

**REGULAR CITY COUNCIL MEETING**

**September 16, 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.  
Nathan Godfrey, Fire Dept.  
Manny Garcia, Fire Chief  
Lenore Pena, Risk Manager

**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 for approval of tonight’s Agenda. Councilor Wayne Gallegos moved approval of the Agenda. Mayor Jaramillo asked if there was 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

**APPROVAL OF THE MINUTES DATED SEPTEMBER 3, 2013**

Mayor Rudy Jaramillo asked for a motion to approve the minutes dated September 3, 2013. Councilor David Carter moved approval of the minutes with a correction to the “Discussion with Action Required” Section; under approval or disapproval of the Change Order for Becker Phase V; Councilor David Carter was a “No” vote. Councilor Carter also wanted the minutes to reflect his opinion for being against the Change Order. 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

**ATTESTATION**

Mayor Rudy Jaramillo asked for attestation that discussion was limited to pending or threatened litigation, land

acquisition and limited personnel matters and that no action was taken in the closed executive session held on earlier that day; Monday, September 16, 2013 at 5:30 PM. Councilor Audrey Torres-Vallejos moved approval of the attestation. Councilor Jerah Cordova seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Abstained (Councilor Gallegos was not present in the executive session)
Councilor Audrey Torres-Vallejos	Yes
Councilor Jerah Cordova	Yes
Councilor David Carter	Yes

Motion carried

**PUBLIC COMMENTS**

**Tom Greer.** Mr. Greer is the President of Belen MainStreet and he informed the Council that Belen MainStreet has provided window treatment and has painted the “Old City Hall Building”.

**Rudy Jaramillo.** Mayor Rudy Jaramillo advised the public that his brother was willing to replace City sidewalk near his home as long as the City paid for the cement; however, some individuals were upset because it seemed as if the Mayor was playing “favorites”. Mayor Jaramillo asked for suggestions and direction from the Council. Councilor Wayne Gallegos stated that unfortunately serving on the Council effects the whole family because of the perception of helping family out, and he stressed the importance of staying transparent. There were no more comments or suggestions from the other Council members.

**PRESENTATIONS**

**CONSTITUTION WEEK PROCLAMATION: Rudy Jaramillo, Mayor**

Mayor Rudy Jaramillo read and presented the Proclamation of Constitution Week to Judith Davis. A copy of the proclamation to commemorate the 226<sup>th</sup> anniversary of the framing of the constitution is attached hereto and made in integral part of these minutes by reference.

**APPOINTMENT OF THE LODGER’S TAX BOARD MEMBER: Rudy Jaramillo, Mayor**

Mayor Rudy Jaramillo made a recommendation to appoint Dolores Padilla to the Lodger’s Tax Board. Dolores Padilla was the former Librarian for the City of Belen. Councilor Audrey Torres-Vallejos moved approval. Mayor Jaramillo asked for a second. 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 carried

**PLANNING AND ZONING DEPARTMENT REPORT: Steve Tomita**

Steve Tomita went over his P & Z Report; a copy of which is attached hereto and made an integral part of these minutes by reference. Steve informed the Council that the Courts have suggested the City make their fines for violations mandatory which would make it easier to collect. Councilor Carter stated that he would like to see a violation that represents immediate clear danger to the public. Steve replied that the City already has that ability. Steve went over the business license section of the report; he stated to keep in mind the report shows 74 businesses closing; however some of these licenses were for short term or temporary businesses. Lisa issued 60 notices on vacant foreclosed properties. Out of those 60 notices, the City received 15 registrations which were from all banks. The GIS is at 89% complete; the GIS was at 94% in June until the whole system crashed and lost all the data. Councilor Cordova asked how many complaints were initiated by code enforcement, and how many were citizen complaints; Steve was unsure. Councilor Cordova asked if these complaints were logged. Steve answered that Lisa keeps a log (hard copy). Councilor Cordova suggested keeping the complaints be logged in electronically. Councilor Cordova asked if the City has been cutting weeds on personal property and charging the property owner. The service has not been used in some time; Councilor Cordova would like for the City to start using that service more often especially for the properties that are in disarray. Councilor

Cordova asked Steve to break down the business licenses further, focusing on the reason for business closures. Councilor Cordova asked if the Boundaries Committee was going to report to the City Council any time soon. Steve answered that Lisa has had a hard time gathering the Boundaries Committee to meet. Steve said that Lisa will try and get the Committee reactivated. Councilor Cordova inquired about the property demolitions; he believes there should be more demolitions on the report. Councilor Wayne Gallegos stated that the report is since January 1<sup>st</sup>. Councilor Cordova stated that 60 Vacant and Foreclosed letters were sent; he wanted to know if Steve knew how many more were out there. Steve answered that he had no idea. Councilor Cordova wanted to know if Steve has looked into bringing retail to Belen. Steve said that he plans on updating the statistics in the letter that was sent out a few years ago and send them again. Councilor Cordova suggested involving Rio Communities in the process of bringing in retail. Councilor Cordova stressed the need to keep the City Web-Site updated with different events that are going on in the community.

## **PUBLIC HEARING**

### **A PUBLIC HEARING TO DISCUSS THE CHANGES TO THE CITY'S PERSONNEL MANUAL:**

#### **Mary Lucy Baca, City Manager**

Mary Lucy advised the Council that a Personnel Policy Workshop was previously held with the Personnel Committee and representatives from each department within the City. She and Councilor Gallegos believe that the Workshop went well. Employees were able to stress their concerns, and negotiations were made.

The issue was open up to the Public. Chuck Woodward had two concerns; one being the decrease in vacation and sick leave accruals, and the other was the omission of the sick leave donations. Leona Vigil advised Chuck that both of those issues were brought up at the Workshop and the vacation and sick leave accruals were going to stay the same as the original policy, as well as the sick leave donation. Chuck stated that he must have been misinformed.

Lenore Pena stated that she realizes the amount of vacation and sick leave accruals that you can maximize has decreased to 160 hours. Being that the current policy states 240, she asked how much time the employees will have to take their leave down to that amount. Mary Lucy answered one year. Chief Manny Garcia asked if the 160 maximum accruals are for all employees regardless of years of service. Councilor Gallegos answered that the 160 hours is for all employees, this is especially important for retirement employees, so the pay-out won't be so high. Chief Manny Garcia and Councilor Cordova suggested reviewing the policy for typos.

## **DISCUSSIONS WITH ACTION REQUIRED**

### **APPROVAL OR DISAPPROVAL OF THE IN-KIND SERVICES TO GREATER BELEN CHAMBER OF COMMERCE: Mary Lucy Baca, City Manager**

Mary Lucy handed out a cost break down of the request for in-kind service from the City for the Rio Abajo Days put on by the Chamber of Commerce. She added that the cost of mailing the flyer in the water bills was not included and another \$300.00 needs to be added to the total amount of \$3,590.00 making the total \$3,890.00. Anna Duran, President Elect for the Chamber of Commerce, handed out a flyer with the schedule for Rio Abajo Days; a copy of which is attached hereto. Councilor Torres-Vallejos mentioned that there was no City logo on the flyer; Anna answered that they would add the logo in. Lucy advised the Council that the Chamber also asked for a contribution from Lodger's Tax, but the amount was unknown. Anna believes the amount of the Lodger's Tax Request was \$1,600.00. Councilor Gallegos asked if this approval has come before the Council before; Mary Lucy answered no, but she wants to be transparent.

Mayor Jaramillo asked for a motion to approve or disapprove the in-kind services provided to the Greater Belen Chamber of Commerce for the Rio Abajo Day's Event. Councilor Wayne Gallegos made a motion to approve the in-kind services in the amount of \$3,890.00 and up to \$1,600.00 in Lodger's Tax. Mayor Jaramillo asked for a second. 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

**APPROVAL OR DISAPPROVAL OF THE MOU BETWEEN THE BELEN FIRE DEPARTMENT AND AMERICAN MEDICAL RESPONSE: Manny Garcia, Fire Chief**

Chief Manny Garcia informed the Council that this Agreement will allow American Medical Response, a new ambulance company in Valencia County, to communicate with the Fire Dept. on their frequency. He also explained that by adopting the MOU, it will give the department another credit of the mutual aid agreement. Councilor Wayne Gallegos wanted clarification that the agreement was for frequency use only. Chief confirmed that was correct.

Mayor Rudy Jaramillo asked for approval or disapproval of the MOU between the Belen Fire Department and American Medical Response. Councilor Audrey Torres-Vallejos made a motion to approve the MOU. Mayor Jaramillo asked for 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 Carries

**APPROVAL OR DISAPPROVAL OF THE PROCUREMENT WAIVER REQUEST: Manny Garcia, Fire Chief**

Chief Manny Garcia informed the Council that the City Procurement Policy allows for small purchases up to \$20,000; the NM State Statute has amended their Procurement Code to allow up to \$60,000 in small purchases. Chief Garcia is requesting to purchase an ambulance through the NM State Procurement Code. Councilor Wayne Gallegos asked if the City was going to amend their procurement policy to reflect the changes of the State Procurement Code. Leona replied that she, Councilor Carter and Councilor Torres-Vallejos are supposed to get together and work on revising the City’s Policy. Chief Garcia advised the Council that Kathy has sought three bids for the ambulance or equivalent to and Global Emergency Vehicle was not able to meet some of the requirements in the specs, Professional Ambulance did not respond to the request which was sent twice, and Pete’s Equipment gave a quote. Leona wanted to clarify, if we go with the State Procurement Code, it does specifically state that quotations cannot include: do not carry, does not carry, did not return phone call, and these notes will not qualify as valid quotations. The Council asked if there was any other entity that has purchased this ambulance so the City can piggy back off the contract. Leona answered no; she and the Chief have already searched. Councilor Gallegos mentioned that the intent of the Fire Department is to get a “plain” basic stock truck and then equip other mechanisms to the truck which would save the City money. Leona informed the Council that she forwarded her resolution to Mike Vineyard the Purchasing Agent for Valencia County, and he thought it was good idea and he may do the same for some of their purchases. Councilor Audrey Torres-Vallejos asked if the Council approved the purchase the ambulance, would the City be within State Procurement Code. Leona answered yes the City would be within the State Procurement Code; The City has a more stringent Policy, hence the reason we are asking for an exclusion from the City’s Procurement Policy. Chief Manny Garcia will keep trying to get the three bids for the procurement file.

Mayor Rudy Jaramillo asked for approval or disapproval of the Procurement Waiver Request Resolution.

Councilor Jerah Cordova made a motion to approve the resolution with correction of two typos. 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

**APPROVAL OR DISAPPROVAL OF THE EXCHANGE AGREEMENT WITH ED WEIZER AND ANN MARIE BOBER: Mary Lucy Baca, City Manager**

Mary Lucy advised the Council after the City Attorney looked over the proposed Agreement, and he had some concerns with the liability the City may be taking. One of the concerns was if the pond that Mr. Weizer and Ms. Bober want to build didn't work out and damages were made to the City, the City would be liable and the second concern is that giving the dirt away will violate the anti-donation clause. The City Attorney recommended the City to come up with a reasonable price and sell it to them. Councilor Cordova asked what the value of the dirt is; Councilor Torres-Vallejos said \$520.00. Mayor Jaramillo wanted clarification on the liability to the City. Mary Lucy answered that her understanding is that it is not the dirt that is the liability; it is allowing them to build a pond, and if it is not engineered by a professional and the pond breaks it will give additional damage to the City. Councilor Cordova suggested that the approach may be to sell the dirt to them at a very reasonable price with an agreement, and that agreement being just for the sale of the dirt and not what the dirt is being used for. Mayor Jaramillo said that it would cost the City to have someone haul that dirt away from the City since it is of no use to the City; therefore it has no value. Mayor Jaramillo mentioned that people ride their 4 wheelers to get up on the dirt which is more of a liability than giving it to someone to use for a pond. Councilor Carter asked who would transport the dirt. Councilor Gallegos answered that Ed and Ann were going to pay a contractor. Leona asked the council if the City would avoid the anti-donation clause by placing an ad in the paper and offering it to everybody. The Council agreed to have the dirt advertised in the paper to everyone. Councilor Cordova suggested that anyone who wants to haul off dirt must sign a waiver of liability.

Mayor Rudy Jaramillo asked for a motion. Councilor Jerah Cordova motioned to approve the disposal of dirt through a waiver of liability as recommended by the City Attorney and demonstrating that the cost to the City for hauling the dirt would out-weigh the cost of the value of the dirt; therefore, it has no value. 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 Carries

Mary Lucy suggested putting a deadline for the distribution of the dirt. The Council suggested 30 days.

**APPROVAL OR DISAPPROVAL OF THE ROAD CLOSURE AGREEMENT ON FOURTH AND BACA: Mary Lucy Baca, City Manager**

Mary Lucy informed the Council that Police Chief Dan Robb found an old agreement that the City had with the Schools for the road closure on Fourth and Baca several years ago. She and Chief Robb discussed the agreement with Councilor Carter. Councilor Carter took the agreement to the Schools, and they approved the agreement; now she is seeking approval from the Council. Councilor Carter stressed that this agreement is

between the City and Schools for the safety of the students in and around the mid-school, infinity high school and the gymnasium during the school year. Councilor Cordova suggested making the term of the agreement for automatic renewal instead of five years. Mary Lucy answered that she will change the term to reflect as such.

Mayor Jaramillo asked to entertain a motion. Councilor Wayne Gallegos made a motion to approve the Road Closure Agreement with the change to the term clause. 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

### **INFORMATIONAL ITEMS**

**City Manager's Report:** A copy of the City Manager's Report and the Project's Report is attached hereto. Mary Lucy stated there was an issue on Christopher Rd; Councilor Carter explained that it looked like the rains washed a lot of dirt that settled on the roadway. Lucy informed that on the projects report it shows the County will pay for half of the match for Mesa Rd; however that is no longer the case because the match was waived. Lucy stressed that the City is going to have to put money into the Harvey House and old City Hall due to all the rain which is causing damage. Lucy advised that she will be bringing an in-kind request from the Hispano Chamber of Commerce for the Annual Matanza. Lucy advised the Council that in 2008, Lenore put an extensive amount of work into sidewalks by taking pictures, giving descriptions and prioritizing; Councilor Cordova would like to see an updated list. Wilson Engineering has stressed the importance of the Council choosing the three top priority projects to take to the legislators to help with funding. Jennifer Heis has asked the City to place a pink NM flag on the City's flagpole in support of breast cancer month; the Council suggested finding out the protocol of hanging the flag. Lucy reported that she received the final state approval for the frontage road to become the City of Belen's. Lawrence has been working on the network installation at the Harvey House. Councilor Carter asked for an update on the pothole in front of the service station. Fire Chief Manny Garcia answered that the State came in this morning and they are going to send out a crew this week to sample the soil, at that time they will contact the property owner to remediate that; the incident is on private property. Councilor Cordova asked if the Affordable Housing Ordinance was being worked on. Leona answered that Nicole wants to set up a workshop to work on the ordinance before it is brought to Council. Mary Lucy reported that one proposal was submitted for the hospital RFP.

### **COMMUNICATION FROM THE COUNCIL**

**Councilor Jerah Cordova:** He attended a President's Meeting with local non-profits; they discussed how to communicate with each other and the City. They also discussed the public and private funding options available; they will meet again in January or February. He attended the Hispano Chamber Meeting where the discussion was on the annual matanza. The Hispano Chamber issued a press release informing everyone that the matanza is moving locations. They also discussed their Contract with the chamber of Commerce. He and Tom from Belen MainStreet were out at the Old City Hall painting the building and building the window frames. He believes there will be 2 more phases on the building. He attended the Belen Marsh Meeting on Sunday. They have a good vision for the pond of water that is next to Taco Bell to preserve and promote for birding. They also focused on cleaning up the roadways. He continues to work on the Community Garden every Wednesday. They are getting ready to spend the \$10,000 they received from PNM. They received additional private donations from business as well. He had a Legislator contact him to discuss the need for improvements on Aragon Road.

**Mayor Rudy Jaramillo:** He was at the Community Garden when PNM presented the check to the Committee. He attended the Ribbon Cutting for Perfect Look which moved from Del Rio Center to the old State Employees Office. He attended the 9/11 event which was very nice. He exclaimed that people were lined up around

the river taking pictures of the water from all of the rain fall. He went to the Belen Football game. He announced that Subway has relocated to the old Rutilio's building on Main Street. Tomorrow he will attend the Rio Communities Workshop. Senator Heinrich's office asked if there were any concerns with the water in the City. Mayor answered that the ponds were holding up, but he did request a big need for the damage done to the roads. He has an Economic Development Luncheon this coming Thursday. Mayor Jaramillo asked the Council to limit their request to the City Manager which has become over whelming. She will continue to report at the regular meetings, and we can stress our concerns at that time. Keep the individuals that were killed in Washington in your prayers.

**Councilor Wayne Gallegos:** He suggested having a weed-cutting day, where the employees cut weeds in a section of the City. He stressed concerns with the lack of storage space for IT; Mary Lucy answered that he has Lawrence has already added more storage. He would like to see a calendar of events on the City's Web-Site. Councilor Gallegos' wife is having surgery, and he will be unavailable this week but will answer to emergencies. He attended the Valencia County Support Meeting on the 5th. He attended, on the 10<sup>th</sup>, the Public Hearing for senior's needs at the Village of Los Lunas. He thanked everyone that was involved in the 9/11 Event which was very nice. He attended the RSVP Meeting. On the 12<sup>th</sup> he met with the City Engineer Wilson & Associates; they went over projects and discussed MAP, COOP monies. He participated in the Belen Homecoming tailgate party with the Cheerleaders; a few cheerleaders from Belen will be going to London. Last Saturday the I-25 Mud Boggs were held, and once again it was big success.

**Councilor David Carter:** He attended the 9/11 ceremony which he said was very dignified. He attended the Recreation Meeting; AYSO is in full swing; they are having their games on Saturday. YAFL is in full swing also. Little League wants to adopt Fields 1 and 2 and would like to hold a tournament the weekend of October 12th. The Fall Fest is set for October 26<sup>th</sup> along with the Fun Run & Walk. The Haunted House will have to be moved to the high school due to liability issues at the old City Hall. Ms. Griego from Second Street reported to Councilor Carter that a lot of her neighbors continue to keep up their yards. Councilor Carter asked if the City had a Nuisance Abatement Law; Police Chief Robb answered that the City does have an ordinance for this law. Friday's game was great 21-27; Belen wins in OT.

**Councilor Audrey Torres:** She attended the RSVP Advisory Committee Meeting. This Friday she will serve at the annual RSVP Luncheon at the Center for Ageless Living. She announced that September 28<sup>th</sup> is Rio Abajo Day. She delivered her weekly pastries to the Senior Center.

Mayor Rudy Jaramillo asked for a motion to adjourn tonight's meeting. Councilor Audrey Torres-Vallejos 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