

## REGULAR CITY COUNCIL MEETING

April 6, 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 Ortega

**CITY MANAGER:** Jay Ruybalid

**CITY CLERK, CMC:** Leona Vigil

**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 Cordova asked for a motion to approve tonight's agenda. Councilor Frank Ortega made a motion to approve the agenda. 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 Carried

### APPROVAL OF MINUTES

Mayor Jerah Cordova asked for an approval of the Minutes dated March 16, 2015. Councilor Frank Ortega moved to approve the Minutes. 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 Carried

### PUBLIC COMMENTS

Mayor Jerah Cordova asked the public if there was anyone with comments or concerns.

**Charles Montoya:** He is the owner of AC Disposal and is interested in providing service to the City for recycling cardboard.

**Mike Moreno, Harvey House Volunteer:** He gave an update and handed out pictures of the improvements to the 513 Becker building; pictures are attached hereto.

**Julie Cervantes, Library Director:** She reported that the library printed out tax forms and tax booklets, and they were distributed to individuals for a \$1.00 donation to the Deborah Graham Scholarship Fund. She has distributed 150 booklets so far. She thanked the Council for their support.

**Manny Garcia, Fire Chief:** He reported that there is a lady who calls in frequently for a lift assist. She calls in 2-3 times a day. He was called to that same address, and he found out that her son had no means to get from the bottom floor to the top of her porch. The stairs were very steep, and she was in a wheelchair. Chief Garcia made contact with Councilor Gallegos for his contacts with the Senior Citizen Center. There is a group there that builds ramps for people, and that solved the problem.

There were no more public comments or concerns at this time. Mayor Jerah Cordova closed the public comment portion of the meeting.

## **PRESENTATIONS**

### **CITIZEN AWARD OF VALOR: Manny Garcia, Fire Chief**

Chief Manny Garcia read and presented Marvin Silva a Citizen Award of Valor for his efforts to help safeguard a citizen by assisting the Firefighters of the City of Belen. Fire Chief Garcia also acknowledged and commended Jimmy Moya who was not able to be at tonight's meeting. The City Council thanked Marvin for his heroism. Marvin Silva said, "When I pulled her out of the house, I recognized her. "I remembered her since I was a kid; that was more rewarding."

Mayor Jerah Cordova asked Chief Manny Garcia to stay at the podium. Mayor Cordova proclaimed that Chief Garcia is a very humble guy and is good at recognizing citizens and his employees. Mayor Cordova announced that tonight the Mayor and Council would like to recognize the Chief for what he did that day in rescuing that woman from her house. Mayor Cordova read and presented Chief Manny Garcia with a Certificate of Valor; a copy of the certificate is attached hereto and made an integral part of these minutes for reference. Marvin Silva wanted to state before he left, "If I ever had to do it again, I'd do it in a heartbeat".

### **LOS LUNAS COMMUNITY PROGRAM: Jill Marshall and Anna Marie Gurule-Duran**

Dianna Good introduced Los Lunas Community Program Deputy Director Jill Marshall and Anna Marie Gurule-Duran, Finance Director. Jill Marshall talked about an initiative that they are starting that will have some impact to the City of Belen. The Los Lunas Community Program is a provider for persons with intellectual and developmental disabilities. They have about 30 homes located throughout Valencia County, and they provide support to about 80 people throughout the county. They offer three basic services; community living services in those homes, individualized employment opportunities and customize community support. Customized Community Support is a service that assists people with developmental and intellectual disabilities to go into the community to do anything they are interested in doing. They are also focusing on cultural competency and integrating and interacting with the community. They have put together a MOU with the Community Center allowing them to rent a space from 9 to 3 to provide classes, courses and community opportunities during that time. They will have staff available to provide lessons in guitar, cooking, health, promotion, CPR, nutrition, and it is open to the entire community free of charge. Councilor Gallegos welcomed the Program.

### **POLICE ACCREDITATION: Dan Robb, Police Chief**

Chief Dan Robb reported that the Department was involved in an accreditation through the NMML. Chief Robb informed us that this is a voluntary program. They are the third department to get re-accredited in the State. The Assessment Team was here March 18th through the 20th and assessed the Department on their

standards. There are 216 standards and several sub-standards. The Department will be re-accredited, which is their second re-accreditation. They will receive their award in December at their Annual Conference. The accreditation will be every 4 years now instead of every 5 years. Jay and the Council thanked and congratulated the Chief Robb and his Department.

## **PUBLIC HEARING**

### **APPROVAL OR DISAPPROVAL OF THE PROPOSED ORDINANCE AMENDING CHAPTER 13.12 OF THE CITY OF BELEN CODE OF ORDINANCE; SECTION 13.12.100 ENTITLED "DELINQUENT ACCOUNTS": FRANK ORTEGA, COUNCILOR**

Councilor Ortega stated that this ordinance has been heard at a couple of previous meetings. He reported that it was concluded that a grace period wouldn't work. He stated that he suggested at the other meeting to eliminate the wording on 13.12.100 "Upon delinquency, all bills shall be subject to a ten percent (10%) late payment charge per billing cycle until the delinquent bill is paid in full". He stated, "If they are late paying bill we won't charge them anymore, but within 30 days their water will be shut off." He can't understand why we are charging them that, and they still can't pay it. He stated that the newspaper reported that there is a \$114,000 of collected fees. "We are the only utilities, the electric company doesn't do that, and Albuquerque Water Department doesn't do that". He wants to go suit with that, where the City would be helping the citizens of Belen to eliminate it. He gave a brief run-through of why this came about; he and Councilor Gallegos talked to some people whose check was late, her water bill was one day late, and they charged her \$8.50. He pointed out that there was company that owed quite a bit of money and there were negotiations after a year and half, and he thinks not only we consider there's, but we consider all people. He could understand if we needed the money, but he claimed, "it's not that way anymore".

Mayor Cordova explained that at the last Council Meeting we had three options on the table. One was to complete elimination of the 10% fee, one was reducing it to 5% and the other was a graduated fee that would build up over time. He claimed the latter of the three would not work due to our system which leaves two options available.

Councilor Aragon stated, "We are punishing the people who do pay their bills on time, because they are being responsible." She has known people in the past that ask why pay my bill on time, if I have 30 days. Those people will wait the 30 days or until there is a disconnect on the door. She claims, "and, they have money". "We need money for infrastructure, but we do give raises and we are giving back \$3.00 and now we don't want to charge late fees." "We need to be fiscally responsible for all the citizens of the City of Belen".

Councilor Cater asked Roseann if her quote of 114,000 in the paper included disconnect and reconnects. Roseann answered no; that was just the late fees. Councilor Carter stated that he is in agreement with Councilor Aragon to a point. He is concerned about the people who are on fixed incomes whose checks come in on a certain time of the month. "Yes, we're giving a free pass to those who pay late; those who pay late are going to pay late whether its 30 days or 10 days". He is in agreement with Councilor Ortega. He knows it is 114,000, but claims the water fund is in excellent shape. "We have been sitting on money for the last 4 years; finally, someone said we have enough money to build that water tank". "By the time it took it took to build the water tank, our fund is built back up." He stated that he has seen a few projects go through, but we're not doing anything with this money. "We are still sitting on 2 ½ million dollars when we pay our portion of the water tank. "Yes, we are giving a free pass to some of them, but some people need our help." "This was one way to give them some help.

Councilor Gallegos stated that he spoke with this one person who got this whole thing started. She was upset because of the way her checks come in. "On our side, we have no grace period; it's due and that's it. If you don't pay on that day, anything after that day is a late penalty." He had come up with a progressive late fee

schedule, but the City's software cannot take care of it. "A lot of that falls back on us. It's on our system and the efficiency of our reading dates." "Until we get these things that we are working on, it's only right to be fair to the citizens."

Councilor Aragon asked Roseann how many people are late each month. Roseann answered about 25%. Roseann stated that we have people that are late *every* month. Councilor Aragon asked if a customer comes in and claims their check didn't come in, does the City waive the fee. Roseann answered they can come in and make arrangements to catch up. Roseann went on to explain that the bills are mailed on the 25<sup>th</sup>, and they are not due until the 10<sup>th</sup>. Roseann reminded everyone that the City was in the red four years ago, because the previous administration and the previous director were pulling money from the water fund to cover general fund expenses, which shouldn't have been happening. Right now, the water fund has the money that it is collecting which is money the City uses for operating and maintenance costs. "We have to remember we have a lot in debt that has been set aside from the water and sewer funds. Right now we have 5-6 with the new loan we just got; total debt is 7.6 million." She explained that in order to qualify for a grant loan combination, you need to show that the City is collecting enough money to maintain and run their systems. She added, "When we increase our rates that really helped the City to get more funding".

Councilor Gallegos agrees with the people coming in and making arrangements, but explained that's if they can't pay that bill at all that month. He expressed concern, "These are people that are attempting to pay their bill, they are just late." "We don't want to take away all the structure that is already there; there's going to be turn-offs and other fees to turn that water back on". Roseann interceded to say that is something different; her issue is if we completely get rid of this, she is going to have to cut a good thirty some thousand out of water and waste water. Councilor Gallegos responded, "So what we're doing is using late fees to help us." Roseann answered, "we're using late fees to run the utility department, to pay our debt." "Ok, so in the past, there was this account, almost \$200,000 and there wasn't an issue with it, and that's not fair". He added, "it's not fair that the one person down there, or two, get a late fee, yet we are making a big deal about it because we are saying, we really need that money, but yet 200,000 was back there". Roseann emphasized, "but that late fee is that incentive to get the bill paid; if you are not going to have that, the bill isn't going to get paid. Councilor Gallegos asked how the gas company and PNM do it, because they don't have a late fee. Mayor Cordova clarified that they do have late fees. He read, "*PNM says your payment is due when you receive your bill. If it is not received within 20 calendars day from the mail date the bill becomes delinquent, a late payment charge per month will be assessed on past due amounts that remain outstanding when the next months bill is calculated*". Mayor Cordova added that NM Gas Company also has a late fee. It says "*the calendar date your bill is due shown as the pay no later than date; payment must be received on or before this date to avoid late fees or service disconnection*". He added that Century Link also has late fees for their monthly services as well.

Councilor Ortega stated, "Our job is not here to punish people. Our job here is to help people, our citizens. That's what our job is." "If we can go ahead and bring down the cost a little bit for them, fine." "The company that Councilor Gallegos was talking about didn't pay their bill for a year and a half". He doesn't remember them shutting off their water. He doesn't remember them charging them the 10%, which would have been close to 19-20,000 on that bill. Roseann proceeded to say, "but that's something...". Councilor Ortega exclaimed, "I'm talking. I'm talking right now." Councilor Ortega reiterated that their job here is not to punish people, and he stated that he won't be talked over when he has the floor. He stressed again, that their job is to take care of the citizens of Belen. He added if something doesn't work out, we can come back and rehash this all over again.

Mayor Cordova addressed the Councilor and explained that one of the points being made is that a part of helping people is providing good infrastructure. "You need the money to provide good infrastructure." Mayor Cordova added that late fees happen to be used for that infrastructure. Mayor Cordova reported that all the other utilities that are provided in the City of Belen, that he looked up, provide for a late fee. Councilor Ortega reported that he doesn't believe that the Albuquerque Water Department charges a late fee. Jay affirmed that

they do not. Mayor Cordova added that the City of Albuquerque does not, as far as he can tell, provide late fees on delinquent bills; however, the water utility authority does provide a specific charge they call facility rehab. He added that they also have other charges the City does not have.

Councilor Carter stated that six years ago the water fund was in the red. We will be paying for the tank, and if we're to take a look at the Water Fund we are looking at close to 3 million dollars by the end of the year. Councilor Carter's thought is, "aren't we collecting a little fast from our citizens." "We are taking way too much from our citizens." "We are collecting money way too fast." This is one way to help the people who need the help.

Councilor Gallegos reported that six years ago we had to get aggressive on anything we could. We had no choice; we started added fees to all our services. The revenues weren't coming in as they were, but our bills were still at the same level. "All this has been straightened out." "We live in an indigent city; we live in a low income area." He informed the Council that a few years ago Leona and a group of people started a good neighbor fund to help people who couldn't pay their bill. Roseann reported as of today, it has collected \$58.00.

Councilor Carter reminded everyone that an automatic increase is in three months, which is about 108,000.

Jay agreed, "We do have funds available; over three million dollars in water". We have to pay back for the tank. "We have money for breaks, Matches for grant, implementation of an Electronic meter reading and the re-drilling of well number 5". Jay concurred that we're not here to punish people, but stated that we need to enforce rules and do what is best for the City.

Councilor Ortega asked, "When the City got better and the revenues picked up, did we leave the employees at 32 hours; did we leave our services down". He explained, "Things got better; we relieved the employees, similar what we have to do to citizens."

Councilor Aragon received several calls also and most of them feel that they pay their bills on time, and it's not fair. They want to know why they should have to pay their bills on time. Councilor Aragon replied, you shouldn't; just wait until the 29<sup>th</sup> day and pay your bill.

Roseann stated that the City does have money now, but as we move forward and move on with projects and paying off loans; we have to look to the future.

Mayor Cordova wanted to make one final point, "One of the points that were made tonight is that the City is sitting on 2 to 3 million dollars in our water fund, and we are". "We can't use that to say it's too much money, or we need to stop collecting." "We have a prior administration that did not initiate projects, and this administration has some substantial projects with huge costs to tackle." He went on to say, "We need to accomplish these projects in order to provide adequate services to the public; new water lines, waste water treatment plan, re-drill well #4, automate our water readings." He stressed, "We need to be careful that were not chipping away so much at these fees that we hard that, but he does agree on treating the public fairly."

Mayor Cordova asked if there was anyone from the public with comments or concerns.

Michelle Tafoya, resident of Los Lunas stated that she has property in Belen and pays a water bill in Belen. She claims that the water bill here is a little high. She pays water, electric and gas bills for her tenants. She pays her bill once every two months, and she doesn't receive a late fee. She believes when they say in their billing, *there will be a late fee*, is after a certain amount of time.

There were no more public comments, and this portion of the meeting was closed.

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL OR DISAPPROVAL OF THE PROPOSED ORDINANCE AMENDING CHAPTER 13.12 OF THE CITY OF BELEN CODE OF ORDINANCE; SECTION 13.12.100 ENTITLED “DELINQUENT ACCOUNTS”: FRANK ORTEGA, COUNCILOR**

Mayor Cordova asked for a motion on this item. Councilor Frank Ortega made a motion to relieve the 10% along with lines number 1 and 2 of 13.12.100. Mayor Cordova stated that there is a motion to select option 1 which is to remove the late fee. Councilor Cordova asked for a second. Councilor Wayne Gallegos seconds the motion.

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	No	Motion Carried

**APPROVAL OR DISAPPROVAL OF THE RESOLUTION ADOPTING THE VALENCIA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN: Manny Garcia, Fire Chief**

Chief Manny Garcia explained that there was a grant in place in 2003 to develop the Multi-Jurisdictional Hazard Mitigation Plan. Since then, has already expired. Chief Garcia stated that this plan will help receive other types of funding opportunities. Chief Garcia reported that the Plan has to be revised every five years, and the Camino de Llano Ponds are the priority in that plan. Councilor Gallegos informed everyone that this is the same Plan, but it is getting updated and has been accepted through the County and State. Chief Garcia added that the Plan has been reviewed and approved through FEMA and now it needs the adoption process. Councilor Carter pointed out that all he has is a resolution and not the Plan. He wanted clarification that everyone of importance has read the Plan, and he doesn't need to review it. Chief Garcia said it is over a 100 pages; he will have a copy at the Fire Department and the Library for reference. Chief Garcia will be setting up a monsoon flooding tabletop exercise.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos made a motion for approval of the resolution adoption Valencia County Multi-Jurisdictional Hazard Mitigation Plan. Mayor Cordova asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE CHANGE ORDER FOR THE BELEN RECREATION PARK COMMUNITY IMPROVEMENTS PHASE III: John Best, Engineer**

John Best passed out a copy of the projected final cost of the project. The City had a savings of about \$8,500. He reported that the preauthorized change order was for 68,500; a copy of that change order is attached hereto and made an integral part of these minutes by reference. The change order was necessary because the drop-in wasn't rated for traffic; it was plastic. They replaced the drop-in with a steel grade on top. They had to thicken the concrete; thicken the sidewalk. They placed gates on the basketball courts to allow cars to have access the day of any car show event. They had to put in bales of hay to prevent the silt from going into the channel. He reported that we saved money on the riprap, by putting in pipe. They found out that standard color for the fence was black, and they preferred beige. As per John Best, that totaled (?)414,300; we should have 40,000 left in the contract. There are some tripping hazards in front of the community center; we want to fix that. He checked prices for automated doors; that's about \$7500. He added that Lawrence wants a camera west of the restrooms. Councilor Gallegos suggested adding a bigger flag pole if there is any money left. Councilor Carter

asked what preauthorization meant. John answered that it is a term that they use; just like allowance for testing. It is placed in there just in case there are any change orders. Councilor Gallegos added “anticipated”. Councilor Ortega pointed out since there were no utilities to relocate they saved 5,000.

Mayor Jerah Cordova asked for a motion. Councilor David Carter motioned to approve the change-order for the Community Center Project. 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

## **INFORMATIONAL ITEMS**

### **CITY MANAGER’S REPORT**

Jay gave a report to the Council earlier. He reported that he added a couple more items. The Street Sweeper is in the repair shop and will be there for two weeks. A Cleaning Services Contract has been signed and is now in full force. There is a Camino de Llano Ponds pre-con tomorrow. He has been talking with Molzen and Corbin for the re-drilling of well number 5, and the drinking water state revolving fund for electronic meter readings. The project will be roughly 1.2 million dollars; the City qualifies for it for being an indigent area. He received a call from Mario with Wilson who wanted to know if the Council would approve a resolution for applying to the Water Trust Board for the Reid Mae Pond. He mentioned that it’s one or the other; and will discuss it with the Council after he looks into it further. Councilor Carter asked about the Aragon properties. Jay answered that Valene is waiting for word from the Dept of Transportation. He stated that Valene has gone to their supervisor and she should get word this week. Councilor Carter stated that the eagle should be painted on the tank this week. Councilor Ortega pointed out that the newspaper reported that the repairs to East Ross would cost nearly 1 million dollars, but after speaking with Dale, Public Works Director, to fix the infrastructure on East Ross would be 110,000, which is 10% of one million dollars. Councilor Aragon stressed that we can self-fund this project. Councilor Ortega pointed out that since the City is not even sure if Orchard Road is in the City limits; we can move the MAP monies from Orchard to East Ross to pave the road also.

## **COMMUNICATION FROM CITY COUNCIL**

**Councilor Frank Ortega:** He went on the Tour of Belen to look at different issues affecting the City. He reported that they are working on Anna Becker Park to clear out the sand pit. He liked the new door they placed at the Community Center. He attended the Grant Meeting for USDA and other grants. He participated in Trinnie Birthday Planning Session. He announced the RSVP Luncheon will be April 11, 2015. He attended the Little League Parade on Saturday. He also went on vacation to Ruidoso.

**Councilor David Carter:** On the 18<sup>th</sup> he took the City Tour; they got to see East Ross and the light poles in the parking lot. He participated in, on the 24<sup>th</sup>, the initial meeting for the Follow the Star Event. The Event will be held at Eagle Park this year. He had a Communications Meeting to discuss communication with the community; they are finding a way to reach out to everybody on events. He saw an Email release from Governor Martinez’ Office regarding signed legislation which created a commission to bring state local and tribal stake holders to establish the Rio Grande trail which would stretch from Colorado to Texas. The Bill passed the legislation with strong support. He would like for the City to get more information on the issue and put forth Belen’s support.

**Councilor Wayne Gallegos:** He participated in the Tour of Belen, the Grant Coordination Meeting and Trinnie’s Birthday Planning Session. He announced that Trinnie Birthday Party will be this Saturday. He reported that on the 30<sup>th</sup>, the new route took place regarding garbage. He received calls in reference to garbage

pick-up on Friday; a whole street was missed. He called Jay, who made contact with Waste Management, they sent out a truck and finished the route by 4:00 P.M. that same day. He stressed that it would be nice to support the trail that Councilor Carter mentioned earlier. He reported that Amtrak will stick to the north side. He attended a funeral for a former employee; he is the father of one of our employees.

**Councilor Darleen Aragon:** On the 18<sup>th</sup>, she had an Economic Development Meeting. On the 21<sup>st</sup> she participated in the Garden Clean-Up. She attended the Chamber Board Meeting, the MainStreet Meeting and the Belen Greater Belen Chamber Luncheon. She reported that on Good Friday, a little old lady was mugged at Lowes. They took her oxygen tank and purse. Chief Robb stated that they are getting a warrant for the person.

**Mayor Jerah Cordova:** On March 18<sup>th</sup> he attended the MainStreet Meeting and the City Tour. On the 21<sup>st</sup> he participated in the Community Garden Clean up and a Citizen’s Meeting. He attended the Communication Meeting to discuss strategies and events being held in the community. He had a meeting to discuss the utility bill; they are looking at potential reorganization. He had an Animal Control Meeting for potential improvements. He participated at an event at Rancheros, and Little League Opening Day was on that same day.

**ADJOURNMENT:**

Mayor Jerah Cordova asked for a motion to adjourn tonight’s Regular City Council Meeting. Councilor David Carter motioned to adjourn. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

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Wayne Gallegos, Mayor Pro Tem

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Leona Vigil, City Clerk, CMC