

REGULAR CITY COUNCIL MEETING

November 18, 2013

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, City Manager

DEPUTY CLERK: Leona Vigil, Deputy Clerk

CITY STAFF: See Attached Sign-In Sheet

REPORTER: Barron Jones, VC News Bulletin

OTHERS: See Attached sign-In sheet

PLEDGE OF ALLEGIANCE:

Mayor Rudy Jaramillo led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Jaramillo asked to delete number 5 from tonight’s Agenda. With that, Mayor Jaramillo asked for a motion to approve tonight’s Agenda. Councilor Wayne Gallegos made a motion to approve tonight’s Agenda with the said change. Mayor Jaramillo asked for a second. 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 carried

PUBLIC COMMENTS

Dave Paquet: He is a resident of Sunrise Bluffs, and he stressed that the residents of his community have no idea of what is going to be presented to this council tonight. He stressed that it is blatantly unfair that they were not informed of any presentations or amendments to any agreements. He also stated that the residents would like to have opportunity to respond to the presentation. Mayor Jaramillo replied that there will be an opportunity for him to respond.

Steve Tomita: Reported to the Council that the City needs to issue a change order for Becker Avenue’s Last Phase. The change order will be approximately \$28,000. The plans were designed about ten years ago, and it appears that the water level is rising, and the contractors have to pump water while they are trying to pave the street. The contractors followed the engineer’s specifications and put soil stabilization in, but when they went to wheel roll the street, the pneumatic roller was sinking. Steve informed the Council that the only way to stabilize the road in order to be paved and withstand traffic, is to add compound. The contractors will also have to pick up all soil and reprocess that; dry it out, relay it and pave it. Steve went ahead and told the contractor to begin because it keeps raining which is making the situation worse. Steve informed the Council that the issue is

not with the contractor, but with the consultant engineer. Steve believes that the Council will have to make a decision whether this situation should have been predicted by the engineer. Mayor Jaramillo asked if the situation would worsen if the Council waits until the next meeting to make a decision. Steve answered yes it would get worse, and that is why he advised the contractor to move forward. The decision that has to be made is whether this change order is the responsibility of the contract engineer or the City. Councilor Gallegos wanted clarification that Steve authorized a \$28,000 change order; Steve answered yes. Councilor Gallegos asked if the contractors are going to move forward with the change order, and then the Council will legally look into the situation. Mayor Jaramillo asked Steve if the engineers were made aware of the situation. Steve answered yes, and they are the ones that made the recommendation. Roseann Peralta, Finance Specialist reported that the project was significantly under budget; therefore, the additional amount of the change order will not go over the budgeted amount. Councilor Carter had a concern that a change order was made without notice or advisement to the Council; Steve apologized. Councilor Gallegos suggested to have a couple of Council Members along with Management look further at this situation tomorrow and approve or disapprove it at that time. Councilor Carter and Councilor Gallegos will meet with management tomorrow morning.

PUBLIC HEARING:

ISSUANCE OF LIQUOR LICENSE WITH ON PREMISE CONSUMPTION ONLY FOR APPLICANT SECUNDINO BALDONALDO AMERICAN LEGION POST 81: Steve Tomita, P & Z Director

Secundino Baldonado American Legion applied for a State Liquor License with on premise consumption only. The City must hold a public hearing, and the City Council must take action on the issuance also. Steve notified the Council that the building location, 320 South Main Street, met all the criteria for liquor with on premise consumption and is in compliance with all City codes and ordinances. The location is on the corner of Gilbert and Main Street. Councilor Cordova asked if all the business have been notified. Mayor Jaramillo and Steve concurred that was correct. Mayor Jaramillo opened up the Public Hearing to the public; there was nobody with public comment, and Mayor Jaramillo closed the Public Hearing.

PRESENTATIONS

GO BONDS: John Archuleta

Mr. John Archuleta representing George K. Baum & Company handed out a copy of his presentation; a copy which is attached hereto and made an integral part of these minutes by reference. He was asked, by Mary Lucy Baca, to put together information to show the City's present bonding capacity is. The report shows a five year history of what the assess evaluation is for the City. Statutorily a City can do 4% of assess evaluation for the issuance of GO Bonds. The City of Belen is at approximately 5 million dollars of bonding capacity. There are no GO Bonds outstanding for the City. The current residential operational tax rates for the City is \$5.56 and \$5.42 for non-residential. Mr. Archuleta explained the different projects that can be used with GO bonds. He went on to explain that the estimated cost to the tax payers would be \$2.50 per 1,000. If the City pursues this financing, the property tax increase would be, if an individual's home is appraised at \$90,000 the individual would pay taxes on \$30,000 (1/3) which would be \$6.25 per month or \$75.00 per the year. Councilor Carter asked if the fifteen year term is common. Mr. Archuleta answered that 10-20 years is the average term. Mr. Archuleta stated by the time the GO Bond question goes out to the voters, the Council should have a good idea of what the projects are going to be and what the revenue sources are going to be used. Councilor Gallegos asked how long the process would take. Mr. Archuleta replied that if the City plans on including the election with the regular municipal election in March, the process should start the first part of December. If the City holds a Special Election, the same time frame remains, but the election can be held at any time. He asked the Council to keep in mind there would be additional costs for a Special Election. Mr. Archuleta stressed that it is import to know how the City is going to spend the money. He also suggested that holding the special election within the regular election in March would be pushing it. Councilor Gallegos wanted to be crystal clear that the community would have some input on these projects.

QUARTERLY FINANCIAL REPORT: Roseann Peralta

Roseann went over the Quarterly Financial Report; a copy of which is attached hereto and made an integral part of these minutes by reference. Roseann informed the Council that this is the first Quarterly Financial Report of the 2013/2014 fiscal year. The City's general fund revenues are at 27% and the general fund expenses are at 29%. She explained that there are only two funds in the negative. The Corrections Fund was at a negative, and that was due to Valencia County being behind on the bills from the Los Lunas Prison. The Recreation Fund was at a negative from the revenues to the expenses. The Recreation Fund expenses are due to the City's events, but the revenues haven't increased yet, because several programs have not begun yet. The 1/8th Infrastructure Fund is in the red also because the GRT's haven't come in as to what is needed for that; however, the amount the City receives in November has an increase. Confidential Funds is also showing red, but that is because a transfer has not been done, and she will do that. Capital Project is also showing red, but that is because the City has not received its reimbursement for the Christopher Rd. Project. The Enterprise Funds are doing well; solid waste is at 25%, water at 47% and waste water at 40%. The Schedule of Investments show the total amount of money the City has. The City has 9.5 million, of that 5.8 million is in operating, which covers all the City's funds and day to day operations. The City's reserves is at 3.6 million and in Water Meter Deposits \$117,000. General Fund is carrying a cash balance of 516,000 as of the end of September. She explained that there is enough revenue in the City's 1/12 reserve to cover the two bond payments that are going to be due now in December. The City transferred money over from a CD at the beginning of the year to purchase: three new police vehicles, brush truck, ambulance, command truck, and two trucks for the Waste Water Department, Solid Waste also has two trucks on order, and Lawrence purchased the completion of all the servers and computers. The City's Audit is almost complete and she is planning to set up an Audit Exit Meeting next week. Councilor Gallegos asked if there was any more money left on the City's CD. Roseann answered that it was a \$500,000 CD, and \$250,000 was taken out for the one time purchases. The remaining \$250,000 is linked to the Water Fund Account and is still in a CD.

DISCUSSIONS WITH ACTION REQUIRED

APPROVAL OR DISAPPROVAL OF THE PROPOSED AMENDMENTS TO THE SUNRISE BLUFFS AGREEMENT: Steve Tomita, P & Z Director

Steve informed the Council that the Agreement between the City of Belen and Sunrise Bluffs regarding Water Meter Taps for \$200.00 a lot was composed and compelled for Phase I and Phase II of the Sunrise Bluffs Development. However, when Lisa was looking up this information she found a letter written and issued by Andrew DiCamillo, in June of 2008, requesting a payment from Ron Brown of Brown and Associates for the tap-in fees for each lot in Phase III (total 36 lots) at \$200.00 a lot equally \$7,200.00. Steve stressed that Phase III was not including in the original agreement. The payment for the tap-ins in the amount of \$7,200 was already paid to the City of Belen, and there are already 13 homes placed in Phase III. Because the letter was issued, the payment had already been paid, and 13 homes were already placed in Phase III, Steve feels the City is committed to the \$200 a lot for Phase III. Therefore, he is proposing to amend the original agreement to reflect Phase III of Sunrise Bluffs. Steve advised that all other tap-ins of this sort is \$1,200.00 a lot. Councilor Gallegos asked if Legal has looked at the agreement; Steve replied no. Dave Paquet, a member of the Board of Directors of the Sunrise Bluffs Association, stated that members of the community were upset because no one was advised or knew what the discussion was about that was scheduled on the Agenda; however after hearing the discussion, he stated that this is a non-issue. Mayor Jaramillo asked if there was anyone else with public comment. Margarita Sanchez, did not have a comment on this issue, but wanted to announce that there is going to be a criminal justice reform meeting on November 26th in Santa Fe. Councilor Wayne Gallegos advised Margarita that he would talk with her individually after the meeting since her issue was not on the agenda. Mayor Rudy Jaramillo asked for a motion to approve or disapprove the proposed amendment to the Sunrise Bluffs Agreement. Councilor Jerah Cordova made a motion to approve the amendment as written in the Council's Packet. Mayor Jaramillo asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

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

INFORMATIONAL ITEMS

City Manager’s Report: A copy of the City Manager’s Report is attached hereto. Mary Lucy announced that the City of Belen was voted the Chamber’s Member of the Month for December. The City will be honored on Thursday, December 5, 2013 at the First United Methodist Church on Manzano Express Way at 11:30 AM. She reported that Fiorellos would like to be annexed into the City. A draft lease for Ameris has been put together and will be brought to the next meeting for consideration. A lease has been drafted for the Domestic Violence Building. She advised the Council that the Mayor has signed a MOA with Belen Food Pantry because they do not want to be bind to a lease when they are not sure what they are getting in to. Celebrate Belen is hosting an event, and she will bring a request for expenditures and services at the next meeting. She and Leona attended Election School. The City has not been automatically approved to be the fiscal agent for the Senior Center due to some findings; however, they have sent documents to the State proving the City can be their fiscal agent; she is hoping to have an answer by Friday. The City of Socorro has asked the City of Belen if they could pay the City’s staff and fuel to put up their Christmas decorations. She thought it was a good idea, and told Herman ok. She has received several complaints about the Senior Center not having the lights on. Apparently the lines were cut, and in order to get them working they are going to have to replace those lines. She also advised the Council that the Sisneros had a water issue at the ABO building on Reinken; however the issue has been taken care of. She asked that anyone interested in riding the City float contact Roseann. Mary Lucy informed the owners of the solar dishes if they did not remove their dishes by January 1st, they would be considered abandoned property. The owners wrote back to her, and replied consider them abandoned property because they have become bankrupt and the City can do whatever they want with them. Councilor Carter asked about the lightening project on the I25 Bypass. Lucy answered that she will get an update from Tony with NMDOT. Councilor Carter asked Mary Lucy about the “old Armory Building” on south main; he claimed it looked as if the renters were moving. Lucy replied that they moved the martial arts portion of the building and the technology part is staying. Councilor Gallegos reported that Mr. Holbrook will come before the next meeting to discuss the lease agreement. Councilor Carter asked where the City was for recovering the demolition fees for the thrown down buildings; Steve answered that the Freeway Inn Building is currently in escrow, and he will have to file the paperwork on the other buildings. He asked Lucy to get the word out, if a Recreation Meeting is cancelled, the person running the meeting needs to give more time on the cancellation. Councilor Carter also mentioned that the Council Packets were issued late for this last meeting; he would like to have the packets by at least Friday morning.

COMMUNICATION FROM THE COUNCIL

Councilor David Carter: He announced that the girls’ basketball season open was today. The 7th grade girls won their first game. Belen Eagles are District Champions; second round playoff will be Friday against Deming. He is working with Celebrate Belen Follow the Star Program which will be held on the 14th.

Councilor Jerah Cordova: He attended the Hispano Chamber Meeting where the discussion is still the Matanza. The Community Garden Clean-Up was held over the weekend, and they put the new sign up. Belen MainStreet had a series of meetings last week held and UNM to include meetings with major property and business owners around town. MainStreet started the “Shop Main Street Shop Local Campaign”. He met with the Representative from Rancho Cielo last week to get an update on their project. He also had a constituent meeting over the weekend to hear how things were going in the community.

Mayor Rudy Jaramillo: He attended the Mayor’s Caucus on Thursday; he took Mayor Gwinn with him and introduced him to the Regional Mayors. Mayor Barry is in full support of the Rancho Cielo Project. He attended the Ribbon Cutting at the Exercise Business on Reinken which also has a salon and a patio for different functions. The First Baptist of Belen had an Appreciation Dinner for the Belen Police Department; they gave each of the officers “cool” cops (vests that keep the officers cool). The Celebrate Belen Team is hosting a “Follow the Star” Event. He attended the MainStreet Luncheon at UNM. He asked that everyone support the Belen Football Eagles.

Councilor Wayne Gallegos: He spoke with Rebecca Martinez with the Older American Program in Santa Fe; the City is trying to be the Fiscal Agent for the County because of their audit. He attended the Library Board Meeting on the 7th; Deborah plans to return to work on the first of the year. The Harvey House is moving along well with their Friends and Volunteer Support. He met with Barbara from Congressman Pearce’s Office where he brought up some of the projects the City is still trying to finish. Barbara was very curious about the economic development going on in Belen.

Councilor Audrey Torres-Vallejos: Councilor Audrey Torres-Vallejos had nothing to report at this time.

EXECUTIVE SESSION:

Mayor Rudy Jaramillo asked for a motion to leave an open meeting and go into an executive session to discuss limited personnel matters, pending litigation and land acquisition.

Councilor Wayne Gallegos moved the motion. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

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

Mayor Rudy Jaramillo asked for a motion to leave an executive session and return to the open meeting. Councilor Audrey Torres-Vallejos so moved the motion. Councilor Jerah Cordova seconds the motion. Roll call Vote:

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

Mayor Rudy Jaramillo asked for a motion to attest that discussion was limited to limited personnel matters, pending litigation and land acquisition and that no action was taken. Councilor Jerah Cordova so moved the motion. Councilor David Carter seconds the motion. Roll Call Vote:

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

Mayor Rudy Jaramillo asked for a motion to adjourn tonight’s meeting. Councilor Jerah Cordova motioned to adjourn the meeting. Councilor David Carter seconds the motion.

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

/s/ _____
Rudy Jaramillo, Mayor

ATTEST:

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