

**SPECIAL CITY COUNCIL MEETING**

**September 7, 2010**

**6:00 P.M.**

Mayor Rudy Jaramillo called the Special 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  
Mayor Pro-Tem, Wayne Gallegos  
Councilor, Mary T. Aragon  
Councilor, Jerah R. Cordova  
Councilor Lorenzo Carrillo

***CITY STAFF:*** Mary Lucy Baca, Interim City Manager  
Audrey Torres, CMC, City Clerk  
Michael Steininger, Finance Director  
Dan Robb, Interim Chief of Police  
Lawrence Kaneshiro, IT  
Kathy Savilla, Judicial  
Nathan Godfrey, Belen FD

***OTHERS:*** Norman McDonald, City Attorney  
Brent Ruffner, VCNB  
Gilbert Tabet, Circle T  
Dianne Mattson, Our Tomorrow  
Carolyn Huston, Citizen  
Sals Martinez, Citizen  
Lisa Kaneshiro, Citizen  
Rosemarie Cordova, Citizen  
Mike Cordova, Citizen

***PLEDGE OF ALLEGIANCE:***

Mayor Rudy Jaramillo asked Dianne Mattson to lead the pledge of allegiance.

***APPROVAL OF AGENDA:***

Mayor Rudy Jaramillo requested approval of tonight's agenda with the removal of item number 8 which will be moved to a meeting in October. Councilor Lorenzo Carrillo moved to approve the agenda with the amendment. Councilor Mary Aragon seconds the motion, motion carried.

**APPROVAL OF MINUTES:**

**Regular Meeting: August 2, 2010**

Mayor Rudy Jaramillo requested approval of minutes for August 2, 1010. Councilor Lorenzo Carrillo moved to approve the minutes. Councilor Mary Aragon seconds the motion-roll call vote:

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

**APPROVAL OF MINUTES:**

**Workshop Meeting: August 2, 2010**

Mayor Rudy Jaramillo requested approval of minutes for the workshop meeting held August 2, 2010. Councilor Mary Aragon moved to approve the minutes. Councilor Lorenzo Carrillo seconds the motion-roll call vote:

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

**PUBLIC COMMENT**

Mayor Rudy Jaramillo read the next agenda item in reference to public comment.

Gilbert Tabet asked why the contractor was not given a deadline to complete the project at Camino Del Llano; they have not done any work for the past two weeks. Mayor Rudy Jaramillo advised the project was a phased project.

**EMPLOYEE OF THE SECOND QUARTER: Mayor Pro-Tem Wayne Gallegos**

Mayor Rudy Jaramillo read the next agenda item in reference to employee of the second quarter 2010 as submitted by Anita Romero, Administrative Assistant. Councilor Wayne Gallegos read the letter aloud and presented Lawrence Kaneshiro with his plaque.

**DISCUSSION OF JUDICIAL ALTERNATE: Councilor, Jerah Cordova**

Mayor Rudy Jaramillo read the next agenda item in reference to discussion of judicial alternate as presented by Councilor Jerah Cordova. Councilor Cordova held a discussion with Mayor Rudy Jaramillo as to the whether the Mayor or the Municipal Judge has the authority to appoint the temporary municipal judge in the absence of the Judge. Councilor Cordova advised the

information provided in the packet shows essentially the change that would be made he mentioned there were quite a few markings he was merely switching around wording, and quoting “the only material change to the ordinance would be that Mayor would be struck from the ordinance and municipal judge would be put in its place”.

Councilor Lorenzo Carrillo asked for clarification and quoting “we are only discussing the temporary appointment not an appointment in the event Ms. Savilla cannot fulfill her term”. Councilor, Jerah Cordova referred Councilor Carrillo to the information provided in the packet and added there is a different procedure to follow for vacancy in office. Councilor Lorenzo Carrillo stated the responsibility should be that of the Municipal Judge as it would be her responsibility to ensure the person has the knowledge skills and abilities to perform that function. Councilor Lorenzo Carrillo advised he would not want to be the individual to verify the individual appointed would be able to handle it.

Councilor Wayne Gallegos asked for input from Judge Savilla who advised she was bothered by the change since 2002 it is her opinion she should have the ability to make the temporary appointment and that individual would have the necessary training. Judge Savilla added there was an issue which arose when she was recused and she did not have an alternate judge which caused a stir. Councilor Jerah Cordova added there is a listing of causes for temporary absence and includes recusal/excusals as a reason for incapacity.

***DISCUSSION OF BECKER STREET PHASE III ENGINEERING SERVICES  
AMENDMENT TO ORIGINAL CONTRACT: Michael Steininger, Finance Director***

Mayor Rudy Jaramillo read the next agenda item in reference to a discussion of Becker Street Phase III Engineering Services amendment to original contract as presented by Michael Steininger, Finance Director who advised a letter was submitted by Molzen Corbin & Associates in which they requested an addition amount of \$8,000.00 to cover items such as additional inspections, issues regarding NMDOT and reference is also made to an agreement which was signed back in October 2009. Michael Steininger, Finance Director stated the items they highlight as their basis for requesting the increase are the same arguments he would be using that it was not City responsibility after which a lengthy open forum discussion ensued on clarification of the request.

***ACTION ITEMS:***

***APPROVAL OR DISAPPROVAL OF BECKER STREET PHASE III ENGINEERING  
SERVICES AMENDMENT TO ORIGINAL CONTRACT: Michael P. Steininger, Finance  
Director***

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval of Becker Street Phase III Engineering services amendment to original contract as previously presented by Michael P. Steininger, Finance Director and requested a motion. Councilor Mary

Aragon moved to disapprove the \$8,000 that was an amendment to Becker Street Phase III Engineering Services. Councilor Jerah Cordova seconds the motion-roll call vote:

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

***APPROVAL OR DISAPPROVAL ON ENTERING INTO AN AGREEMENT WITH NORTHERN NEW MEXICO COLLEGE FOR HAZARDOUS MATERIALS TRAINING (Discussion August 2, 2010): Manny J. Garcia, Fire Chief***

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval on entering into an agreement with Northern NM College for hazardous materials training which was previously discussed on August 2, 2010 and requested a motion. Councilor Wayne Gallegos moved to approve entering into the agreement. Councilor Lorenzo Carrillo seconds the motion-roll call vote:

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

***APPROVAL OR DISAPPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN NM FILM DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT AND LOCAL GOVERNMENT FILM LIAISONS: Andrew DiCamillo, Planning & Zoning Director***

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval of memorandum of understanding between NM Film Division of the Economic Development Department and Local Government Film Liaisons. Councilor Mary Aragon moved to approve Andrew DiCamillo Planning & Zoning Director as Liaison between the NM Film Division of the Economic Development Department and Local Government Film Liaisons. Councilor Jerah Cordova seconds the motion-roll call vote:

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

***APPROVAL OR DISAPPROVAL ON ACTION REGARDING ATTORNEY GENERAL'S LETTER (Discussion held August 16, 2010): Councilor Jerah Cordova***

Mayor Rudy Jaramillo read the next agenda item in reference to approval or disapproval on action regarding Attorney General's letter discussion was previously held on August 16, 2010.

Councilor Jerah Cordova requested an attorney opinion. City Attorney, Norm McDonald advised the compliance is set out step by step in the compliance letter. Once the office realized the governing body, at least three, were new faces not involved then the corrective action process was modified. Three simple steps need to be taken to cure violations at three separate meetings. City Attorney, Norm McDonald advised the first action was a meeting was October 5, 2009 the minutes need to be corrected to show the subject matter discussed which would be the potential purchase of land and for the same meeting the legal authority needs to be stated and should have been set forth in the motion for executive session section which was 10-15-1H8 of NMSA none of these require a vote only an amendment to the minutes.

City Attorney, Norm McDonald advised the second meeting, chronologically is the December 7, 2009 meeting in which the Mayor was authorized, in executive session, to attempt to negotiate the purchase of the property from the Boucher's subject to the availability of funds. For this particular corrective action does entail present council on voting to authorize the then mayor (Ronnie Torres) to negotiate the purchase of the property which will satisfy the open meeting act even if the resulting vote is contrary to what may have occurred then. The fact remains the council ratified the purchase subsequently at the February 8<sup>th</sup> meeting.

City Attorney, Norm McDonald noted the third meeting was February 8, 2010 which was the meeting in which the former governing body ratified the purchase of the property which had already taken place again the concern was back to the minutes as there was no record of the vote taken it does not have to be a revote. The minutes have to be amended reflecting the February 8 vote to ratify the purchase of the property was a unanimous vote. This council has to do tonight is to vote to have authorize the then mayor (Ronnie Torres) to negotiate the purchase of the property which would be the corrective action for the December 7, 2009 meeting.

Councilor Jerah Cordova had a procedural question on modification of the past mentioned minutes. City Attorney, Norm McDonald advised when these minutes are compiled at the next meeting the actions will be reflected in there and at that juncture you would be voting to approve the minutes.

Councilor Lorenzo Carrillo questioned violation of the procurement code. City Attorney, Norm McDonald advised the AG's office only concern was with the violation of the open meetings act. City Attorney, Norm McDonald continued stating the then City Manager (Sally G. Garley) advised appraisals were required for the purchase of property and it was done.

Councilor Wayne Gallegos made a motion to authorize the then Mayor (Ronnie Torres) to negotiate the purchase of the property. Councilor Lorenzo Carrillo Seconds the motion-roll call vote:

Councilor Lorenzo Carrillo	Yes
Councilor Wayne Gallegos	Yes
Councilor Jerah R. Cordova	No
Councilor Mary T. Aragon	No

Mayor Rudy Jaramillo voted Yes to authorize the then Mayor to negotiate the purchase of property. Motion Carried.

***ADJOURNMENT:***

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

Councilor Jerah Cordova moved to adjourn this meeting. Councilor Lorenzo Carrillo seconds the motion, motion carried.

/s  
Rudy Jaramillo, Mayor

ATTEST:

/s  
Audrey D. Torres, CMC, City Clerk