

REGULAR CITY COUNCIL MEETING
September 6, 2011
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 Leona Vigil, Deputy Clerk

PRESENT: Councilor Wayne Gallegos
Councilor Mary T. Aragon
Mayor Rudy Jaramillo
Mayor Pro-Tem Lorenzo Carrillo
Councilor Jerah Cordova

CITY STAFF: Mary Lucy Baca, Interim City Manager, CMC
Leona Vigil, Deputy Clerk
Abigail R. Ortiz, VCNB
Lt. Robert Miller
Robert Uecker, Airport Manager
Lenore Pena, Fire and HR Dept.
John Best, Engineer

OTHERS: See attached sign-in sheet

PLEDGE OF ALLEGIANCE:
Mayor Rudy Jaramillo led the Pledge of Allegiance.

APPROVAL OF AGENDA:
Mayor Rudy Jaramillo asked if there was a motion to approve tonight's Agenda. Councilor Wayne Gallegos made a motion to approve tonight's agenda. Councilor Lorenzo Carrillo seconds the motion. Roll Call Vote:

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| Councilor Jerah Cordova | Yes | |
| Councilor Lorenzo Carrillo | Yes | |
| Councilor Mary Aragon | Yes | |
| Councilor Wayne Gallegos | Yes | Motion carried |

APPROVAL OF THE MINUTES DATED AUGUST 15 & AUGUST 25, 2011:
Councilor Jerah Cordova had a comment/suggestion for August 15, 2011 minutes, we need to include wording under the public hearing section, opening and closing public comment, and those being in favor and those opposed. Mayor Rudy Jaramillo said, with that noted is there a motion to approve the minutes dated August 15 & August 25, 2011. Councilor Mary Aragon made a motion to approve the minutes dated August 15 & August 25, 2011. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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| Councilor Jerah Cordova | Yes | |
| Councilor Lorenzo Carrillo | Yes | |
| Councilor Mary Aragon | Yes | |
| Councilor Wayne Gallegos | Yes | Motion carried |

PUBLIC COMMENTS:

Neil Hiest: had a complaint in reference to the water billing department. He received a late penalty on his water bill because the City doesn't give enough time to pay the bill. He believes that there should be a grace period to pay the water bill. He refused to pay the late penalty and now he got penalized on that amount.

Randy Gettings: he was here to discuss three issues. The first issue was the noise ordinance. He wanted the Council to clarify that ordinance. Councilor Jerah Cordova stated that there is a noise ordinance and that the Police Department would probably know better since they are responsible for enforcing it. He is complaining about a chainsaw sounding car that keeps going back and forth by his house. Mr. Gettings mentioned that he has complained to the Council several times about the handicap ramp on Esperanza, and the Council says they are going to look into it, but nothing has been done. He also stressed his concerns in reference to the TIF fee.

Beatrice Gutierrez: wanted an update on the French Drain located behind her home. Mayor Rudy Jaramillo advised her that the City's Attorney was looking into it, and that we would keep her updated.

Joan Burnette: stressed her opposition with the TIF ordinance. She states that we need to take into consideration the poverty level in Belen.

Paula Romero: introduced herself to the Mayor and Council. She is the new President of the Belen Little League. She would like to be placed on the next Agenda for a presentation of their future and goals.

Henry Gutierrez: He lives on Lorraine Dr. with his wife Beatrice. He told the Mayor that he has heard rumors that the City is going to put a cattle guard in front of his home. Mr. Gutierrez asked Mayor Jaramillo if he could please put a stop to the rumor. Mayor Jaramillo referred the question to Mary Lucy Baca, Interim City Manager. Ms. Baca answered Mr. Gutierrez by saying it is the other parties Attorney who suggested putting in a cattle guard. Mr. Gutierrez asked the Mayor to please make a stand when it comes to this. Mayor stated that the City will keep in contact with him.

PRESENTATION OF THE COMMUNITY GARDENS: Dubra Kurnes-Padilla, Member

Dubra gave a hand-out summary of the events going on at the park on 6th and Dalies; a copy of which is attached hereto and made an integral part of these minutes by reference. She would like to be put on the next Agenda so that the Council can vote on a name for the park. The choices for the name of the park are; Dalies Park, Dalies Garden Park, Dalies Community Garden Park, El Corazon de Belen Garden Park. The Boy Scouts are coming to paint the structure at the park with their funds and cut the weeds.

PRESENTATION OF A PROCLAMATION FOR LITERACY WEEK: Mayor Rudy Jaramillo

Mayor Rudy Jaramillo presented Dolores Padilla with a Proclamation for Literacy Week; a copy of which is attached hereto and made an integral part of these minutes by reference. Dolores Padilla mentioned that they will be celebrating 25 years in 2012. She extended an invitation to attend the 25th Anniversary Chocolate Fest Fundraiser and Talent Show on St. Patrick's Day. She will have tickets for sale.

PUBLIC HEARING FOR THE ADOPTION OF ORDINANCE NO. 2011-12; Jerah Cordova, Councilor

Councilor Jerah Cordova explained that the purpose of Ordinance No. 2011-12 is to repeal ordinance 351 entitled "Dances", which is no longer a practice in the City of Belen. Mayor Rudy Jaramillo opened up the Public Hearing and asked for any Public Comments. There were no public comments. Mayor Jaramillo closed the Public Hearing.

PUBLIC HEARING FOR THE ADOPTION OF ORDINANCE NO. 2011-13; Jerah Cordova, Councilor
Councilor Jerah Cordova explained that the purpose of Ordinance No. 2011-13 is to repeal Ordinance No. 1997-13 entitled “Smoking in Municipal Buildings” Council Cordova states that this is already a State Law and does not need to be in our Municipal Code. Mayor Rudy Jaramillo opened up the Public Hearing and asked for Public Comment. Leona Vigil wanted to point out that unless a municipality enacts an ordinance adopting the new law’s provision, violations of the Act will be cited into State Magistrate Court. There were no other comments. Mayor closed the Public Hearing.

PUBLIC HEARING FOR THE ADOPTION OF ORDINANCE NO. 2011-14; Jerah Cordova, Councilor
Councilor Jerah Cordova explained that the purpose of Ordinance No. 2011-12 is to repeal Ordinance No. 251 entitled “Bicycles”. The ordinance asks that all bicycles be licensed. The Mayor opened up the Public Hearing and asked for public comment. Dubra Kurnes-Padilla stated that maybe we don’t need a license for our bicycles but we do need to enforce bicycle helmets. There were no other public comments and the Mayor closed the Public Hearing.

DISCUSSION OF THE BELEN EAGLE PARK COMMUNITY CENTER: John Best, Engineer

Mr. Best gave a handout to the Council; a copy of which is attached hereto and made an integral part of these minutes by reference. A copy of the study is also attached and made an integral part of these minutes by reference. Mayor asked if there were any questions from the Council. Councilor Mary Aragon mentioned that the total charge for the study is \$13,200; she asked Mr. Best if he had an idea of what the drilling would cost. Mr. Best stated that the charge for the study includes the drilling. Councilor Aragon asked if there was an estimate of how much the piles would cost. Mr. Best advised there is no way of knowing the cost for that because we don’t know how many we are going to need. According to the maps from the study it shows that the building is settling more where the runoffs come off the building. Councilor Aragon asked, if the damage is coming from the runoff why don’t we address that, and would we still have to have the \$13,000 study. John Best stated that is possible, that may stop future settling. Mayor Jaramillo stated that the study needs to be made in order for us to support the building. The Mayor asked Amec about the stability of the building, and they are very confident that the building is a good design and it’s not going anywhere. “Whatever the issue is, it is going to continue settling until we get to the depth because of the dirt work that is out there.” Councilor Gallegos asked if Amec was the company that did the study two years ago. Mr. Best, answered yes. Councilor Jerah Cordova asked if Amec mentioned how much additional settling they anticipate. Mr. Best explained there is no way to predict that. Councilor Cordova also asked, if we are assuming that water from the roof is causing some of the cinder block to come apart can’t we seal the block to prevent more water to come into the building. John replied, yes. Councilor Aragon asked if insurance would cover something like that. The Mayor suggested that it could be possible.

DISCUSSION OF THE WELL EIGHT (8) CORRECTIVE PLAN: Wayne Gallegos, Councilor

Councilor Wayne Gallegos explained that well number (8) is the well that consist of arsenic problems for the City. We have looked at it in the past. We corrected the other wells, but this well has been floating at .8 and it finally hit the 10 and above parts per billion, which is federal mandate for us to meet. It was recommended to get our employees training if we go with a filtration system instead of blending. We are going to need a lot of supplies to maintain the system. Our recommendation is going to be to send Dale and Ralph to these other places that already exist, and talk to the people working them, and see the training these people have had, and see what is best for the City. As for the part of the Mayor and Council, we are going to need to rethink our priorities for the City, and if that is one of our priorities, we need to move it way up there, and we need to look at a way to finance this project. There are a lot of cities that have gone through this federal mandate already without federal funding. The Mayor closed the Discussion.

ACTION ITEMS:

APPROVAL OF DISAPPROVAL OF ORDINANCE NO. 2011-11, TECHNOLOGY INFRASTRUCTURE FEE: Lawrence Kaneshiro, IT Specialist

Mayor Rudy Jaramillo asked for questions from the Council. Councilor Wayne Gallegos commented that he sees the importance of it. But what was put out to the public wasn't perceived correctly. The news channel and the news papers put out that the fee was more for recreation purposes. The fact is the fee is more for infrastructure. He has received many concerns from Citizens stating that there are more important priorities. Mayor Jaramillo mentioned that he was disappointed with the News Bulletin because they put out there that this fee was for Wi-Fi at Anna Becker. That is not what this fee is about. The City is 20 to 25 years behind in this community in technology. We are looking at a \$1.80 to improve what is going on with the water tank up at the mesa. Currently our employees have to go in the middle of the night and monitor the wells and close the valves automatically. 60 to 70,000 gallons will run out of that tank when that does not happen. It's not about having Wi-Fi at Anna Becker, it's about waste water, security at City Hall. Councilor Lorenzo Carrillo added the direct services involved with this TIF include solid waste management, utilities management, recreation management, public information, public transparencies, web-site operations and development, telecommunications, public internet access; and with the indirect services from this small increase include security management, GIS, record keeping, public safety services, and our supervisor control data acquisition. Mayor Rudy Jaramillo opened up the action item for public discussion. Ramon Baca came up to the podium and said that technology is crap. The kids are only playing games. The kids today are obese due to this. We rely too much on technology. Randy Gettings came up to say that the Council took him wrong. He is not against technology. He is stating that all these charges should be put together and put into effect at the same time instead of constantly increasing the utility bill. Councilor Jerah Cordova commented on the fact whether the City is properly prioritizing. The City has been making efforts to prioritize; however, he thinks by considering this proposal now, ahead of all the other rate increases that may be considered in the future by the Rate Committee, we are doing ourselves a disservice. He would prefer to see this proposal or any other proposal come together as a complete package. Joan Burnett commented on the TIF. She stated the Council needs to look at the poverty level in this City and see who is actually going to pay for the fee. Mayor Rudy Jaramillo asked for a motion to approve or disapprove Ordinance No. 2011-11. Councilor Jerah Cordova moved that we table the matter until we can consider whatever proposal the Rate Committee will be bringing forward to the Council. Mayor Jaramillo asked if there was a second. Councilor Lorenzo Carrillo asked if there was a time frame the Committee to come forward. Mary Lucy Baca, Interim City Manager stated not at this time. At this time the Mayor asked for a second to this motion. There was no second to the motion. The stated motion died. The Mayor asked if there was a motion to approve or disapprove the adoption Ordinance 2011-11. Councilor Mary Aragon made a motion to approve the adoption of Ordinance 2011-11 entitled Technology Infrastructure Fee. Mayor Jaramillo asked for a second. Councilor Lorenzo Carrillo seconds the motion. Roll Call Vote:

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| Councilor Jerah Cordova | No |
| Councilor Lorenzo Carrillo | Yes |
| Councilor Mary Aragon | Yes |
| Councilor Wayne Gallegos | No |

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| Mayor Rudy Jaramillo | Yes | Motion Carried |
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INFORMATIONAL ITEMS

City Manager's Report: A copy of which is attached hereto and made an integral part of these minutes by reference. Dale Tafoya received a promotion and will be the new Utilities Director. At the last meeting Councilor Cordova asked for an estimate of how much revenue would be lost if zero usage water customers were not charged the minimum. Lucy stated that the revenue lost would be a \$101, 251.00 per year. She asked the Council to help with the Fall Fest on October 29, 2011, with physical help or food purchase. She suggested bringing in a comment card to the Council Meetings for public comment. She gave the Council a rough draft drawing of the idea that has been given for the replacement of the letters on Becker Ave. The idea is to place ceramic letters with a metal cut out on the top representing something of Belen. RFP's for City Attorney and Pumper Truck and have gone out. She reported that Anthony Aragon was leaving Little League and that he was grateful to the City and the Council. He plans on adopting Eagle Park. He would like to hold USSSA in Belen. We will place him on the next Agenda. She reported that she has had several complaints on mosquito spraying. The City does spray for mosquitoes however it is at night and it is odorless. Lucy stated that she would like to enclose the north end of city hall for safety reasons. Councilor Lorenzo Carrillo reminded everyone that this is a public building. Councilor Cordova asked Mary Lucy for an update on trash, weeds, and street lights. Mary Lucy reported that the City has hired two temporary laborers. They will be taking care of the trash and weeds, so that the Street Dept can work on the street lights. Councilor Cordova asked if signs ever went up on Vivian Rd. Mary Lucy answered, yes. He then asked her if she had heard anything back from the National Guard in reference to the Recreation Building on South Main. She stated that the process of handing over the deed should be completed by the end of September. His final question was if there was a work order issued for the sidewalk on Tenth and Esperanza. She answered yes. Councilor Carrillo mentioned to Lucy that the water lines are not being spotted for new homes. She said that line spots are taken care of through One Call, but that she will look into that. Councilor Aragon mentioned that there were 16 bags of trash and weeds that needed to be picked up on Rosedale Park. Councilor Gallegos mentioned there was a large pot hole on North Eleventh Street. Randy Gettings also stated there was a large pot hole on the 500 block of Twelfth Street.

Councilor Wayne Gallegos: There was another complaint from the News Bulletin after this last flood. He suggested we follow up on the issue. The convention for the Municipal League in Roswell was a good turnout. He returned with a wealth of information. Belen Police Department was the only City in the State that was awarded a recertification on an accredited Police Department. We were the third City in the State to be reaccredited.

Councilor Mary Aragon: On August 18, 2011 she attended the Airport Meeting however there was no quorum. On 8-19 she attended UNM VC Nursery Advisory Board. On 8-27 she attended the County Fair Parade. On 8-31 she attended Beall's Grand Opening. Bealls is now a member of the Chamber of Commerce. On 9-1 she was unable to attend the Juvenile Justice Meeting; she thanked Officer Miller for representing the City. On 9-1 she attended Little League to represent Mayor Jaramillo. She attended the first Miracle on Main Street Meeting. It will be held on the first weekend after Thanksgiving.

Mayor Rudy Jaramillo: Attended the County Fair where he was a judge for the chili contest. It was well organized. He has received complaints on the speed limit signs on Camino Del Llano. He said the complaints are that they are not visible and are too small. He thanked the Council for representing the City when he cannot.

Councilor Lorenzo Carrillo: He had nothing to report at this time.

Councilor Jerah Cordova: mentioned that there was an article referring to a technology testing evaluation center looking for a location. He suggested we contact the center "Pegasus" or the State Economic Development Department to participate in the location study. David Ladle has shown interest in developing a

local brewery. He would like to host a hub brew fest in Belen. Councilor Cordova also judged at the County Fair's chili/salsa contest. The Main Street Committee would like to give a final presentation at one of the upcoming Council Meetings. Councilor Cordova is working on a signage plan for detouring constituents getting off the Rail Runner and coming into downtown Belen; New Mexico Health Department is also working on the project. He is also involved with the Tourism Plan. The Lodger's Tax Board approved \$5,000 to the City to participate in the State Wide Tourism Study using the Rail Runner.

EXECUTIVE SESSION:

Mayor Rudy Jaramillo asked for a motion to go into Executive Session for limited personnel matters. Councilor Lorenzo Carrillo motioned to move into executive session. Councilor Mary Aragon seconds the motion.

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| Councilor Jerah Cordova | Yes | |
| Councilor Lorenzo Carrillo | Yes | |
| Councilor Mary Aragon | Yes | |
| Councilor Wayne Gallegos | Yes | Motion carried |

ATTESTATION THAT NO ACTION TAKEN: Mayor asked for motion that the executive session was restricted to limited personnel matters. Councilor Jerah Cordova made a motion that only limited personnel issues were discussed in the executive session. Councilor Wayne Gallegos seconds the motion. Roll call vote:

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

ADJOURNMENT

Mayor Rudy Jaramillo asked for a motion to adjourn tonight's meeting. Councilor Mary Aragon made a motion to adjourn. Councilor Lorenzo Carrillo seconds the motion. Roll Call Vote:

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| Councilor Jerah Cordova | Yes | |
| Councilor Lorenzo Carrillo | Yes | |
| Councilor Mary Aragon | Yes | |
| Councilor Wayne Gallegos | Yes | Motion carried |

/s/ _____
Rudy Jaramillo, Mayor

ATTEST:

/s/ _____
Leona Vigil, Deputy Clerk