

REGULAR CITY COUNCIL MEETING

January 22, 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 Wayne Gallegos
Mayor Pro-Tem Mary Aragon
Mayor Rudy Jaramillo
Councilor David Carter
Councilor Jerah Cordova

CITY STAFF: Mary Lucy Baca, City Manager
Leona Vigil, Deputy Clerk
Steve Tomita, P & Z Director
Chief Dan Robb, Police Dept.
Lenore Pena, HR
Marcia Amaro, Utilities Supervisor
Robert Miller, Police
Elena Garcia, City of Belen, AP
Jose Natividad, Police Dept.
Joe Saiz, Fire Dept.

REPORTER: Abigail Ortiz, 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 change number 4 to number 5, under Presentations of the proposed Agenda. Councilor Jerah Cordova made a motion to approve the Agenda with the change. Mayor Jaramillo asked if there was a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Jerah Cordova Yes
Councilor David Carter Yes
Councilor Mary Aragon Yes
Councilor Wayne Gallegos Yes Motion carried

APPROVAL OF THE MINUTES DATED JANUARY 7, 2013

Mayor Rudy Jaramillo asked for a motion to approve the minutes dated January 7, 2013. Councilor Wayne Gallegos moved to approve the minutes. Mayor Jaramillo asked if there was a second. Councilor Mary Aragon seconds the motion. Roll Call Vote:

Councilor Jerah Cordova Yes
Councilor David Carter Yes
Councilor Mary Aragon Yes
Councilor Wayne Gallegos Yes Motion carried

PUBLIC COMMENTS

Mayor Rudy Jaramillo asked if there was anyone with public comment. There were no public comments at tonight's meeting. Mayor Jaramillo closed Public Comments.

PRESENTATIONS

BELEN HIGH SCHOOL MARCHING BAND PROCLAMATION: RUDY JARAMILLO, MAYOR

Mayor Rudy Jaramillo read and presented the Belen High School Marching Band with a proclamation. A copy of the proclamation is attached hereto and made an integral part of these minutes by reference.

PRESENTATION OF A PROCLAMATION TO SGT. JOSE NATIVIDAD: RUDY JARAMILLO, MAYOR

Mayor Rudy Jaramillo read and presented Sgt. Jose Natividad with a Proclamation for his unselfish bravery. A copy of the proclamation is attached hereto and made an integral part of these minutes by reference.

EMPLOYEE OF THE FOURTH QUARTER: MARY ARAGON, MAYOR PRO-TEM

Mayor Pro-Tem Mary Aragon read and presented Officer Michael Esquibel with a letter and a certificate for Employee of the Fourth Quarter. A copy of the letter and certificate are attached hereto and made an integral part of these minutes by reference.

EMPLOYEE SERVICE AWARDS: MARY LUCY BACA, CITY MANAGER

Mary Lucy wanted to publically recognize two of the City's employees who were inadvertently not recognized at the employee luncheon. Lawrence Kaneshiro, IT Specialist, who has 5 years with the City of Belen and Deborah Graham, Library Director, who has also completed 5 years of service with the City.

PRESENTATION OF BELEN AFFORDABLE HOUSING PLAN: ALEXANDRA LADD AND DANIEL WERWATH, HOUSING STRATEGY PARTNERS

Alexandra Ladd and Daniel Werwath went over their Affordable Housing Plan with the City Council. A copy of their presentation is attached hereto and made an integral part of these minutes by reference. Alexandra explained that the Plan is a required element of the New Mexico Affordable Housing Act which allow communities to use public resources to support Affordable Housing without being in violation of the anti donation cause.

PUBLIC HEARING

PROPOSED AMENDMENT TO ORDINANCE 2012-02, APPENDIX A; RATE AND FEE SCHEDULE TO LOWER THE CITY'S SEWER COMMODITY RATE: MARCIA AMARO, COLLECTIONS SUPERVISOR

Marcia Amaro reminded the public that she is seeking approval for the amendment to Ordinance 2012-02, Appendix A to lower the City's sewer commodity rate from \$3.60 per 1,000 gallons to \$3.16 per 1,000 gallons. There were no public comments on the issue. A copy of the proposed amendment is attached hereto and made an integral part of these minutes by reference. Councilor Wayne Gallegos wanted to add that if this ordinance passes, the City will still be able to meet its needs for infrastructure and maintenance.

DISCUSSION

PROPOSED AMENDMENT TO CHAPTER 13.12 OF THE BELEN MUNICIPAL CODE, UTILITY RATES AND CHARGES, TO ADD A SECTION FOR INACCESSIBLE WATER METERS: MARCIA AMARO, COLLECTIONS SUPERVISOR

Marcia stressed that it is difficult to read meters or shut meters off meters when customers have debris, weeds, or vehicles parked on top of the City's water meters, or when the gates are locked and dogs are in the yard. Marcia proposed adding an amendment to the Utility Rates and Charges to add a fine for inaccessible water meters. A copy of the proposed amendment is attached hereto and made an integral part of these minutes by

reference. Councilor Wayne Gallegos expressed his concerns with the ordinance. He believes that it is the City's responsibility to move these water meters out of resident's private property and out onto the sidewalk. He doesn't feel that it is fair to charge these customer's fines and fee for inaccessible meters, when the City is the one that put them there in the first place. He emphasized that these customers have the right to lock their gates, have dogs, and park their vehicles anywhere they want in their yards. Councilor David Carter stated that one of these issues may be a Planning and Zoning problem, and the other can be an animal control problem. Councilor Carter asked how many residents have this issue at this time. Marcia answered about 100 meters are inaccessible. He then asked if the fees she is trying to implement will cover the costs of resending the crew to go out and reread meters. She answered no, and added that the purpose is to get the customer's attention. The Council believes this is the City's issue, and suggested focusing on removing the water meters from the private property or purchasing a radio reader.

PROPOSED AMENDMENT TO CHAPTER 13.12 OF THE BELEN MUNICIPAL CODE, UTILITY RATES AND CHARGES, TO ADD A SECTION FOR ADDITIONAL METERS TO BE USED FOR FIRE SUPPRESSION, LANDSCAPING, AND LIVESTOCK: MARCIA AMARO, COLLECTIONS SUPERVISOR

Marcia Amaro informed the Council that she has some customers who have vacant homes, livestock, and landscaping and would like to only be charged for the water service. The customers believe it is only fair due to the fact that the water is not going down the City's sewer system. Marcia proposed installing additional meters at residents for water purposes only. Councilor Aragon asked Marcia how many customers have shown interest in installing a second meter. Marcia answered a few. Councilor Aragon asked if the City can just charge customers for water usage, without purchasing a second meter, and just use their primary meter. Marcia answered no due to the fact that there is no way of us knowing if the water has went down the sewer system or not. Mary Lucy Baca asked how much the second meter would cost. Marcia answered a 1200 dollar tap in fee. Councilor Jerah Cordova asked if there was a limit on how many water meters a customer could have. Marcia answered no. Councilor Gallegos stated that this was a good discussion and he believes that maybe more public input would help.

AMENDMENT TO ORDINANCE 2008-05-ECONOMIC DEVELOPMENT PLAN: STEVE TOMITA, P & Z DIRECTOR

Steve Tomita was reviewing Ordinance No. 2008-05 Economic Development Planning and noticed that two important sentences were left out. The second paragraph (4.2) talks about a qualifying entity; however, it does not include a commercial business which involves supplying of services to the general public. Items 7 and 8 from the State Statute were left out in the City's Ordinance. Item 7 refers to business that is the developer of a metropolitan redevelopment project and item 8 refers to a cultural facility. Councilor Wayne Gallegos asked Steve if he knows why they were left out. Steve answered that he does not know why, but stressed that it is important to include them in the City's Ordinance. Councilor Cordova added that he has done some research on this ordinance as well and he could never figure out why these items were left out. A public hearing and a formal approval of the ordinance will take place at a future meeting.

PROPOSED ORDINANCE FOR VACANT OR FORECLOSED STRUCTURE REGISTRATION: STEVE TOMITA, P & Z DIRECTOR

Steve went over the changes he made to the Vacant or Foreclosed Structure Ordinance after the last Council Meeting. Steve advised the Council that the purpose of this is to look at buildings that are vacant, and after 90 days of noting they are not maintained, they will have to come into the office and give a plan for the building. Mayor Jaramillo wanted to make sure that this ordinance did not penalize those individuals with vacant homes that just cannot sell their property. Steve reassured the Mayor that he is correct, the focus is on vacant buildings that are not being properly maintained. Councilor Cordova recommended changing "and" to "or" under the vacant building definition. Steve explained that there will be a \$25.00 registration fee for vacant structure registration. If owners of the vacant structures don't register their building, they will receive a written notice. If after the notice they still fail to register, the first offence is a written warning and a second offence is \$300.00.

According to the IPMC Handbook that \$300 fine is per day. Mayor Jaramillo asked if a lien could be placed on these properties for violations. Steve answered yes. Pete Armstrong, local resident, expressed some of his concerns with the proposed ordinance. Pete asked, how does one define being maintained, and who makes that determination. Pete's main concern is, who defines or determines what a structure's intended purpose is. He also asked if there is a challenge process for the property owner. Steve replied that these were some good comments and concerns. The ordinance will be brought for more discussion at a later meeting.

DISCUSSIONS WITH ACTION REQUIRED

STREET SWEEPER CONTRACT AWARD: LEONA VIGIL, DEPUTY CLERK

Leona advised that normally when going through a Statewide Price Agreement, and if the item is already budgeted a formal Council approval is not necessary. However, since the price of the street sweeper is approximately \$60,000 more than we were expecting she felt it was important to advise the Council and receive approval. Leona did not have the information on the financing for the street sweeper so Mayor Jaramillo asked her to have Roseann and herself bring this issue up at the next Council Meeting

Mayor Rudy Jaramillo asked for a motion. Councilor Wayne Gallegos motioned to table the contract award. Councilor David Carter seconds the motion. Roll Call Vote: Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion Carries

APPROVAL OR DISAPPROVAL OF THE AWARD RECOMMENDATION FOR LEGAL SERVICES: LEONA VIGIL, DEPUTY CLERK

Leona read the recommendation for the contract award for Legal Services provided on behalf of the City of Belen. A copy of the letter is attached hereto and made an integral part of these minutes by reference. Leona also reviewed the points summary which can also be found attached to these minutes by reference. The recommendation, based on the point's summary, was to award the contract of Legal Services to Robles, Rael & Anaya. Councilor Mary Aragon asked if more weight was given for being a local attorney. Leona answered that there was.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the contract award to Robles, Rael & Anaya. Councilor Mary Aragon moved disapproval of the contract award to Robles, Rael & Anaya. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor Jerah Cordova	No	
Councilor David Carter	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	No	
Mayor Rudy Jaramillo	No	Motion Fails

Mayor Rudy Jaramillo asked for a motion to approve the contract award to Robles, Rael & Anaya. Councilor Jerah Cordova motioned to approve the contract award to Robles, Rael & Anaya. Councilor Wayne Gallegos second the motion. Roll Call Vote:

Councilor Jerah Cordova	Yes
Councilor David Carter	No

Councilor Mary Aragon	No	
Councilor Wayne Gallegos	Yes	
Mayor Rudy Jaramillo	Yes	Motion Carries

**APPROVAL OR DISAPPROVAL OF THE PROPOSED ABATEMENT RESOLUTION
REFERENCING 1023 W. CHAVEZ: STEVE TOMITA, P & Z DIRECTOR**

Mayor Jaramillo wanted to clarify that this is the home that is leaning and ready to fall into the neighbor’s property and is a major safety issue. Steve informed the Council that he will have to place a lien on the property in order to get the City’s money back. Steve mentioned that in the Resolution there is a clause that states that the City will notify the owner of salvageable items, and if they do not respond, the City will proceed and the City will not take liability for any damage to the items.

Mayor Rudy Jaramillo asked for a motion. Councilor David Carter motioned that the City proceeds with the abatement of the property located at 1023 W. Chavez. Councilor Jerah Cordova seconds the motion. Roll Call Vote: Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion Carries

**APPROVAL OR DISAPPROVAL OF THE PROPOSED ABATEMENT RESOLUTION
REFERENCING 1025 W. ARAGON: STEVE TOMITA P & Z DIRECTOR**

Steve informed the Council that this home is beginning to buckle. It is a threat, safety issue, and has been vacant for quite a long time. The owners have received several different notices on weeds, maintenance and upkeep since 2008. The home has reached a point of deterioration and is beginning to collapse. The home also shows signs of leaning towards the neighbor’s property.

Mayor Rudy Jaramillo asked for a motion. Councilor Mary Aragon motioned to approve the Resolution to abate the property at 1025 W. Aragon. Councilor David Carter seconds the motion. Roll Call Vote: Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion Carries

APPROVAL OR DISAPPROVAL OF PROPOSED RESOLUTION TO PARTICIPATE IN THE MID-REGION RURAL TRANSPORTATION IMPROVEMENT PLAN. (“TAP”): STEVE TOMITA

Steve mentioned that this issue was brought up at the last meeting but was removed because of the confusion over safety and TAP funds. However, we have been advised from MRCOG and NMDOT to go ahead and submit the application under the Safety Funds. He is aware that there is still some confusion on how the funds will be working. The application is due February 1, 2013. Councilor Wayne Gallegos asked if there are any matches that the City should be concerned with. Steve answered that the match on this application is 15%. Steve does not know at this time when the funds will be available, but believes it will be sometime in 2014.

Mayor Rudy Jaramillo asked for a motion. Councilor Wayne Gallegos motioned approval of the participation in the Mid-Region Rural Transportation Plan. Councilor David Carter seconds the motion. Roll Call Vote: Roll Call Vote:

Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion Carries

INFORMATIONAL ITEMS

City Manager’s Report: Mary Lucy Baca went over the City Manager’s, Public Works and Projects Reports. A copy of these reports are attached hereto and made an integral part of these minutes by reference. She reported that the Finance and Personnel Policies are almost complete. Fortunately through Lenore Pena’s efforts, the City’s Belen Police Department is featured in the NMDOT yearly calendar. Steve informed the Council that the proposed round-about for the last phase of Becker would be located at the intersection of Second St. and Becker Ave. Councilor Wayne Gallegos asked Steve to make sure all the owners of the property in that area are notified. Steve is still working on the lease of City Buildings. Councilor David Carter asked if Orchard belongs to the County or the City. Mayor Jaramillo answered that Orchard Place belongs to the City. Councilor Cordova asked Mary Lucy what Phase IV of Camino del Llano involved. Councilor Gallegos answered that he understands that is the two ponds, and the frontage road. Lucy informed the Council that the donors of the Buhler Reid Property have hired their own attorney; the City’s attorney and their attorney are working together. Councilor Cordova expressed that Lawrence Kaneshiro is doing a good job with all of the City’s social media. He cautioned that social media can get us in trouble, and make sure we have policies in place.

Councilor Wayne Gallegos: He attended the Library Board Meeting. The numbers are up at the Library and they are short staffed. The Board will make a recommendation to the City to open the Library for more hours. He attended the Chamber Gala which he stated was well organized. He attended the MLK Celebration which actually took part in an actual March from the overpass to the Park. At the MLK Celebration, they presented Honorable Mentions from years past. Tomorrow he has a meeting with BNSF and the Chamber to discuss better ways of receiving funding.

Mayor Rudy Jaramillo: He attended a Ribbon Cutting in Rio Communities for the Veterans Open House. They house disabled veterans; it will be the first house in the state. The Matanza will be this coming weekend. Little League registration is now starting. He attended the MLK Celebration and the annual Gala. He wanted to mention that Mayor Richard Aragon started the MLK Celebration for the City. The MLK Committee recognized Geneva Nixon, with a Key to the City and a proclamation.

Councilor Mary Aragon: She attended a Planning Meeting for the Chamber Gala Event. The Gala was well attended. She thanked Bertha, RSVP Director, members of the RSVP, and City employees for all their hard work on the MLK Celebration. She went to see the movie “Last Stand”, and she mentioned it was good.

Councilor Jerah Cordova: He attended the MLK Celebration and the Chamber Gala, both in which were well attended. The Hispano Chamber will have its last meeting on the Matanza tomorrow. Saturday is the Main Event, the Annual Matanza. He continues to attend hospital meetings.

Councilor David Carter: He attended a Recreation meeting on the 9th to discuss spring sports. They will start holding registration for Little League and Soccer. Basketball camp k-5th; February 9th is the tentative start date. He met with the Engineer to discuss the Christopher project in reference to accommodating buses into the High School. He attended the Matanza Meeting on the 17th where they discussed the safety of the public. Bus Service will be available from Calvary, the Rail Runner and the lot next to Taco Bell to the Annual Matanza.

The Chamber Banquet made a lot of effort in organizing the Gala event and it showed. Dennis Chavez basketball is now 2 and 2.

ADJOURNMENT:

Mayor Rudy Jaramillo asked for a motion to adjourn tonight's meeting. Councilor David Carter motioned to adjourn the meeting. Councilor Mary Aragon seconds the motion.

Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	
Councilor Mary Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion Carries

/s/ _____
Rudy Jaramillo, Mayor

ATTEST:

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