

REGULAR CITY COUNCIL MEETING

September 3, 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 STAFF: Mary Lucy Baca, City Manager
Leona Vigil, Deputy Clerk
Steve Tomita, P & Z
Chief Dan Robb, Police Dept.
Robert Uecker, Airport Manager
Manny Garcia, Fire Chief
Lenore Pena, Risk Manager
Ronnie Torres, Harvey House
Chris Martinez & Kathy Peoples, Fire Dept.

REPORTER: Julia Deninger, VC News Bulletin & Barron Jones

OTHERS: See attached sign-in sheet

PLEDGE OF ALLEGIANCE:

Mayor Rudy Jaramillo led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Jaramillo asked for approval of tonight's Agenda. Councilor Jerah Cordova moved approval of the Agenda. Mayor Jaramillo asked if there was a second. Councilor Wayne Gallegos 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

APPROVAL OF THE MINUTES DATED AUGUST 19, 2013

Mayor Rudy Jaramillo asked for a motion to approve the minutes dated August 19, 2013. Councilor Audrey Torres-Vallejos moved approval of the minutes. Councilor Wayne Gallegos 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

PUBLIC COMMENTS

Manny Garcia. Fire Chief Manny Garcia read an email from an appreciative constituent. He also went over the 9/11 Memorial Program. A copy of both documents are attached hereto and made an integral part of these minutes by reference.

Gloria Sanchez. Mentioned that another memorial brick will be placed this year at the 9/11 park. Gloria stressed that security cameras are needed at the 9/11 park. She asked if it was possible to place 9/11 Memorial Park Signs off the interstate. She would also like to see the park listed in a visitor’s brochure.

Mike Wood. Mr. Wood offered a \$5,000 reward for evidence ending in the arrest of the individual who is paying for commission votes. The offer ends September 20, 2013.

Bob McKague. He wanted to know the status of the hospital to include the RFP status, and stated that he has still not received the answer to his question in reference to the hospital increasing taxes. He commended Mr. Cordova for having the fortitude to ask for an audit for the money spent on the Country American Festival.

Matthew Orneleas. He was complaining about the sewer smell on Aragon Street and on Wisconsin Street. He advised that a smoke test was done on Wisconsin Street and there were leaks on the customer’s side; however, the leaks found do not prove that this is where the smell is coming from. A smoke test is supposed to be done on Aragon. He would like for citizens and the City to work together to get this problem fixed. He stressed that there is too much crime in Belen. Mr. Orneleas had a concern with the road closure on 4th Street and Baca. Mayor Jaramillo stated that the City will get back with him on these issues.

PRESENTATIONS

LITERACY WEEK PROCLAMATION: Rudy Jaramillo, Mayor

Mayor Rudy Jaramillo read and presented a proclamation for Literacy Week to Dolores Silva; a copy of which is attached hereto and made an integral part of these minutes by reference.

DISCUSSIONS WITH ACTION REQUIRED

APPROVAL OR DISAPPROVAL OF THE BELEN MAINSTREET RESOLUTION: Jerah Cordova, Councilor

Councilor Jerah Cordova explained that the next three issues were discussed at the last Council Meeting. The resolution describes what MainStreet does and what the Council will do to support MainStreet. A copy of the resolution is attached hereto.

Mayor Jaramillo asked for approval or disapproval of the Belen MainStreet Resolution. Councilor David Carter moved approval of the Belen MainStreet Resolution. Mayor Jaramillo asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

APPROVAL OR DISAPPROVAL OF THE BELEN MAINSTREET MOU: Jerah Cordova, Councilor

Councilor Cordova explained that the MOU is a document that sets up the relationship with Belen MainStreet and New Mexico MainStreet.

Mayor Jaramillo asked for approval or disapproval of the Belen MainStreet MOU. Councilor Wayne Gallegos moved approval of the Belen MainStreet MOU. Mayor Jaramillo asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

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

APPROVAL OR DISAPPROVAL OF THE BELEN MAINSTREET CONTRACT: Jerah Cordova, Councilor

Councilor Cordova advised that the Contract states the scope of services provided by Belen MainStreet for the City of Belen. The amount of money, which is the main item of discussion, is still highlighted. Councilor Gallegos had concerns with the \$30,000 financial commitment, which is part of the contract. Councilor Gallegos asked if the Council can adopt the contract now, but wait until next year budget. Councilor Cordova answered that depending on the funding amount, and the method being in-kind or cash there would definitely need to be a budget adjustment. The contract calls for the primary source of funding to be from Lodger's Tax. The Lodger's Tax is a budgeted amount and is accessible this fiscal year; he is not sure if there would have to be budget adjustments specifically in Lodger's Tax. Councilor Carter asked who was going to review the contract, Lucy answered Steve. Councilor Cordova explained that the local MainStreet Program will be required to provide a match of funds; whatever amount the City contributes MainStreet is expected to contribute that same amount back into the community. Rhona Baca Espinoza is the executive director of Belen MainStreet; she is paid \$6,000 annually on contract. Councilor Audrey Torres-Vallejos asked Councilor Cordova is her knows where the lodger's tax budget is at now. At this time Councilor Cordova did not know. Belen MainStreet is made up of four committees; organization, design, economic and promotion. The budget amounts are used for each committee to meet the requirements of the contract.

Mayor Jaramillo asked for approval or disapproval of the Belen MainStreet Contract. Councilor David Carter moved approval of the Belen MainStreet Contract pending on the availability of funds for this and for the second year after review by the City Manager and budgeted for July 2014. Mayor Jaramillo asked for a second. Councilor Wayne Gallegos seconds with the said provisions. Roll Call Vote:

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

APPROVAL OR DISAPPROVAL OF THE BECKER PHASE V CHANGE ORDER: Steve Tomita, P&Z Director

Steve initiated a change order to Phase V of Becker Street. The plans call for placing a round-about on the intersection of second and Becker; however, the film industries advised Steve that if a round-about is located there would kill the fact of them coming down there. The round-about will also change Second and Becker Street from historic downtown to something new. Steve handed out a copy of his proposal to install a chicane which is an artificial curvature that will cause cars to slow down. Steve has asked Molzen Corbin for the anticipated cost of the project. Molzen Corbin advised that the budget for Becker was \$290,000 TLC price came in at \$215,000, and the estimate for the change order is \$15,000. Molzen and Corbin have agreed that the chicane will slow the traffic down. Councilor Torres-Vallejos stressed concerns will the chicane due to the fact that there was one installed on the street by the overpass and constituents kept hitting it. Councilor Torres-Vallejos asked if it is possible to leave an island in that intersection. Steve answered that the island will not slow down the traffic. Councilor Gallegos stressed the City's engineer will have to engineer the project, and asked if there was a buy in from residents in that area including BNSF. Councilor Carter stressed that he does

not approve of the change order; he believes the City should not spend money just to spend money and a study should be done before the City tempts to fix the problem. He also said that he would like to see a traffic count for that area. Councilor Torres-Vallejos would like to see a cost breakdown on the \$15,000. Steve suggested withdrawing the change order due to the studies and public input requested; the monies have to be spent by December. Carolyn Houston stated that there is more traffic in that area that anyone can imagine. She stated that the area in question is definitely a safety issue, and needs to be addressed; “her son was run down and killed there”. Fire Chief Manny Garcia mentioned that there is an inconsistency of stop signs on Becker and Dalies. He believes Second Street is the problem not Becker Street. There are stop signs in that area; however, vehicles park on the street and obstruct the stop signs. Chief Garcia emphasized that the film industry comes visits Belen, but “we” live and work here.

Mayor Jaramillo asked for approval or disapproval of the Becker Phase V Change Order. Councilor Jerah Cordova moved approval of the Becker Phase V Change Order as presented. Mayor Jaramillo asked for a second. 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	No	Motion Carries

Steve notified the Council that the Christopher Road Project came under budget approximately \$27,000. He was looking at placing a couple of benches on Christopher Rd. and possibly exercises stations along the road.

APPOINTMENT OF THE ECONOMIC DEVELOPMENT BOARD COMMITTEE: Rudy Jaramillo, Mayor

Mayor Rudy Jaramillo suggested the appointment of Joaquin Sisneros from Sisneros Bros Manufacturing and Robert Noblin from Noblin Funeral Home to the Economic Development Board. The Mayor is responsible for appointing the majority of Board.

Mayor Jaramillo asked for approval or disapproval of the Economic Development Board Members. Councilor Wayne Gallegos made approval of the Board Member appointments. Mayor Jaramillo asked for a second. 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

DISCUSSION

CELEBRATE BELEN COUNTRY AMERICAN MUSIC FESTIVAL REPORT: Mary Lucy Baca, City Manager, CMC

Mayor Rudy Jaramillo reminded the Council that at the last Regular Council Meeting Councilor Gallegos asked the City Manager for numbers, to answer to the public, on the total of the festival. Mary Lucy answered that they were putting it together. Even though Mary Lucy advised the Council that she was putting together the numbers, a City Councilor sent a letter to the News Bulletin that he demanded an audit. Mayor Jaramillo stated that there has to be reasoning of why the letter was sent to the Bulletin without even been given the opportunity to respond to the request. Mayor Jaramillo wanted to clarify, to the allegations made earlier, that Belen sued Los Lunas; the City of Belen did not sue the Village of Los Lunas, “we put an injunction”.

Mary Lucy Baca exclaimed that she does have a copy of a detailed and complete financial report for the Country Americana Festival held on August 17th; however, she first read a memo to Councilor Jerah Cordova and Councilor Audrey Torres-Vallejos; she handed out the financial statements for the Country Americana Music Festival; a copy in which both documents are attached hereto and made an integral part of these minutes by reference. Councilor Gallegos thanked Mary Lucy for the report, and stated that the concerns stemmed from the amount of money that was being spent towards the festival. Councilor Gallegos mentioned that things get rough on an election year, and it can break up a community. "We can't have something just blow up in our face because it's a political year, and use it as grandstand for anything". Councilor Torres-Vallejos informed the Council that the reason she requested an audit of the finances is because a lot of the employees and a lot of the citizens were asking her what was going on. She didn't believe it was going to go to the News Bulletin. Councilor Carter expressed his frustration with all the negativity and complaining from constituents. Councilor Cordova asked who prepared the audit; Mary Lucy answered Jan Johnson. He then asked who Jan Johnson was; Mary Lucy answered volunteer. Councilor Cordova questioned the Lodger's Tax Funds used for the Festival. Mary Lucy answered that she asked for \$7,000 to fund the Festival, but it was not granted to the Committee. They asked for \$10,000 to help the Committee get through everything, but that was paid back. The Committee also asked for an addition \$15,000, but was all put back. Councilor Cordova asked what sort of approval process that went through. Mary Lucy answered there was not one; she discussed it with Roseann and they did it, because she knew it was coming back to them. Councilor Cordova expressed that State and Local Law required a Committee in place that approves or disapproves any sort of disbursement out of Lodger's Tax, and asked if the disbursements were approved by the Lodger's Tax Committee. Mary Lucy answered no. On August 22nd there was \$15,000 deposited into the Wells Fargo Bank Account from anonymous donors, and asked if she knew who the donors were. Mary Lucy answered that the donors would like to remain anonymous. Councilor Cordova asked her to confirm that it was not City money. Mary Lucy stated that she can absolutely confirm it, yes. There was also another line item in the amount of \$15,000 from evolutionary pictures on August 13th; he advised the Council that on this issue in particular he was told one thing and something different happened. He was told the donation from the movie would be put into the improvements of old city hall. Steve Tomita notified the Council that originally the film producers did not want to come up with that money; that donation came forth by the site location manager. It was the Site Location Manager's decision to put the donation towards the Festival. Councilor Cordova stressed that at multiple meetings they were told that all funding for the Festival would all be private, at no time was it mentioned that any amount would come out of public or City funds. Councilor Cordova stated that the audit report does not clarify the amount of money used out of general fund, if any, related to mandatory overtime. Mary Lucy advised Councilor Cordova that the directive was that supervisors should schedule their employees to work the Festival and take another day off; however, there was some overtime that was incurred. Mary Lucy added the City uses a lot of the City's manpower to assist in other functions, yet that has never been come to question; Councilor Cordova agreed. Councilor Cordova asked at what point in the process was the decision made that the Festival would not be a fully private event, that some of the money would come out of Lodger's Tax. Mary Lucy answered it was always meant to be private, it's just that the Committee saw that we weren't going to come up with the money upfront and we needed something to pay the contractors and bands knowing that we had reliable sponsorships that were coming forth. Councilor Cordova would like to see more numbers related to overtime for employees. Councilor Carter suggested letting the auditors know about the Festival so that they can document it for next year; it may be a finding for not following policy for approval, but will be corrected for the following year. Jim Wood came to the podium and stated that he called Councilor Cordova after reading the News Bulletin to commend him for taking the stand to find out what happened with this Festival; with that, he also said if you don't stop stuff when something appears to be off course, you are going to end up with what you had several years ago, when the \$319,000 pond was sold to somebody in Belen for flood control and ends up that it is going to be used for a hospital. Jan Johnson stated that she had a serious problem with the article that was in the paper, and she believes Councilor Cordova could have benefited from some information before he went public with his assertions, which were incorrect. Bob McKague advised the Mayor that he should not get angry with the Councilor because he is voted from the public for the public. Matt Orneleas conveyed what Councilor

Carter stated that “there was not harm so there is no fowl”. He doesn’t believe procedures were followed correctly and stated that Councilor Cordova is being transparent because he brought the issue to the paper.

AIRPORT ORDINANCE: Audrey Torres-Vallejos, Councilor

Councilor Audrey Torres-Vallejos has a concern with the Alexander Airport Commission. It is her understanding that the Commission has not met since September 15, 2011. She stated that there are tenants up at the airport and if they have problems or concerns they need to be able to come to meeting to stress any of them. Robert Uecker mentioned that it was difficult to gather a quorum of the Commission, and if a meeting was held there were only one or two individuals in attendance. Mr. Uecker emphasized that it takes time and money to hold these minutes and it is not worth if they are not being held or there is no one in attendance. He explained that if there are issues amongst the tenants they go to him directly, and that has worked real well. Mr. Uecker paraphrased the part of the Airport Ordinance where is stated that the Commission should meet once each month on the third Tuesday or as required by workload, and he interprets that to mean if you don’t have the work you don’t have the “load”. Councilor Torres-Vallejos answered when the word shall is in a code it means that you have to have that. She went on to say, if we only want the Commission to meet now and then, then we need to change the ordinance and state may not shall. She interprets the ordinance to read the Commission shall meet once a month and allows for other meetings if there is a large workload. They concurred that the ordinance needs to be amended.

PERSONNEL HANDBOOK UPDATE: Mary Lucy Baca, City Manager, CMC

Mary Lucy advised the Council that the Personnel Handbook is complete and will come before the next Regular Council Meeting for a Public Hearing. Councilor Audrey Torres-Vallejos suggested announcing the public hearing on the employee’s check stub.

INFORMATIONAL ITEMS

City Manager’s Report: A copy of the City Manager’s Report and the Project’s Report is attached hereto. Mary Lucy reported that the individuals from 800 Desi Loop and the City have put together an agreement regarding the erosion at Sunrise Bluffs. The individuals are willing to pay to correct the problem and would like the City to give them some dirt that the City removed from its ponds and is stocked piled at the Mesa. With the Obama Care, the City is required to gather signatures from all employees that they were notified what the health care is about. The City received \$3,717.00 from the City of Albuquerque for a retro settlement for unreturned portion premium for the year that exceeds the cost of claims. The ICIP Resolution will be on the 16th. She thanked everyone for their contributions for Debbie Grahams Fundraiser; approximately \$3,000 was raised for her. The Harvey House would like to refinish their wood floors; she is waiting for a letter of approval from the historical society. The Harvey House is requesting \$4,265.00 from the Lodger’s Committee for the flooring. The Hispano Chamber of Commerce and the Chamber of Commerce has also asked for services for their upcoming events; Mary Lucy advised them to put their needs in writing. The two lights on north Main were taken down by an uninsured motorist; she will turn this into the insurance company. Lenore gave an update of all the inoperable street lights. Mary Lucy advised that the City is working with the Schools in an agreement for a road closure on 4th and Baca. Lisa has sent out requests for payment on properties with liens. Mary Lucy assured the Council that Dale is working with Matt Orneleas on sewer issue that was brought up at the beginning of the meeting. Christopher Road will be complete in two weeks. The Special Events Committee met on Friday to discuss the needed changes for the upcoming events. A pre-con meeting is scheduled for Thursday for Becker Avenue. The City received the funding for the Mesa Rd Curb Realignment Project; there was no match for this project. Steve advised Councilor Carter that P & Z sent a notice to the individual that has an open pool on their property. Councilor Carter suggested trimming the tree on 5th and Picard; it is obstructing the stop sign.

COMMUNICATION FROM THE COUNCIL

Councilor Jerah Cordova: He attended several New Mexico MainStreet Meetings; in the meetings they came up with three main suggestions 1) better community communication 2) more coordination of marketing & events 3) more collaboration to develop an Economic Plan. NM MainStreet did announce that they will provide the City with a substantial amount of funding and resources for the master plan on Main Street, downtown area, and the metropolitan redevelopment area. The Belen MainStreet met last week; they approved a contract to assist the Harvey House Gift Shop. He attended the Valencia County Parade and The Fire Department BBQ which was great; he thanked the Fire Chief. He attended the benefit event for Deborah Graham. He attended the Hispano Chamber Meeting and the discussion was the Annual Matanza which is staying in Belen. He continues to work on the Community Garden every Wednesday.

Mayor Rudy Jaramillo: He helped with the benefit dinner for Deborah Graham. He attended the Fire Department BBQ, the County Fair, ICIP Workshop, NMML Annual Conference, and the Belen Deming game.

Councilor Wayne Gallegos: He attended the Conference on Aging on the 20-22 they received confirmation on the funding. He attended the County Fair and participated in the County Fair Parade. He thanked the employees for their participation with the benefit for Deborah Graham. He attended the ICIP Workshop held on the 26th; he also attended the NMML Annual Conference, which turned out great.

Councilor David Carter: He attended the benefit dinner for Deborah Graham. Belen Pee Wees Football Team beat Los Lunas last weekend, Eagle Football Opener was Belen 23 Deming 20. He is working with the Road Closure Agreement with Belen Schools.

Councilor Audrey Torres: She attended the Fire Dept. BBQ, the benefit dinner for Debbie Graham and the MainStreet Meeting in which she now has a better understanding of.

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