

**REGULAR CITY COUNCIL MEETING**

**February 3, 2014**

**5:30 P.M.**

Mayor Rudy Jaramillo called the Regular Meeting of the Belen City Council to order at 5:30 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 (late)

**CITY MANAGER, CMC:** Mary Lucy Baca

**DEPUTY CLERK, CMC:** Leona Vigil

**CITY STAFF:** See Attached Sign-In Sheet

**CITY ATTORNEY:** Charles Rennick (left after executive session)

**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**

Mayor Jaramillo asked to move item 10 (d) to 10 (a) on the Agenda. Councilor Torres-Vallejos made a motion to approve the Agenda. Councilor Cordova seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	(Absent)	
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 January 6, 2014. Councilor Jerah Cordova made a motion to approve the Minutes dated January 6, 2014. Councilor Vallejos seconds the motion. Roll Call Vote:

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

*Councilor Wayne Gallegos joined the meeting in session.*

**EXECUTIVE SESSION**

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

Councilor Wayne Gallegos made a motion to go into Executive Session for those stated. Councilor Audrey Vallejos second 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 Torres-Vallejos made a motion to return to the open meeting. Councilor 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 asked for a motion that discussion was limited to those mentioned and no action was taken. Councilor Cordova made a motion. Councilor 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

### **PUBLIC COMMENTS**

**Seth Cooper:** He thanked the Belen Police for working with him on the Neighborhood Watch Program. He would like to know what can be done about the abandoned houses. He would also like to know, now that Lenore Pena has retired, who he would talk to and work with about removing graffiti in this town. Mayor Jaramillo advised Seth that he can call the City Manager and assured him that the City is working on the abandoned buildings.

**Violet & Joseph Chavez:** They both live at the trailer park on West Ross. They had a concern with the changing out of individual water meters to one Master Meter. Mrs. Chavez had several questions on how the billing is going to work. Mary Lucy advised the Chavez' and the Council that her understanding is that each tenant will keep their own meters which will allow them to keep track of their water usages. Mayor Jaramillo asked the Chavez' to leave their phone number so that the City can follow up with some answers.

**Margarita Sanchez:** She handed out documents to the Council and stated that this is stuff that has been sent up to Santa Fe regarding the Criminal Justice Reform Subcommittee. She stated that the bottom line on the Criminal Justice Reform is going to be jobs. She stressed that "we" need to push forth jobs in our community. She is proposing, "we push to the State, through our legislators, and check up to see what they are doing".

**Rudy Jaramillo:** He introduced two young gentlemen who were awarded the rank of Eagle Scouts. Mr. Cox, Belen Fire Fighter reported that out of all the Scouts, only 3% actually reach the rank of Eagle Scout. Mr. Cox introduced Justen Billingsley and Matthew Shue. Mayor Jaramillo advised the public that a Proclamation for

these two young gentlemen will be coming forth. Mayor Jaramillo mentioned that receiving Eagle Scout is not an easy task and he is very proud of these two individuals.

Councilor Wayne Gallegos thanked the Eagle Scouts and the Organization, and he mentioned that it has been a while since there have been Eagle Scouts in this area.

## **PUBLIC HEARING**

### **ISSUANCE OF A RESTAURANT BEER & WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY TO APPLICANT DOING BUSINESS AS BECKER STREET GRILL: Steve Tomita, P & Z**

Director

Steve Tomita advised the Council that the owner of Becker's Pub has sold her liquor license to a restaurant in Los Lunas. The owner subsequently applied for a beer and wine license for operating a restaurant. The business will be renamed to Becker Street Grill. Steve added that by adding the beer and wine license at a restaurant will be in conformance with the existing CR zoning. Currently the owner has a full license to sell hard and package liquor which happens to be a grandfathered in license and business operation. Under the CR zoning only beer and wine restaurants are allowed. If this license does get converted she will be in full conformance with the zone. Steve reported that the applicant does meet full requirements.

Mayor Jaramillo asked if there any questions or comments from the public. There were no individuals with comments or questions at this time.

Leona advised the Council that action was scheduled on this item for the next Council Meeting which would be held on the 17<sup>th</sup> of February; however, she was asked, due to the delay of the hearing, if the action could be moved up earlier. Leona suggested since there were no public concerns or attendance for this matter, if the Mayor would like, he could call for a Special Meeting for later this week. Mayor Rudy Jaramillo called for a Special Meeting to be held on Thursday February 6, 2014 at 10:00 AM.

Mayor Jaramillo closed this Hearing.

## **PRESENTATIONS**

### **POLICE DEPARTMENT REPORT: Dan Robb, Police Chief**

Chief Dan Robb handed out and went over a copy of his Department's statistics; a copy of which is attached hereto and made an integral part of these minutes by reference.

Chief Robb expressed that the Scout Program is a great program. He and Chief Garcia were on the Eagle Board Panel last week for an individual trying out for his Eagle Scout. Chief Robb is an Eagle Scout as well.

Chief Robb has received a grant to help reduce crime. He is finishing an action plan, and will be using this grant for additional monies and overtime to work on the City's problem areas, being drug and property crimes.

Councilor Gallegos asked if the break-ins and burglaries were due to drug users, and if the individuals committing the crimes were from in or outside our community. Chief Robb answered that it is a combination of all that. Chief Robb emphasized that the bigger problem is people breaking into cars and theft. Chief Robb mentioned that there is some correlation between the last two years, when the citations are up crime goes down. Councilor Gallegos asked if the Department is doing community policing. Chief Robb answered that the Department does do some community policing such as neighborhood watches and walk through businesses and get to know the owners and managers. Councilor Carter asked what the conviction rate is when these citations are taken to the Judge. Chief Robb did not have that information. Councilor Cordova mentioned that he sees a steep decline from 2010 to 2013 in narcotics and asked the Chief why that was. Chief Robb answered that part of it is because the Department had two narcotic officers.

## **DISCUSSION**

### **UPDATE ON BOUNDARIES COMMITTEE AND ANNEXATION CONSIDERATIONS: Steve Tomita, P & Z Director**

Steve reported that the Boundaries Committee has not been meeting, and he thinks the committee may need to be reassessed and reappointed. Steve explained that when property is annexed the City will have to be prepared to provide sewer, and the City's sewer system may not be able handle the annexation. Lisa Miller went over her report of proposed annexation properties. The report is attached hereto and shows the utility service provided

and/or available. The report also shows if EMS is available. The report includes a map showing the proposed annexed properties and the infrastructure. Mayor Jaramillo asked if the individuals that were annexed on Gonzales Rd were given time to tie into the service. Lisa answered yes that they were given time to tie in. Councilor Cordova asked if this discussion has been before the Planning and Zoning Commission. Lisa replied that the first one was. Councilor Cordova asked what the appropriate steps for moving forward for this. Steve answered that he would like to meet with Ralph Jaramillo the City's Water Supervisor to identify which areas would be easier to serve. He would like the Boundaries Committee to review the information and work with the Commission. Councilor Cordova pointed out that the Commission was put together by a Resolution approved by the Council, and it expired in 2012. Margarita Sanchez suggested asking the residents if they want to annex into the City.

### **SECOND QUARTER FINANCIAL REPORT: Roseann Peralta, Finance Specialist**

Roseann mentioned that the Second Quarter Financial Report was reviewed and discussed extensively in last week's Mid-Year Budget Workshop; however, she now has the numbers for January so she will report on the General Fund. A copy of the Financial Report is attached hereto and made an integral part of these minutes by reference. Roseann report that total fund revenues were ended at 49.6% at the end of December; the expenditures were 57.16. Revenues over expenditures were -1.45. As of the end of January, in general fund, the City's revenues are at 64.1% and the expenditures are at 60; revenues over expenditures are in the positive 443,000. Roseann informed the Council that all the bond payments are up to date.

### **REVIEW OF THE CITY'S ANNUAL AUDIT: Roseann Peralta, Finance Specialist**

Roseann went over the City's Annual Audit; a copy of audit is attached hereto and made an integral part of these minutes by reference. The City received an unmodified opinion, which is the same opinion the City received last year although the term has changed from unqualified to unmodified (pg129). Roseann explained that an unmodified opinion is when the Auditor believes that the municipality's financial statements are sound, and the statements are free from material misstatements. The City's Federal Awards also received an unmodified opinion. Roseann went over the findings; 2 were repeated, 4 were modified and repeated, and 3 were resolved and not repeated. The first finding, preparation of the financial statements; each municipality should prepare their own financial statements, the City does not currently prepare their own; however, she plans on receiving training after the election. The second one, that was modified and repeated, was the pera reports and general ledger. She explained that issue was fixed towards the end of this year's audit, so it will not be a finding next year. The third, landfill post closure was repeated because a study has not been complete. Roseann explained that Bluewater Environment told Leona there was no need to do a study on a landfill closed prior to 1994. However, the auditors are saying different. The next was budgetary non-compliance, which is because she didn't do as many budget adjustments as the auditor would have like her to have done. She has to make sure all of her funds are adjusted at the end of the year if need be. The next one was design deficiencies and internal control over financial reporting; this is due to lack of staff. The next two, accrued vacation calculation and stale dated transactions not cancelled have been taken care of. The next one, controls over physical and virtual access not implemented, this issue is with employees who leave their employment with the City and the Department Heads are not giving proper time to payroll or IT to deactivate the badges and remove access to City technology. The last one, missing and incomplete procurement documentation has been resolved and not repeated.

Councilor Cordova questioned the prior year audit findings. Roseann explained they are not exactly findings; they are called in other matter. They are issues that were found but were not of great significance. She explained that there was a per diem payment that was issued incorrectly, but there was confusion on how many employees were going. There was another issue with the cash balance report; she talked with DFA and that was taken care of. Every year an inventory needs to be completed, and when the inventory is complete it needs to be presented and certified by the Council and then submitted to DFA. The last one was the late submission of the audit contract to the State Auditor; it was due on a Friday and they didn't receive it until Monday. Councilor Cordova questioned the delinquent receivables for utility billing that were not regularly reviewed and billing for one customer was incorrectly calculated. He asked Roseann if she is aware of any steps that are

being taken to address the problem in the water department. Roseann informed Councilor Cordova that she receives copies of any payment adjustments and they go to the City Manager for approval. Councilor Gallegos realizes there has been a mandate on fixed assets and asked Roseann if the City is working towards that. Roseann answered that it was being worked on at one time. Mary Lucy informed Roseann that the final audit needs to be on the next agenda for action.

**COLLECTIVE BARGAINING ORDINANCE: Mary Lucy Baca, City Manager, CMC**

Mary Lucy informed the Council that in their packets they received a copy of the ordinance that the attorney worked on; a copy of which is attached hereto and made an integral part of these minutes by reference. There were no questions on the ordinance. Councilor Wayne Gallegos only wanted clarification that it was the attorney that prepared the ordinance.

**DISCUSSION WITH POTENTIAL ACTION REQUIRED**

**APPROVAL OR DISAPPROVAL OF THE FINANCIAL BUDGET ADJUSTMENT RESOLUTION:**

**Roseann Peralta, Finance Specialist**

Roseann mentioned that copies of the budget adjustments are included in the Council’s packet; a copy of which is attached hereto and made an integral part of these minutes by reference. The adjustments for the second quarter are mainly to increase the actual funds that are outside of the general fund. She’s increasing the State Allotment Grant, EMS Grant, the Department of Justice Grant, the Vacant and Foreclosed properties, and the sale of surplus property. Some of the expenses within general fund included increasing overtime, workman’s comp, maintenance to vehicles, legal service and building and vehicle maintenance.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the Financial Budget Adjustment Resolution. Councilor Wayne Gallegos made a motion to approve. 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 carried

**AMENDING THE CITY OF BELEN’S OPEN BURN ORDINANCE 2009-10: Manny Garcia, Fire Chief**

Chief Garcia started with an updated on the ambulance for auction; he received an email from State EMS Bureau to allow the Fire Department to sell the ambulance. Chief Garcia mentioned that he has had good feedback from the proposed amended ordinance.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the City of Belen’s Open Burn Ordinance. Councilor Wayne Gallegos made a motion to approve the amendments to the Open Burn Ordinance. Mayor Jaramillo asked for a second. Councilor Audrey 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 OR DISAPPROVAL OF THE HISTORIC PRESERVATION OF THE OLD CITY HALL BUILDING: Jerah Cordova, Councilor**

Councilor Cordova called Tom Greer, Vice-President of the Belen MainStreet Partnership to give a presentation. This building has been worked on fairly diligently over the last year. They received a grant from

the Friends of MainStreet that paid for the stucco work. They just received a \$15,000 grant from PNM to reroof the building; he is hoping that will be completed by the end of this month. They have received the first historic preservation grant which allows them to do the planning, budgeting and research on the water, sewer, electrical fire safety and all other issues that will go into preserving the building. Councilor Gallegos asked Tom if he had a Master Plan on the building. Tom answered that is what the grant for the historic preservation is for. Steve Tomita explained to the Council that the old City Hall Building is not a historic building, but is of historic significance. Steve stated because of the building's age and being City owned, different improvement to the building have to be approved by the State. Councilor Cordova mentioned that their goal is to secure the building, and the next focus is on the roof. He stated that Belen MainStreet is seeking formal authorization to continue to move forward and work on the building using the various grant monies.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove to move forward with using the grants to begin the Preservation Plan and fix the roof. Councilor Audrey Torres-Vallejos made a motion to approve the historic preservation of the Old City Hall Building. Mayor Jaramillo asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

**INFORMATIONAL ITEMS**

**City Manager's Report:** A copy of the City Manager's and is attached hereto. Mary Lucy suggested to the Council that they no longer permit a haunted house to take place in the Old City Hall Building. At the last haunted house that took place there, someone painted all over the inside the building including the hard wood floors. She announced that tomorrow is the swearing in of the Magistrate Judge John Chavez at the Magistrate Office beginning at 1:30 PM. She reported that the video at the Eagle Park is almost complete. Lawrence is working with Plateau and has indicated to them that the Council has asked him to go after the best price. She reminded everyone that Lenore's Retirement Luncheon is this Friday. She wanted direction on the MAP and COOP applications being that waivers were not granted. Councilor Cordova highly recommended that the City keep and use this money. She stated that the last day of voter registration is tomorrow. She is considering hiring a part-time temp employee to assist her. Councilor Torres-Vallejos asked Lucy to have the pot hole on Mesa Rd by the cemetery filled. Councilor Cordova asked for an update of the NMDOT projects that are taking place. Lucy answered that she doesn't have a meeting with NMDOT until March and will get an update then.

**Councilor David Carter:** He attended and assisted with the transportation for the Annual Matanza. He reported that they have some work to do on the transportation for next year. He announced that there is another tournament scheduled for the fields by the high school coming up. He attended the Budget Workshop and the County Commission Meeting. He participated at the Junior Wrestling District Tournament this past weekend; they will be going to State next weekend.

**Councilor Jerah Cordova:** He mentioned the Matanza was highly successful, and so far the preliminary revenues were doubled. MainStreet is trying to identify funding resources for building improvements for business owners of older private buildings. MainStreet also continues to work on grants. He too attended the Budget Workshop and participated at the Commission Meeting.

**Mayor Rudy Jaramillo:** He attended the Matanza which was a great success; he was able to judge the chicharones. He participated in the Field trip with kids from St. Mary's and the President of the Student Council presented him with a plaque. He attended the Becker Street Walk-Through; he suggested possible drainage with the extra funding. He also attended the Budget Workshop Review.

**Councilor Wayne Gallegos:** He was on the Belen Consolidated School Team at the Annual Matanza. They placed 2<sup>nd</sup> on the Iron Pig and the Specialty Item. On the 27<sup>th</sup>, he went to Santa Fe and met with the Chief of Staff in reference to capital outlay for Rancho Cielo. He attended Senior Day at the Round House in Santa Fe on the 28<sup>th</sup> in support of state wide capital outlay for all senior centers. On the 29<sup>th</sup>, he met with Rio Communities to discuss proposed agreements. On the 30<sup>th</sup>, he attended the Budget Review Workshop and the final Phase Becker Walk Through. On the 31<sup>st</sup> he attended the Valencia County Special Meeting update. On the 1<sup>st</sup> Belen hosted the NM Junior Wrestling District Tournament in Belen; there were 22 teams and 2 sessions.

**Councilor Audrey Torres-Vallejos:** She attended and participated at the Matanza. On the 28<sup>th</sup>, she along with members of the RSVP Board and volunteers met with their representatives at the Round House.

**ADJOURNMENT**

Mayor Rudy Jaramillo asked for a motion to adjourn tonight’s meeting. Councilor David Carter 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