

## REGULAR CITY COUNCIL MEETING

April 20, 2015

6:00 P.M.

Mayor Jerah Cordova called the Regular Meeting of the Belen City Council to order at 6:00 P.M. Roll call taken by Leona Vigil, City Clerk.

**PRESENT:** Councilor Darleen Aragon  
Mayor Pro-Tem Wayne Gallegos  
Mayor Jerah Cordova  
Councilor David Carter  
Councilor Frank F. Ortega

**CITY MANAGER:** Jay Ruybalid

**CITY CLERK, CMC:** Leona Vigil

**CITY ATTORNEY:** Charles Rennick

**CITY STAFF:** See attached sign-in sheet

**REPORTER:** Clara Garcia, VC News Bulletin

**OTHERS:** See attached sign-in sheet

### PLEDGE OF ALLEGIANCE

Mayor Jerah Cordova led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Mayor Jerah Cordova asked to remove item 5 from the Agenda; he explained, the minutes were not ready for approval tonight. Councilor Frank Ortega made a motion to approve the Agenda with that change. Mayor Cordova asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	
Councilor David Carter	Yes	
Councilor Frank Ortega	Yes	Motion carried

### PUBLIC COMMENTS

**Rudy Jaramillo:** Rudy is the former Mayor and business owner of the City of Belen. He was concerned with the article that was in paper about an ordinance that was passed in reference to the late fee being waived on water bills. He understands that decisions are hard at times, but at the end of the article it says that the previous administration initiating no projects. He stated that Mayor Cordova and Councilor Gallegos were part of that administration. He explained that the City was strapped with financial things that were going on; there was no money in the budget. Mr. Jaramillo mentioned several projects that took place during his administration. He proclaimed, "So much was done, it's not fair to say that the previous administration didn't initiate any projects".

**Gloria Sanchez:** She is a volunteer for the City of Belen. She reported that the wall at the 9/11 Memorial Park needs repair. She has made contact with a contractor, and the repairs will cost \$2,000, which she is willing to pay for. She stated that the maintenance of the park has declined; there are weeds, trash and dead trees.

**Chief Garcia:** He handed out a Draft Recruitment Brochure that he put together for the Fire Department. A copy of the brochure is attached hereto and made an integral part of these minutes by reference. He reported that his department has purchased the training materials for Firefighter I and II levels. The Department will be setting up a mini academy this summer. He also reported that the Council that he will be using the grant that he received this year to buy more protective gear.

Mayor Jerah Cordova asked if there was anyone with any more comments or concerns. There were no more public comments or concerns at this time. Mayor Jerah Cordova closed the public comment portion of the meeting.

### **PRESENTATIONS**

#### **BELEN VFW POST 2387 70<sup>TH</sup> ANNIVERSARY PROCLAMATION: Jerah Cordova, Mayor**

Mayor Cordova read and presented a proclamation to VFW Post 2387 on their 70<sup>th</sup> Anniversary. A copy of the proclamation is attached hereto and made an integral part of these minutes by reference.

#### **LIBRARY HARVEY HOUSE PRESENTATION: Julie Cervantes, Library Director**

Julie showed a slide show of pictures taken at the Harvey House showing repairs that have been taking place there. She reported that the Harvey House underwent some damages this past winter. Julie also handed out a copy of the Strategic Plan for the Harvey House; a copy of the Plan is attached hereto and made an integral part of these minutes by reference.

#### **THIRD QUARTER REPORT: Roseann Peralta, Finance Director**

Roseann went over the Third Quarter Financial Report. A copy of the Report is attached hereto and made an integral part of these minutes by reference. Councilor Wayne Gallegos asked if the City was ok with the actuals (year to date). Roseann answered yes. Councilor Carter pointed out that on page 12, under water funds, it was budgeted to transfer out \$160,907, but yet year to date \$1,025,055.00 was transferred out a. Roseann answered that it went to the water tank and storage fund, for Eagle Tank. Councilor Carter asked what is that going to cost the City. Roseann answered over 900,000, which took us to the original number of 1.2. Councilor Carter asked what the bid was for that project, because he thinks they approved a bid that was a lot less than that. Roseann answered, that was just for the construction, not the engineering. Mayor Cordova asked Roseann to report on the December GRTs issue. Roseann informed the Council that the City got double the amount of GRTs in December. She checked with Tax and Revenue, and they told her that there was a vendor that paid early, or their dates have changed. She thought the next month's GRT would be less, but they weren't. She reported that it was about a \$425,000 increase. Tax and Revenue has not allocated it anywhere; they are holding it as unclassified. She is setting it to the corner until she gets confirmation. The Council asked her to proceed with caution. Councilor Ortega suggested putting the money into a CD to gain interest. Roseann answered that she can do that.

### **PUBLIC HEARING**

#### **AN ORDINANCE AMENDING TITLE 1, CHAPTER 1.08, SECTION 1.08.010 OF THE CITY OF BELEN MUNICIPAL CODE (Ord. 2, dated 1919); REPLACING THE WORD "VILLAGE" WITH "CITY" FOR CLARITY: Jerah Cordova, Mayor**

Mayor Cordova explained that in 1919, there was an ordinance that established the City's name which was the Village of Belen. In about the 40s or 50s it was changed to the City of Belen, but the ordinance was never changed. He informed the Council that this is an opportunity to fix the issue in the ordinance. Councilor Gallegos asked if it ties into anything else that could cause an issue. Mayor Cordova answered, not that he is aware of. As far as the Mayor knows, every single aspect of what is done is the City of Belen. He went on to explain that the amendment is specific to the name on the City Seal Ordinance. Councilor Carter stated that the seal was changed in 1966. Mayor Cordova added that it just never got changed in the ordinance. Councilor Carter asked Jay to do a little more research before the issue comes up for approval. Mayor Cordova informed the Councilor that it is up for approval tonight, but it can be changed to the next meeting if need be.

Mayor Cordova asked if there was anyone in the public that would like to speak in favor or against the issue. Fire Chief Manny Garcia is in favor of the change.

There were no more comments, and the Mayor closed the Public Hearing.

**Mayor Jerah Cordova asked for a motion. Councilor David Carter asked to table the issue until further research can be done. Mayor Cordova asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:**

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	Motion Carries

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.12, SECTION 8.12.040, ENTITLED: “LITTERING”, OF THE CITY OF BELEN MUNICIPAL CODE (Ord. 295, dated 1958); TO ADD, DELETE AND AMEND THE LANGUAGE FOR CLARITY: Jerah Cordova, Mayor**

Mayor Cordova informed the Council that the amendments to the ordinance do provide for clarity, but it also adds a provision to it. Mayor Cordova explained that the amendment will add Section B; that basically states, “don’t throw trash in the back of your truck and let it fly out when you drive away”. He further explained that item C increases the fine amounts. Currently the littering fine is \$10.00 but not more \$25, and that has been amended to \$50 and not more than \$150.00. Councilor Aragon is in favor of the changes. Councilor Ortega thinks that the City should hold Waste Management accountable when trash bins don’t have lids. Mayor Cordova advised Councilor Ortega that Police Chief Robb and Code Enforcement are working on that.

Mayor Cordova asked if there was anyone out in the audience who wanted to speak for or against this ordinance. There were no comments from the public, and Mayor Cordova closed this section of the meeting.

**Mayor Jerah Cordova asked for a motion. Councilor Frank Ortega made a motion to approve the ordinance amendment. Mayor Jerah Cordova asked for a second. Councilor Darleen Aragon seconds the motion. Roll Call Vote:**

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	Motion Carries

**APPROVAL OR DISAPPROVAL OF THE DRINKING WATER STATE REVOLVING LOAN FUND APPLICATION FOR AN ELECTRONIC METER READING SYSTEM: Jay Ruybalid**

Jay informed the Council that he, Roseann, Dale and Ralph talked with Doug Albin from Molzen Corbin regarding funding opportunities for projects. They talked about the re-drilling of well #5; Doug advised them that the City has a great opportunity to obtain funding for that project through the Drinking Water State Revolving Loan Fund as well as electronic meter reading. Jay explained that the application for the re-drilling of well #5 will have to take place next year, because that application requires a professional engineering report that will take 6 to 9 months to accompany it. This year they are looking at electronic meter readings. He informed the Council that it will minimize wasted water and cut down on expenses. He added that the crew is going out manually now and they will be able to be used elsewhere.

Dale Tafoya reported that 10% of the water meters currently in place right now are from the 1980s, 30- 40% are from the 90s and 50% are from the year 2000. He stated that most of the meters are in bad shape. Most of the meters are leaking and residents don't find out they have a leak until the water bill comes out. Dale explained, with this new system, we will be able to tell that day if the meter is leaking right here from City hall and let the resident know so they can fix it right away. He is looking to replace about 3,000 residential meters. He is not looking into replacing commercial meters at this time.

Clayton Ten Eyck, head of the water resources department at Molzen Corbin, explained that with age water systems ability to accurately count for flows is much diminished compared to new technology. He reported, that a lot of literature suggests that you miss around 12 to 16 percent of the flow. Even though it goes through the meter it's not getting accounted for. He stated that the City is missing out on about 52 million gallons of water on a yearly basis, and the amount of man power to read 3,000 meters is significant. He stressed that there is upkeep but it's on a smaller scale. The City will get notified if there is no signal from an individual meter, and all data will be collected at a Base Station such as City Hall. He added that there will probably need to be a couple of radio towers installed. Dale reported that the City's water loss is at 20 to 30%. He explained that we should only be at 10%. He mentioned in order to go for future funding the water loss has to be a lot lower than what it is at.

Jay informed the Council that it is a loan/grant; 75% of the loan will be forgiven and the City pays the other 25% . NM Finance Authority advised Jay that the City's opportunity for these two loans would increase significantly if the City didn't have another grant application such as the Reid Mae Pond. He wanted to bring this up to the Council to see which projects they want to apply for.

Councilor Ortega is in favor of the new system. He asked what the possibility of receiving the grant is. Clayton answered that the chances are based off who else is applying. He explained that there is an Evaluation Committee that will assign various points. "Unfortunately, there isn't great certainty to predict where you're going to fall on that priority list." "However, until you apply and get on the priority list you never really know where your gonna land." Clayton explained that this is an application to be considered for funding, and then you get on a priority list. Councilor Ortega asked how do we get rankings, how many awards are made, how do we receive priority? Clayton answered there are different categories; the base program is a 75% loan and 25% grant and takes into consideration median household income. He stated if you are considered a disadvantage community, that could possibility drop you into a 50/50 split. If you are considered a severely disadvantage community it can be 75/25. As far as the scoring goes, he stated it is totally dependent on how the questionnaire is filled out and how the Selection Committee ranks your project.

Councilor Carter asked if this would compete with re-drilling of number 5, because it is the Water Trust Board. Councilor Carter asked if this system has the ability to monitor large trunks and arteries to identify where water is being stolen. Clayton answered that the subject of this application is specific to residential meters; however, in the future the City can expand the capabilities of the system, and that is definitely within the realm of what can be monitored.

Councilor Gallegos stressed that the ponds will not be set to the side, and he wants the City to commit to the Master Plan.

Jay advised the Council that Lawrence is looking to see if this system will be compatible with the City's software. Jay advised Councilor Gallegos that the Grant Coordination Committee will be looking at the FEMA application for the Reid Mae Pond. Jay added that the City would score high on the scoring criteria based on the median household income.

Councilor David Carter pointed out 1.2 million for this project and a savings of 10-15 percent in production of the water. He asked how many years for recapitalization if the City would have financed that project. Clayton estimated about 100,000 a year in revenue and about 12 to 15 years for recapitalization. Clayton informed the Council that generally what he sees in communities that implement this system is water conservation. He explained that if people have to pay more because the meter is functioning more accurately, they will conserve, and that will have an impact on the maintenance cost to produce water. The well pump run times are going to be less, and the chemical usage will be less.

**Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos so moved. Mayor Jerah Cordova asked for a second. Councilor Darleen Aragon seconds the meter. Roll Call Vote:**

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	Motion Carries

### **DISCUSSION**

#### **UPDATE ON ARAGON PROPERTIES: Steve Tomita, P & Z**

Steve Tomita reported that he is waiting for input from NMDOT regarding the 105 Aragon property and the City's desire to sell it. Steve advised the Council that they do not see any connection with the historic aspect of that property. He reported that NM DOT was supposed to put in conditions for the Acosta building in the deed, but it was not done. The legal question is because the deed does not include the conditions of the agreement, does it remove us from the agreement. Steve found one condition in the agreement that stated when the City accepts the deed we recognize as it conforms to all the conditions in the agreement. Jay stated that Rick Garza from NMDOT will investigate the matter himself. Rick stated that we need to make sure we receive a release in writing.

### **INFORMATIONAL ITEMS**

#### **CITY MANAGER'S REPORT**

Jay Ruybalid sent a copy of his report to the Council earlier. He highlighted a few items on his report. He mentioned that the street sweeper is up and running, work has begun on the ponds and painting on the tank is taking place. He also mentioned that the Community Center hours have expanded. He would like to see more activities in the Summer Recreation Program for next year. He worked on a MOU with a school employee for exchanging services. Councilor Ortega asked why the painting stopped at the Eagle Tank. Jay answered, because it was too windy. Councilor Gallegos had some concerns with signage and road safety regarding the construction going on at the ponds. Councilor Carter asked for clarification of the loan/grant applications. Jay answered that the Drinking Water State Revolving Loan Fund is for the electronic meter reading project. There is an opportunity to go through the state, same funding, for the re-frilling of well #5, but they can also go through the Water Trust Board. Mayor Cordova added that they would be for different fiscal cycles. Councilor Carter asked which will come first. Jay answered the electronic meter reading, because the other project requires a professionally engineer report which takes 6 to 9 months to prepare.

### **COMMUNICATION FROM CITY COUNCIL**

**Councilor Darleen Aragon:** She attended the First Choice Open House. She served lunch at the RSVP Banquet. She went to Trinnie Baca's Birthday Celebration; for the record, he asked her to marry him and her sister as well. She planted at the Corazon de Belen Park along with the Mayor and some other volunteers. She informed the Council that they give the food that is harvested to the Food Pantry. On the 15<sup>th</sup> she attended the Site's Southwest Master Plan Meeting. She thanked Julie for staying with them until they wrapped up; about 45 people attended.

**Councilor Wayne Gallegos:** On the 8<sup>th</sup> he sponsored a pool table tournament at the Belen Senior Center in preparation for the Senior Olympics. On the 9<sup>th</sup> he attended the pre-con meeting for the ponds. He participated in the RSVP Luncheon which was great. He attended Trinnie's Party which was great and well attended. He attended the first half of the grant coordination meeting and a Senior Meeting to discuss its four year plan.

**Councilor David Carter:** He served and danced at the RSVP Luncheon. He thanked Chief Garcia and Chief Robb for their efforts on Friday. He read a rebuttle in reference to the article labeled irresponsible that was in the newspaper last Thursday. A copy of that rebuttle is attached hereto and made an integral part of these minutes by reference.

**Councilor Frank Ortega:** He passed.

**Mayor Jerah Cordova:** He participated at the RSVP luncheon. He had a Constituent Meeting; they are satisfied with the direction of the City. Kareokee in the Park was held on 11<sup>th</sup> at Anna Becker Park. He attended Trinnie's Birthday Party and the Harvey House 30<sup>th</sup> Anniversary Celebration at the museum. On the 13<sup>th</sup>, he planted over at the Community Garden. On the 14<sup>th</sup>, he had a Mayor's Caucus and all Valencia County Mayors were present. He participated in the Downtown Workshop which is planning on how to improve the City's downtown.

Jay read a thank you letter from Sharon Munson who stated that Belen is headed in a positive direction.

**Mayor Jerah Cordova asked for a motion to go into Executive Session to discuss pending or threatened litigation regarding the proposed hospital as allowed per 10-15-1 (H-7). Councilor Frank Ortega so moved. Mayor Jerah Cordova asked if there is a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:**

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	Motion Carries

**Mayor Cordova asked for a motion to return to an Open Meeting from a Closed Meeting. Councilor Frank Ortega so moved. Mayor Cordova asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:**

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	Motion Carries

**Mayor Cordova asked for a motion to state that Executive Session was limited to pending and threatened litigation regarding the proposed hospital as allowed per 10-15-1 (H-7) and no action was taken. Councilor Wayne Gallegos so moved. Mayor Jerah Cordova asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:**

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	Motion Carries

## **ADJOURNMENT**

Mayor Jerah Cordova asked for a motion to adjourn tonight's Regular City Council Meeting. Councilor David carter moved. Councilor Frank Ortega seconds the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	Motion Carries

\_\_\_\_\_/s/\_\_\_\_\_  
Wayne Gallegos, Mayor Pro Tem

\_\_\_\_\_/s/\_\_\_\_\_  
Leona Vigil, City Clerk, CMC