

REGULAR CITY COUNCIL MEETING

March 3, 2014

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 David Carter
Mayor Pro-Tem Jerah Cordova
Mayor Rudy Jaramillo
Councilor Audrey Torres-Vallejos
Councilor Wayne Gallegos

CITY MANAGER, CMC: Mary Lucy Baca

DEPUTY CLERK, CMC: Leona Vigil

CITY STAFF: See Attached Sign-in Sheet

REPORTER: Clara Garcia, VC News Bulletin

OTHERS: See Attached sign-In sheet

PLEDGE OF ALLEGIANCE:

Mayor Rudy Jaramillo led the Pledge of Allegiance.

APPROVAL OF AGENDA

Councilor David Carter asked to correct the date on the Agenda from March 17th to March 3rd and to move letter (d) to (b) under section 8 of the Agenda. Councilor Audrey Torres-Vallejos moved approval of the Agenda with the said change. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes
Councilor Audrey Vallejos Yes
Councilor Jerah Cordova Yes
Councilor David Carter Yes Motion carried

APPROVAL OF MINUTES

Mayor Rudy Jaramillo asked for approval of the Minutes dated February 7, 2014. Councilor Wayne Gallegos made a motion to approve the Minutes dated February 7, 2014. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes
Councilor Audrey Vallejos Yes
Councilor Jerah Cordova Abstained
Councilor David Carter Yes Motion carried

Mayor Rudy Jaramillo asked for approval of the Minutes dated February 17, 2014. Councilor Audrey Torres-Vallejos made a motion to approve the Minutes dated February 17, 2014. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes

Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

Mayor Rudy Jaramillo introduced Nicole Masillas; she is a student from UNM-VC studying Political Science. She was there to observe the City Council Meeting.

PUBLIC COMMENTS

Glen Malory: He had concerns with the City’s water bill costs; he pays \$77.38 for zero consumption. Lucy asked Mr. Malory if he had requested a temporary disconnect. Mr. Malory answered that he had as of today.

Steve Tomita: He’s is preparing marquee for the Flight/Film Fest.

PRESENTATIONS

EAGLE SCOUT PROCLAMATION: RUDY JARAMILLO, MAYOR

Mayor Rudy Jaramillo read and presented Eagle Scout Proclamations to Justen Billingsley and Matthew Shue.

HARVEY HOUSE FILM VIDEO: RONNIE TORRES

Ronnie Torres congratulated Rudy on four years, and gave best wishes to the two councilors running for election. He stated that those running should remember that they are there for the citizens of Belen, and the only way to make a difference is remembering that your biggest assets are your employees. He thanked the Council for the new heating and cooling system at the Harvey House; however upstairs is still cold, he is obtaining bids. A Paranormal Tour is set up for March 8th, and is already sold out. An Eagle Scout Project is scheduled to construct a seating area outside of the Harvey House. Ronnie expressed that he would love to apply for a CDBG Grant for the Harvey House. A copy of a flyer of all upcoming events at the Harvey House is attached hereto.

Ronnie Torres introduced Ted Rau who is a Harvey House and MainStreet Volunteer. Ted has put together a video presentation of all the movies that were filmed in Belen, along with documentaries. The video can be checked out at the Harvey House. Ted played the Video Presentation for the Council and the public.

DISCUSSION WITH POTENTIAL ACTION REQUIRED

APPROVAL OR DISAPPROVAL OF THE NOBLIN FINDINGS AND CONCLUSION: Charles Rennick: City Attorney

Several recommendations were suggested to Charles Rennick in the Findings and Conclusion of the Noblin request for a Special Use Permit.

Councilor Cordova had a concern with item ten which mentioned the word excessive. Charles advised Councilor Cordova that he has already removed the word. Councilor Cordova pointed out that item twenty-two states that all the residents in the immediate area were all in opposition; however, there were one or two residents that were not in opposition, he would like the findings to reflect. Charles will change the findings to reflect. Charles explained to the Council how the Findings and Facts of Conclusion are structured. He went on to say that they are necessary to formalize the action of the Council and will become the final action of the governing body. Councilor Carter would like Charles to add to number seven. He would like him to add “which the petitioner failed to provide objective quantitative evidence that the crematorium would ‘not’ affect the historical significance of the surrounding area, and that the petitioner failed to provide objective quantitative evidence that the crematorium would ‘not’ decrease the property values of the surrounding area”. Charles replied, if it is ok with the Council, he will add it into the Findings and Conclusion. Councilor Gallegos wanted clarification between numbers ten and eleven. Ten says that the unit will shut down upon the release of excessive smoke, and eleven says that a heat plume is admitted from the exhaust rather than smoke. Charles

answered that it is just a heat plume and if smoke started to come out, that is when it would shut down. Charles will clarify the language.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the Noblin Findings and Conclusion. Councilor David Carter approves the finding with the said changes. Councilor Wayne Gallegos seconds the vote. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	No	
Councilor David Carter	Yes	Motion carried

APPROVAL OR DISAPPROVAL OF THE ORDINANCE AMENDING THE CITY’S CURRENT COLLECTIVE BARGAINING ORDINANCE: Mary Lucy Baca, City Manager, CMC

Mary Lucy reminded the Council that this issue has been brought before them for discussion, public hearing, and is present tonight for approval.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the ordinance to amend the City’s current Collective Bargaining Ordinance. Councilor Jerah Cordova moved approval of the ordinance as presented. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

APPROVAL OR DISAPPROVAL OF THE UNION BOARD MEMBERS: MARY LUCY BACA, City Manager, CMC

Mary Lucy presented and recommended Juan Montoya and Philip Jaramillo to be on the Local Union Board. Philip Jaramillo would be the Management Representative and Juan Montoya would be the Union Representative. Mary Lucy explained once they are approved, they will select the mutual person. Councilor Carter suggested they vote on one at a time. Mary Lucy brought Juan Montoya’s name up first, as the Union Representative. Councilor Cordova asked Lucy to explain the process for selecting the individuals. Her understanding is that it is a local board with three representatives. One representative is for the union, one representative is for management, and the third is a neutral person. Councilor Carter asked if Mr. Montoya had any ties or interest in Belen. Lucy believes he does. Lucy also explained that the City’s attorney suggested Mr. Montoya to be considered.

Mayor Rudy Jaramillo asked for a motion to approve Juan Montoya to be on the Local Union Board. Councilor Jerah Cordova moved approval of Juan Montoya. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	No	Motion carried

Mary Lucy advised the Council that Phillip Jaramillo was also recommended by the City’s Attorney. She stated that he is excited to represent management for the City of Belen. He does this for the Village of Los Lunas already.

Mayor Rudy Jaramillo asked for a motion to approve Philip Jaramillo to be on the Local Union Board. Councilor Audrey Torres-Vallejos moved approval of Philip Jaramillo. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

APPROVAL OR DISAPPROVAL OF THE OUT OF STATE TRAVEL FOR RSVP: Bertha Flores, RSVP

Bertha Flores is seeking approval from the City Council to attend an out of state conference for RSVP. She and Leandra Chavez will be attending the Annual Conference. The conference will be held in Atlanta Georgia from June 14, 2014 thru June 19, 2014. She does have the money in her budget for the conference for both her and Leandra; the total cost is 1612 to go and come, plus the hotel.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the out of state travel for RSVP. Councilor Wayne Gallegos moved approval of the out of state travel. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

APPROVAL OF DISAPPROVAL OF THE APPLICATION FOR FUNDS THROUGH THE WATER TRUST BOARD: Chris Perea

Chris Perea was presenting on behalf of Mario. He did not have a copy of the application in front of him. Councilor Gallegos asked if the City of Belen was cut back with that which Governor Martinez did. Chris answered that it is his understanding the City was cut, and we are now reapplying. Councilor Carter asked how much was the City applying for. Chris did not have the figure. Mayor Jaramillo answered the last one was 850. Councilor Carter asked what size of tank it was. Councilor Gallegos stated it used to be a million gallons, and was going to be a million dollars to do it. It is now at 1.2 million dollars and the tank is 750 to 800 thousand gallons. As the time is going, the price is getting bigger and the tank is getting smaller.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the application for funds through the Water Trust Board. Councilor Wayne Gallegos motioned to approve. Councilor Cordova seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

APPROVAL OR DISAPPROVAL OF THE COMMITMENT OF THE OPERATION AND MAINTENANCE OF THE PROPOSED POTABLE WATER STORAGE TANK: Chris Perea

Chris explained that he was not fully briefed on the Commitment of the Operation and Maintenance of the Water Storage Tank. Councilor Cordova stated that this resolution goes to the Water Trust Board and basically

states that if the money is given to the City to build a tank, the City will take care of the tank.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the commitment of the operation and maintenance of the water storage tank. Councilor Audrey Torres-Vallejos moved approval. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

APPROVAL OR DISAPPROVAL OF THE CHANGE ORDERS FOR CHRISTOPHER ROAD: Chris Perea

Copies of the change orders were given to the Council; copies of those change orders are attached hereto. Councilor Gallegos asked if the work listed on the change orders have already been done. Chris answered yes. Councilor Gallegos stressed that the Council does not like to be asked to approve something that has already been done. Councilor Gallegos verified that the amount is going to go up from 462000 to 472000. Chris said that is correct, but they received another paper saying the city is 24,000 under. Councilor Gallegos asked if that is before or after the change orders. Chris understands that there is a total cost savings of 24,000. Councilor Audrey Torres-Vallejos asked who approved the change orders. Steve Tomita answered that he approved one, and mentioned he has an issue with the charge for the resurveying, because it was not the city's fault. Councilor Carter has an issue the way the whole project went down. Councilor Carter requested the plans from Mario on the design prior to the pre-con meeting and the plans after Councilor Carter's input; he believes his input and concerns were disregarded. Councilor Carter stated that there is an imaging truck going into the circle and cannot even get out, and soon there will be 53 inch trailers and large equipment for the construction of the hospital. Councilor Carter stressed that the engineer can approve any change orders they want to, but the Council approves the funding for it. The Councilor was all in agreement that the proper process was not followed on these change orders.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the change orders for Christopher Road. Councilor David Carter moved to table this item pending a full accounting of each change order chronologically on the approval, method used, and the person who approve it. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

CHRISTOPHER ROAD TOPOGRAPHY DESIGN SURVEY & ENGINEERING DESIGN: Chris Perea

Chris advised the Council that this survey is for the next phase of Christopher Rd., the northern end towards the high school. Steve Tomita added that this is primarily for drainage. Councilor Cordova asked what kind of funding is available for this survey. Mary Lucy answered that it was not budgeted. Lucy advised the Council that the cost is 40,969.00. Steve stated that the MAP funding is supposed to cover the design for the drainage. Councilor Cordova asked what the timeline was for this project. Chris answered that on the MAP funding you have, typically a year. Councilor Cordova asked if the funding was in house yet. Councilor Gallegos answered no. Councilor Cordova would prefer to hold off on funding this, since the city does not have the money yet, and until the Council gets answered to the change orders.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the Christopher Rd Topography Design

Survey and Engineering Design. Councilor Cordova moved to table the issue. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

DISCUSSION

FATHER’S DAY FESTIVAL: Steve Tomita P & Z Director

Steve Tomita wanted to clarify that this was not a festival that the City is holding. He reported that the name of the Festival is Viva La New Mexico Heritage and Music Festival. The Festival will take place June 14th and 15th. Steve explained that currently there is a festival in northern New Mexico on Mother’s Day that has bands from all over the State perform. They want to bring that down to Belen and held for Father’s Day. It will be held in Valencia County behind the Sheriff’s Posse. It is a two day festival with 21 bands. The coordinators are asking for help from the City by providing traffic control, barricades, generator, and a portable light, and anything else the City can help with for the event. Wayne came up to the podium and explained that they are trying to bring an event to the community that is fun, safe and organized. Wayne reported that Mayor Darren Cordova holds a large Mother’s Day Festival in Taos, and they are trying to bring a festival to Valencia County for Father’s Day. They are asking for help from the City to make the event successful and safe. The Council is all in favor of the event, and asked Wayne to submit a detailed list of in-kind services needed from the City.

PUBLIC HEARING

AFFORDABLE HOUSING PLAN ORDINANCE: Steve Tomita

Steve advised the Council that the draft Affordable Housing Plan Ordinance that they have in their packets was taken from the City of Carlsbad. Councilor Cordova asked Steve to take the Council point by point of the ordinance to hit the highlights. Steve went through the ordinance, a copy of which is attached hereto and made an integral part of these minutes by reference. Councilor Cordova mentioned that his understanding is that the three items under housing assistance and the 14 items under construction improvements is what the City is actually doing under this ordinance. Steve answered that was correct. Councilor Carter asked if the ordinance will allow the City to offer incentives, such as forgiveness of outstanding water bills or a year without a water bill payment. Steve answered yes. Councilor Cordova asked who the City administrator of some sort for this ordinance. Steve answered no, unless it is him. Councilor Cordova suggested that the City have someone responsible to administer the ordinance.

INFORMATIONAL ITEMS

City Manager’s Report: A copy of the City Manager’s Report is attached hereto and made an integral part of these minutes by reference. She announced that Election Day is tomorrow. She thanked Leona on working hard on the election. She mentioned that precinct workers were hard to find and Leona held election school for all the workers. She informed the Council that a Special Meeting will have to be scheduled for the adoption of a resolution for the MAP funding application, because it is due by March 14, 2014. She emailed the Council the Camino del Llano ponds schedule. Crews have been working on Anna Becker; Park the fountain is still not fixed, because someone is throwing dirt into it and getting clogged. She met with Charles Thompson the Damn Safety Bureau Chief; they will be the fiscal agent for federal monies for the ponding. There is no longer a caretaker at the landfill, he was terminated; She is looking into having a City employee out there instead of Waste Management. There is still \$441,000 available from HUD for the Community Center; they need to locate the Authority to Release Funds Form before releasing the monies. She stressed that she was surprised with the change orders on Christopher Rd. She asked APE Electric to give her a priority list of all the lighting that needs to be improved, added and fixed; she has given that list to Roseann and asked her to share that with the Council when it is time to work on the budget. She handed out a project report that was submitted by John Best. She reported that there is an extra unemployment expense in the amount of approximately \$240,000; it’s

a carryover from the layoffs because of the unemployment extension the President passed. The solar dishes are will be going to the Bankruptcy Court on April 14th. Councilor Audrey Torres-Vallejos had a concern with the bench that was removed across from the Public Library; the bolts were sticking out of the ground; Steve said he would take care of this. She also had a concern that some constituents aren't able to pick up a trash permit Monday through Friday for the landfill and they are going to need another way to pay.

Councilor David Carter: He attended the candidate forum, and reported that there was a low turnout. He met with Ameris last Saturday for a hospital update, they provided a timeline. He participated in the Celebrate Belen Meeting where they are already working on the Second Annual Follow the Star. Anyone interested in becoming a member of Celebrate Belen is welcome to attend the Annual Membership Meeting on 3/12 at City Hall at 9:00 AM. The Film and Flight looks like it will be a great event. Election Day is tomorrow; he stated this is your last chance to claim your right to complain.

Councilor Jerah Cordova: He complimented the lighting project on I-25. MainStreet and the City had a couple of meetings on the Downtown Master Plan. One of the meetings was for clarification of what the State expects of the Master Plan. An RFP must be prepared by the middle of April for the Master Plan to submit to the State for review. He attended a meeting with UMM Researchers who are conducting the bber study economic analysis of Belen. He participated in the candidate forum. He attended the meeting with Ameris and Councilor Carter; they are finalizing details with partners. Ameris expects to be back the week of March 17, 2014 to do some work. He attended the MainStreet meeting last week; they discussed the old city hall roof and the Walking Tour Brochure. The Community Garden will have a meeting at 4:00 PM at the Chamber, and there will be a Clean-Up Day the following Saturday. He wished best of luck to the candidates, and thanked Councilor Gallegos for a good race.

Mayor Rudy Jaramillo: He thanked Councilor Gallegos for representing him at the DOT meeting. He attended the candidate forum, and reminded everyone to go vote.

Councilor Wayne Gallegos: He participated in the candidate forum. He mentioned that the I-25 lighting project has been a big improvement. He attended an advisory council meeting for the Senior Citizens. The Pilot Program at the Senior Center has commenced; they are the first center to have a salad bar in the State. On the 20th, United Way gave a presentation on grants for Seniors. On the 25th he attended the DOT Meeting in reference to the Dollar Tree in regards to traffic, location, parking etc. The Dollar Tree will be located where the Freeway Inn Building used to be on Main Street. He met with the State Engineer on the 25th regarding capital appropriation to include the right a way and ponding. He announced that tomorrow is Election Day, and he thanked Jerah and wished him good luck.

Councilor Audrey Torres-Vallejos: She participated in the candidate forum. She reported that since the I-25 lighting project, the Sheriff's Posse reported that they have received more business. The owner of the Sheriff's Posse asked her to thank the Council. She attended the Chamber Board meeting on the 25th; they will be hosting the Lardner Invitational Golf Tournament in May. She thanked Lowes for providing pastries for the Senior Citizens. She wished the other candidates good luck on the election and mentioned that it has been a pleasure working with everyone.

EXECUTIVE SESSION

Mayor Rudy Jaramillo asked for a motion to go into Executive Session for pending or threatened litigation, limited personnel matters, and land acquisition.

Councilor Jerah Cordova made a motion to go into Executive Session for those stated. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos

Yes

Councilor Audrey Vallejos Yes
Councilor Jerah Cordova Yes
Councilor David Carter Yes Motion carried

Mayor Jaramillo asked for a motion to leave the executive session and return to the open meeting. Councilor Wayne Gallegos made a motion to return to the open meeting. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes
Councilor Audrey Vallejos Yes
Councilor Jerah Cordova Yes
Councilor David Carter Yes Motion carried

Mayor Rudy Jaramillo asked for a motion that discussion was limited to those mentioned and no action was taken. Councilor Wayne Gallegos made a motion. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes
Councilor Audrey Vallejos Yes
Councilor Jerah Cordova Yes
Councilor David Carter Yes Motion carried

ADJOURNMENT

Mayor Rudy Jaramillo asked for a motion to adjourn tonight's meeting. Councilor Wayne Gallegos motioned to adjourn the meeting. Councilor Audrey Torres-Vallejos seconds the motion.

Councilor Wayne Gallegos Yes
Councilor Audrey Torres-Vallejos Yes
Councilor Jerah Cordova Yes
Councilor David Carter Yes Motion Carries

/s/ _____
Jerah R. Cordova, Mayor

ATTEST:

/s/ _____
Mary Lucy Baca, Interim City Manager, CMC