

**REGULAR CITY COUNCIL MEETING**

**August 17, 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

**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 for approval of the Agenda. Councilor Frank Ortega moved to approve the agenda. Mayor Jerah 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	Motioned Carried

**APPROVAL OF MINUTES**

Mayor Jerah Cordova asked for an approval of the Minutes dated July 31, 2015. Councilor Frank Ortega motioned 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	Motioned Carried

Mayor Jerah Cordova asked for an approval of the Minutes dated August 3, 2015. Councilor David Carter motioned to approve the Minutes. 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	Motioned Carried

## **COUNCIL COMMENTS**

**Councilor Darleen Aragon:** As the president of Main Street, they believe the nativity scene is part of our history and culture. She remembers Theresa Tabet putting up the plaque.

**Councilor Gallegos:** He mentioned that Veguita is known as San Juan. He stated that at one time towns were named after their church. Belen at one time was called Nuestra Senora de Belen then it was dropped to Belen.

**Councilor Ortega:** He stated that in 1741 this town was called our Lady of Belen. He added that we come from a Mexican Spanish heritage; we are all Christians and tax payers. He will stand side by side with the Mayor

**Councilor David Carter:** He mentioned that his first reaction was unchristian like. He stated that the Bill of Rights passed with the 10 amendments, and the 10<sup>th</sup> one has been lost. "Go back to the transcripts and read the minutes you can see the intent our founding fathers had." The intent is not to corrupt on one sentence, it was to impose a right to religious freedom. He reminded everyone that this work of art was donated to the City as part of a family's beliefs; that our father sent his only son. "He is there for our salvation."

## **PUBLIC COMMENTS**

**Jan Johnson:** She read and presented a speech in favor of the Nativity Scene. A copy of that speech is attached hereto and made an integral part of these minutes by reference.

**David Barron:** He had a concern with Third Street between Baca and Becker. He reported that there are large potholes in that area, some a foot deep, that are causing damage to vehicles. He turned in a petition signed from all the neighbors. He stated that the City comes and patches it, but it doesn't last but a few days. "It's right around the school. What does it take?" Mayor Cordova advised Mr. Barron that he will add it to the list of priorities.

**Naomi Vasquez:** She asked why the City can't allocate some of the money from the Rail Yards. Third Street has buses going through it daily. She also suggested that partial of the money the City receives from the movie industry should go towards the roads. She does not believe that City funds should be used to fight the Nativity Scene. She mentioned that Nativity means House of Bread and House of Meat. Catholic, Jew, out town is not named nativity. She stated that it should be donated to a church.

**Bobby Montiel:** "One nation under God." "It should stay there."

**Greg McFerson:** He is the Pastor of First Assembly Church. He thanked the Mayor and Council for their stand, and he wanted them to know that they will not be by themselves. He added that money will come in, when people believe in something. "We encourage you to follow the motto, never give up."

**Ernie Salazar:** He stated that his home may not be in Belen, but his heart is. He mentioned that the railroad brought him here. "We have some work to do, because there are no younger people here tonight." He added that we have to remind our youth of our culture and heritage.

**Jay Peters:** He spoke on behalf of MainStreet. He apprised the public that they are in charge of protecting the City's history and culture. They held an Emergency Board Meeting and they voted to support this Council with this fight. He doesn't want to lose; the nativity scene is attached to Belen. He informed the public that there is a "Go Fund Site"; there is \$700.00 already donated.

**John Kennedy:** He is the Pastor of a local church. He informed the Council that there is a group of pastors that have an alliance with a group called The Alliance Defending Freedom, they will come and represent the City of Belen if the City so desires. They are another group of people that are behind this issue 100%.

**Marcella Trujillo Melendez:** She stated that her family has been here forever. She wanted to let everyone know that the people that settle Belen came from Spain, where they have towns named Albuquerque, Belen Trujillo and Magdalena. She stated, “Belen is Bethlehem; it’s totally logical that we would have a Nativity Set”. “Belen and Bethlehem are interchangeable; this is our symbol”. We need to preserve and pass on our history and our culture to our children.

**Dicky Romero:** He asked the public who was for and against the Nativity Scene, he asked for a raise of hands. All but one in the audience was for, there was one against. He said case closed.

**Frank Lopez:** He said this is absurd. It’s not going to happen. Case closed.

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

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL OR DISAPPROVAL OF THE TASK ORDER FOR THE CONSTRUCTION ADMINISTRATION, OBSERVATION AND TESTING FOR THE RUNWAY 13-31 PROJECT: Mike Provine, Molzen & Corbin**

Mike Provine reminded the Council that they had a design contract and now we are in the construction phase, which is the next step. He informed the Council that the Task Order was budgeted in the grant with State Aviation; 90% state grant 10% is the city. He mentioned that they budgeted high on this, but he believes it will come in lower.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to approve the task order. 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	Motioned Carried

**APPROVAL OR DISAPPROVAL OF THE CHANGE ORDER FOR THE EAGLE TANK REPLACEMENT PROJECT: John Best, City Engineer**

John Best reported that this is the first and final change order for this project. He stated that the City has a savings of about \$23,000, and the job is finished. Councilor Frank Ortega pointed out that because the project was self funded, the money will go back to the City and can be used on other projects.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to accept. Mayor 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	Motioned Carried

**APPROVAL OR DISAPPROVAL OF THE MEMO OF UNDERSTANDING BETWEEN BELEN CONSOLIDATED SCHOOL AND THE CITY OF BELEN FOR A SCHOOL RESOURCE OFFICER: Dan Robb, Police Chief**

Chief Dan Robb informed the Council that this MOU is done with the Schools every year. He added that the only thing that has changed is the date. Chief Robb informed the Council that Enrique Valdez will be this years SRO. The Police Department gets reimbursed for the SRO's salary from the Schools.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to accept the MOU. Mayor Cordova asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	Motioned Carried

**APPROVAL OR DISAPPROVAL OF THE DESTRUCTION OF RECORDS: Leona Vigil, City Clerk**

Leona informed the Council that as per the NM Administrative Code, she must receive approval from the City Council before destroying any records. She presented a resolution permitting the destruction with an attachment of records to be destroyed; a copy of those records are attached hereto and made an integral part of these minutes by reference. She reported that the records are from 1999-2009 and are coming from the Police Department. Councilor Ortega asked what it meant to destroy the records. Leona answered that Adelante will be coming in on Wednesday and will be shredding 100 boxes. She informed the Council that she signs a confidentially agreement, making sure all records have got there and all records have been destroyed. She added that she gets a certificate of destruction. Mayor Cordova asked about the retention for three years, should we be destroying records through 2011. Leona answered that she would like to, but she was going off of what the Police Chief gave her. Chief Dan Robb advised Leona that we can go ahead and destroy through 2011.

Mayor Jerah Cordova asked for a motion. Councilor David Carter pointed out that an amendment would have to take place on the list to reflect citations and parking violations are destroyed through 2011. Councilor Frank Ortega motioned to approve the Resolution for the Destruction of Records. Mayor Cordova asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	Motioned Carried

**DISCUSSION**

**PANHANDLING ORDINANCE: Jerah Cordova, Mayor**

Mayor Cordova reminded everyone that this was discussed at a prior meeting. He informed the Council that he added provisions that they suggested at the last meeting. Mayor Cordova stated that they wanted to find a way to protect minors that are involved in panhandling. Councilor Ortega informed the Mayor that he did address minors, but he did not see any provisions on where they can get help or where we are to direct them to. Mayor Cordova asked the Police Chief if CYFD would get involved. Chief Robb answered yes if they are in danger. Councilor Ortega asked where panhandlers are referred to. Chief Robb added that they don't. Councilor Aragon stated that we don't have any programs here. Mayor Cordova asked Leona to run the ordinance by attorney and bring before again for a vote.

**INFORMATIONAL ITEMS**

**CITY MANAGER'S REPORT**

Jay Ruybalid reported that he enjoyed National Night Out. The Ribbon Cutting on August 6<sup>th</sup> was very successful. He has had meetings with Ronnie Torres and Steve Tomita in reference to advertising in NM Tourism Magazine and the Rail Runner. He and Lawrence have met with a contractor to do a Web-Site design, which would include an Economic Development web-site. He advised the Council that mowing on Vivian and

Carter Park starting this Friday, Rosedale is almost done and Edward Drive is almost done. The Parking lot funds were approved by the state, 154,000 for the parking lot behind the senior center. Construction on the Airport Runway began on August 10<sup>th</sup>. He participated in the Audit Entrance Conference. TLC is paving the area west of the Fire Department for drainage issues. Councilor Ortega asked about the status of speed humps on Vivian. Jay answered that Dale has a concern regarding funding; he wants to wait until all the bills come in for the current road projects to proceed with that. Councilor Ortega suggested renting equipment to fix the potholes so that they are done properly. Jay answered that he will look into that. Councilor Carter asked when the State Revolving Fund was due. Jay answered it was due the end of May. Councilor Carter then asked when we are going to start working on the application for the well. Jay answered that it will take 6-9 months for the engineering report, which started in May, so by the end of December it will be known if we receive the funds for the electronic meter readings. He added, if not funded, we will proceed with that application or consider self funding. Councilor Carter asked about the work backed up at the attorney office. Councilor Carter would like to get a list of pending items and when they were submitted. He stressed that we need to give the attorney a due date.

### **COMMUNICATION FROM CITY COUNCIL**

**Councilor Frank Ortega:** He attended the Water Tank Ribbon Cutting, the Descanso Presentation at the Harvey House and the Fiestas; all events had a great turn out. He participated in the Economic Development Workshop; he mentioned that we have a direction now.

**Councilor David Carter:** He attended the School Employee Luncheon, the Water Tank Ribbon Cutting and the Ribbon Cutting for the Family School. He met with the Economic Development Director regarding the Film Flight and Food Event; they will be posting on some National Web-Sites for the films. He attended the audit entrance meeting this afternoon. "School is now in session, watch for School Zones".

**Councilor Wayne Gallegos:** He asked the Mayor and Council to keep an eye on the consumer price index, which Waste Management uses to control their prices. He added there was a 0.8 increase, and of course a fuel surcharge. They are planning to work on the markings that are on the parking lot west of the Senior Citizens Building. He added that the contracts for the exercise equipment and kitchen equipment are in. He stated that there have been a whole lot of problems with the ponds regarding lines. He stressed the safety issue with the flag man on the ponds project. He attended National Night Out, Ribbon Cuttings and the Economic Development Workshop. He attended the Older American Program Meeting where they addressed the needs of the Senior Centers.

**Councilor Darleen Aragon:** She has only heard one complaint on the Nativity Scene. She attended the State Employees Credit Union School Employee Luncheon, Ribbon Cuttings, Economic Projects and the Audit Entrance Meeting. She was concerned with the rock throwing incident on south Main Street, several businesses were hit. Chief Robb stated that there were broken windows on South Main, but there are no suspects at this point. A gentlemen from the audience informed Chief Robb that he had surveillance.

**Mayor Jerah Cordova:** He participated in National Night Out, Citizen Meetings and the Economic Development Workshop. He was the Key Speaker at the Educator's Luncheon. He participated at the Eagle Tank Ribbon Cutting Ceremony, and the Downtown Master Plan, the final draft is ready. He attended the Los Lunas hospital meeting, Harvey House Descanso Exhibit, OLB Fiestas and the MainStreet Meeting on August 5<sup>th</sup>. He had a meeting with a County Commissioner, and they discussed issues in Valencia County. He attended a Small Business Award Ceremony at Sisneros Bros; they were being recognized for working with Sandia Laboratories on innovation of new technology.

### **EXECUTIVE SESSION**

#### **AN EXECUTIVE SESSION TO DISCUSS LIMITED PERSONNEL MATTERS REGARDING THE CITY CLERK DUTIES AS ALLOWED PER THE OPEN MEETINGS ACT (10-15-1)**

Mayor Jerah Cordova asked for a motion to go into executive session. Councilor Wayne Gallegos so moved. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

Councilor Frank Ortega      Yes  
Councilor David Carter      Yes  
Councilor Darleen Aragon    Yes  
Councilor Jerah Cordova      Yes      Motion Carried

Mayor Jerah 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 Darleen Aragon seconds the motion. Roll Call Vote:

Councilor Frank Ortega      Yes  
Councilor David Carter      Yes  
Councilor Darleen Aragon    Yes  
Councilor Jerah Cordova      Yes      Motion Carried

Mayor Jerah Cordova asked for a motion that discussion was limited to personnel matters and no action was taken. Councilor Gallegos so moved. Councilor Frank Ortega seconds the motion. Roll Call Vote:

Councilor Frank Ortega      Yes  
Councilor David Carter      Yes  
Councilor Darleen Aragon    Yes  
Councilor Jerah Cordova      Yes      Motion Carried

**EXECUTIVE SESSION**

**ADJOURNMENT:**

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

Councilor Frank Ortega      Yes  
Councilor David Carter      Yes  
Councilor Darleen Aragon    Yes  
Councilor Jerah Cordova      Yes      Motion Carried

/s/ \_\_\_\_\_  
Jerah Cordova, Mayor

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