette Riley advised this was the first project through it and it has been really intense for the last few weeks. They received the application on September 14 and it has been reviewed and has met all criteria required at this point. If we were to get into the project participation agreement then of course there will be additional information that will be requested from the qualifying entity. Signet Solar is one of several other manufacturing facilities in the state that are receiving capital outlay funds through the 2009 capital outlay source of funds that NM Economic Development has this year so she is also consulting with the individual communities that have done this as well to learn from them to make sure that we are completing everything required. One of the biggest supporters of the project is Diedra from the City of Albuquerque Economic Development Office she was extremely helpful with the process.

Mayor Ronnie Torres asked if there were any questions from the Council or comments. Councilor Terese Ulivarri asked Norm McDonald, City Attorney to explain page 2 section three.

Norm McDonald advised “if there are any other ordinances on the books for the City of Belen that somehow are in conflict or inconsistent with this ordinance then those ordinances are repealed to the extent where there is an inconsistency that might void this.”

Councilor Terese Ulivarri asked “then does it void those ordinances in their entirety or just for this project?”

Norm McDonald said “no it was just as to this particular project but I can’t imagine we have any ordinances that say we won’t take three million dollars from the State.”

Councilor Terese Ulivarri said “I don’t think that it all it is eluding to and that’s my point.”

Norm McDonald said “it is pretty standard language as are severability and all that is pretty standard it is just to avoid the possibility that there is an ordinance adopted fifty years ago that has never actually been repealed that nobody has looked at for forty years that, it is just a little cya.”

Mayor Ronnie Torres asked if there were any further questions from the council. Councilor David Lopez advised he wanted to make a comment: “it is good to see that things are finally working in the favor of the City of Belen. I know this council has worked very hard to get things going as far as Economic Development. You being a part of the committee (referring to Claudette Riley) has been a great asset to the City of Belen and three million dollars is quite a nice chunk of change so I want to thank you for all your hard work and all the people associated with you.”

Councilor Terese Ulivarri added “Economic Development has taken a bashing lately and I think it has been unfounded but people were not aware of what has been going on in the background. A lot of times you cannot tell people what is going on because you have to keep it under your hat or manufacturers will just walk away. And they like to keep it that way that is their way of doing business, where as we are very public and we have to be. And so to see something come to fruition like this is just fantastic, so good job (referring to Claudette Riley) and we are very pleased that you stay on top of these things so that we can be able to do these kinds of things. I love the partnership wish us nothing but good luck on this whole project.

Claudette Riley added “thank you it is rewarding to see this come through after six years of hard work of working on projects and to see one come to fruition and to see the state come down and show their support, and to have your support behind it as well. This is a public private partnership it is all a partnership we all have to do it together. There is just not one particular person that’s responsible for the success of this project and of any economic development project so I appreciate all of your support.

Councilor Terese Ulivarri added “we did adopt an ordinance I guess it was in 2003 and we had to have this in place in order to even qualify for this kind of money. And to try and make people understand it takes a long time to get to this point it is hard.”

Claudette Riley said “and it is very important that that ordinance was in place because if the ordinance wasn’t there this three million dollars would have never come to us. We would have never had the opportunity because we would have had to start from the other process. And I was not here when it was first passed back in 2003 but I am sure it was a pretty lengthy process to get it in place in the first place. We did an amendment last year which took a while just for the amendment part but I am glad that this ordinance was in place it just shows the support and it helps my job because companies know what this ordinance means and when I submit an application to them and they say “what kind of incentive do you have” and I say well we do have a local economic development ordinance in place. That just goes to show that this is a pro business community that we are willing to help them if they require the assistance and that we

want to see our community move forward and we do want to create that partnership to help make their business successful as well.

Mayor Pro-Tem Wayne Gallegos said “it is a win win situation, with the future of how the City is trying to move and what we are trying to bring in. Especially at times of where everybody is just fishing man just throwing it out there and yes we will come to your area but what are you gonna do for us. Everybody has opened up and they will give them everything they can to get a business in their area and some people have a lot of resources or a lot of wealth and we really don’t have that in this county or most of the state. I am glad it has come through. Also there must be a lot of confidence in your office if the state is saying “yes I know you guys can handle this” and looks like the networking is helping you. Thank you.

Councilor Rudy Jaramillo said ‘it is a start of moving forward. I think once this thing gets moving I think other things will just completely just fall into its place with what’s happening up on the west side and I think you have worked hard for it.

Claudette said “this is the road, the three million dollars is going to go towards road water and sewer to the Signet Solar site. And like I said Signet Solar is about one third way into the energy hub that Rancho Cielo has there. There are about three hundred lots that you guys have designated prior to that, prior to Signet Solar that is open land right now. So once the road and infrastructure gets there well “boom we are ready to rock” on another one hundred and fifty acres that already have the infrastructure to there.”

Councilor Terese Ulivarri advised if there were no questions or comments she moves to approve. Councilor David Lopez, seconds the motion, motion carries.

Mayor Ronnie Torres thanked Kathy McCormick, NMEDD who also wanted to say a few words “we’ve had this capital outlay funds in place for a couple of years now and last year a majority of our money in all honesty last year went to Albuquerque and Rio Rancho we had Shot Solar and Fidelity and we had Hewlett Packard in Rio Rancho. We had a few smaller projects around we had a project in Reserve and one in Portales and one in Espanola little project and one in Bloomfield. We are thrilled that a project of this caliber can come to Belen and that we are able to support it at this level. So I told Claudette that the City was going to have to earn the money because it was a really hard process luckily you are year two so other communities have had to pave the way and they have been able to provide support which is really terrific, but we are thrilled we are thrilled at this project and glad to help. Claudette has done great.”

Mike Castillo with Coast Range Investments said “I wanted to thank the Council for considering the project and we will do the very best we can to make this a success.” Councilor Terese Ulivarri asked Mr. Castillo to advise where he was from. Mike Castillo proudly said he was born and raised in Belen, New Mexico. I have actually helped build Rio Rancho for twenty seven years and I have built a good part of Mesa Del Sol here in the last four years and I am really happy to be here in the forefront.

APPROVAL OR DISAPPROVAL OF A MEMORANDUM OF AGREEMENT TRANSFERRING FUNDING RECEIVED PURSUANT TO THE COUNTYWIDE EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL AND BEHAVIORAL

***HEALTH SERVICES TAX BETWEEN COUNTY F VALENCIA, VILLAGE OF LOS LUNAS, CITY OF BELEN, TOWN OF PERALTA, AND VILLAGE OF BOSQUE FARMS:
Manny Garcia, Fire Chief***

Mayor Torres read the next agenda item referring to approval or disapproval of a memorandum of Agreement Transferring Funding Received as mentioned above and as presented by Manny Garcia, Fire Chief who said “as we are all well aware the taxpayers successfully passed and voted yes on a communications and EMS tax for the County. What this agreement does it allows the City of Belen, as an approval agency to receive number one, to allow the County of Valencia as a fiscal agent because they are the recipient of the funds. And this allows us to receive money from the county towards us as our benefit from that tax. There have been a few meetings that the City Manager and I have attended there have been a few drafts of this agreement made comments and reviews and it has also been reviewed by the City Attorney and it is here for approval. Our basis right now our breakdown on this is on population there are some measures in this agreement that will change over a few years based on the Census.

Councilor Terese Ulivarri said “if I add this up for a year it is fifty five thousand dollars?” Fire Chief Manny Garcia said yes for Belen. Councilor Terese Ulivarri asked “what are you going to do with it?” Chief Garcia advised he would hire additional personnel and purchase of equipment.

Mayor Ronnie Torres asked if there were any questions from the Council or comments. Councilor Rudy Jaramillo moves to approve. Mayor Pro-Tem Wayne Gallegos, seconds the motion, motion carries.

INFORMATIONAL ITEMS:

COMMUNICATIONS FROM CITY COUNCIL:

Councilor David Lopez: said “we just had a meeting and so I spilled my guts on the last one so. They never give me an opportunity to talk and when they do I just open the barn door. Friday night was homecoming game here in Belen. The Belen High School has a very good team they played Valencia and won. It was homecoming on Saturday and there were a lot of good looking kids out and about and I don’t think anything went wrong. Also the State and all Law Enforcement Agencies had a warrant roundup and it also went well.

Councilor Terese Ulivarri: said “Rio Abajo days was really successful. The Mayor’s connection with Mr. Baldwin brought the mini balloon glow but it is expanding next year, maybe it is gonna be bigger especially for the Miracle on Main Street. We are going to turn, I guess they are going to have the mass ascension at Eagle Park. And they will have activities scheduled all around. It will really have a huge touch to what we are doing now in the middle of town and congratulations to the Mayor for getting that one. I didn’t attend any meetings but I did just

come back from that Dallas Denver game, just got in it was great. I am a Niners fan and I was wearing my red jersey and people were just giving me that look and I don't care.

Mayor Ronnie Torres: said "I would like to congratulate Michael Vallejos who is the current president of the Chamber of Commerce he did an excellent job and his main objective was to bring the Rio Abajo Days down to the Heart of Belen. They have had it several years at the fairgrounds and it always really sad because I have gone up there and everything is done top notch everything is there except the people, the never have anybody show up. So it is great to have it here at the Heart of Belen and see so many people here. It just went really well and the Chamber did a fantastic job and Rudy is on the board of directors for the Chamber and represents the City. I know it is a lot of work as a matter of fact I saw Rudy picking up horse poop. We have a meeting tomorrow for the Christmas Festival so we will get that started. We got the final drawings on the balloon pins we had John Montano, one of our own employees, and he did a fantastic job. It is a round pin there is a star, three dimensional, in the front and balloons behind it and dates on either side and it has Miracle on Main Street first annual balloon ... We will be using that for t shirts for jackets for pins and it is a lot of work. October tenth is the fall festival and hope everyone here (referring to councilors) remember your duties.

Mayor Pro-Tem Wayne Gallegos: said "on the library board review of ordinances there is a meeting right now to finalize them. After this meeting I will go over there. There are some good ones we are going over that we will be able to use on other projects. The Belen High School homecoming went great the football team was doing excellent and I hope they continue to do good. Rio Abajo Days was great is has always been great but it just gave it a little more life here downtown. I participated in one of the parades and saw one later on. There were a lot of people from all over the state that came to the rodeo, and came down here for the awards. It brought them into the area and that was good. I don't know the final numbers or what all came about but I hope they continue to do it that way. The last thing is the fall festival from 3 to 7.

Councilor Rudy Jaramillo: said "can't say enough about Rio Abajo and the Mayor had a lot to do with that balloon glow and I thought even though it was a mini it was really nice. The Chamber worked hard on it as you mentioned but there were other people involved like Terry Young, Ana Duran and other people. The event has been held at the fairgrounds and a three day event and this year they brought to the Heart of Belen for one day and I think it did more than expected, people wise. They had Remedy play that night and then the arm wrestling which was blocked off and events went well. What really bothers me is there are people that come in and start bashing me about the City of Belen, like why is the City doing this? I told them it has nothing to do with the City you have to talk to the Chamber. They never know, and I tell them why don't you get involved and that way you will know what is happening, go up there, get your business involved. Things that I feel that the business people ought to start looking instead of knocking they should just start building because I think it would enhance everybody around, the community and not just the Heart of Belen. There are things that they should look at and stuff like that and the Rio Abajo is going to continue there I am sure if the City allows it to go forward with the Chamber it is an event that is going to grow. They had three parades, I believe, they had a Rio Abajo Queen and eleven contestants that raised money for scholarships for our kids. It is something that the Chamber does with that and other events through the year just to raise money for our children. Good things Rio Abajo is a good thing, and Michael Vallejos did a tremendous job bringing it to the Heart of Belen. I know a lot of people are upset about it but move on

forward it is there we are not going to take it down people just need to keep on keeping on. And just start another adventure.

Also Mike (referring to Chief Mike Chavez) that thing that went down there were 83 arrests is what State Police told me. It was just great it was something that was really really a good thing no one knew about it and it was a good thing. And I am sorry about your dad again. I am praying for you guys and your mom and stuff.

Of course the festival the festival has been a success since we have had it and it will be there again Saturday good food, everybody gets involved everyone here on the Council, Mayor and all of us are involved in it. Something that puts good again for the community.

EXECUTIVE SESSION:

Mayor Torres called for executive session

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

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

ADJOURNMENT:

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

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

s/
Ronnie Torres, Mayor

ATTEST:

s/
Sally G. Garley, City Manager