

## REGULAR CITY COUNCIL MEETING

February 2, 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 Frank Ortega  
Mayor Pro-Tem David Carter  
Mayor Jerah Cordova

**ABSENT:** Councilor Darleen Aragon  
Councilor Wayne Gallegos

**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 Jerah Cordova asked to remove 7C from the Agenda; the presenter was unable to attend tonight's meeting. With that, Mayor Cordova asked for a motion to approve tonight's agenda. Councilor Frank Ortega made a motion to approve. Mayor Cordova asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor David Carter        Yes  
Councilor Frank Ortega        Yes     Motion carried

### APPROVAL OF MINUTES

Mayor Jerah Cordova asked for an approval of the Minutes dated January 16, 2015. Councilor Frank Ortega moved to approve the Minutes. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor David Carter        Abstained  
Councilor Frank Ortega        Yes     Motion carried

Mayor Jerah Cordova asked for an approval of the Minutes dated January 20, 2015. Councilor Frank Ortega moved to approve the Minutes. Mayor Cordova asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor David Carter        Yes  
Councilor Frank Ortega        Yes     Motion carried

### PUBLIC COMMENTS

**Manny Garcia:** Fire Chief for the City of Belen reported that the Department received a monetary donation from Herb Smith from Belen. They also received a Thank You Card from Helen Lamane. Helen commended the Department on the job they did at the Super 8 last month when it caught on Fire; she was an occupant at the Super

8 Hotel at the time. A First Responders Appreciation Event was sponsored by St. Mary's School last week; students handed out personalized thank you cards and gift bags.

**Mike Moreno:** A volunteer for the Belen Harvey House reported that they have been working with the New Mexico Museum of History. He was proud to announce that the NM Museum of History has included artifacts and pictures from the Belen Harvey House in the 2015 main exhibit of the Harvey Houses of New Mexico.

*There were no more public comments. Mayor Jerab Cordova closed the public comment portion of the meeting.*

## **PRESENTATIONS**

### **INTRODUCTION OF MIKE HAMMAN, NEW CEO/CHIEF ENGINEER FOR MID RIO GRANDE CONSERVANCY DISTRICT: John Paiz**

Johnny Paiz serves on the Board of Directors representing Valencia County. He announced that Mr. Shaw retired on January 19<sup>th</sup>. Mr. Paiz introduced the Council to Mike Hamman. Mike Hamman claimed that he is very pleased to have been selected to fill Mr. Shaw's shoes. He stressed that he wanted to get out and meet local government officials to establish new relationships. Mr. Hamman gave a brief summary of his background. He plans to avail the Conservancy to the City of Belen, including public outreach and city council meetings. The Council welcomed Mr. Hamman.

### **SECOND QUARTER REPORT: ROSEANN PERALTA, FINANCE DIRECTOR**

Roseann informed the Council that she submitted the Second Quarter Report to DFA last week. A copy of the report is attached hereto and made an integral part of these minutes by reference. She stated that this is the first half of the Fiscal Year, and all departments should be at 50% on revenues and expenses. She reported on cash and investments: General Operating is at 6.3 million. Reserved amount is at 3.7. Trust Accounts are at 117. General Funds: Revenues are at 51 and expenditures are at 54%. Special Revenues which include EMS, Fire, Corrections, Lodgers, Law Enforcement, Rec and Senior Citizens: Revenues are at 58% and expenditures are at 29%. Other Miscellaneous Funds, which includes part of the GRT to cover debt, Martin Luther King, Department of Justice, Property Abatement, TIF and Confidential are at 58% in revenue and expenditures are at 29. Projects include Eagle Park, Airport, Eagle Tank, Camino Ponds, and Christopher Phase II. She reported that the City has all the money to cover the expenses. The City is up to date on its payments. Enterprise Funds; Water Fund: revenues are at 55% and expenditures at 41%. Solid Waste revenues are at 50% and expenditures at 48%, Waste Water revenues at 52% and expenditures at 34%. She explained that the Internal Trust Account is meter deposits and the community garden. She informed the Council that the Water Dept. has two vehicles on order. The Street Department has one vehicle on order and a Salt Spreader. She is starting on the new budget; Department Heads are asking for newer equipment and people. Councilor Carter asked if the property tax is at 25% because of timing; Roseann answered yes. Councilor Carter asked Roseann if the GRT increase imposed by the County will affect the City. Roseann is not sure, but advised Councilor Carter that she let businesses know. Councilor Carter noticed that out of the General Fund, Finance and administration is running 62.93; Roseann replied the reason is because she had to pay a very large unemployment comp bill from the general services department for all the employees on unemployment and for the insurance premium paid to the City of Albuquerque. Councilor Ortega sought confirmation that the GRTs went from 7.8125 to 8.123; Roseann stated that was correct. Mayor Cordova asked what amount is in the Parks Projects Fund; Jay Ruybalid answered that they have spent at least 40,000, and there is close to 50,000 remaining. Mayor Cordova asked if there was money going to be left over from the Eagle Park Project; Roseann answered that as far as she understands all of the funding will be spent. Mayor Cordova asked about the airport fund; Roseann answered that once the airport begins to grow and increase in activity, it will switch over to an Enterprise Fund. Lastly, the Mayor asked about the status of the Court Fund; Roseann replied that it is good.

## **DISCUSSION WITH POSSIBLE ACTION**

### **APPROVAL OR DISAPPROVAL OF THE MOU AGREEMENT BETWEEN THE CITY OF BELEN AND MAINSTREET: JAY RUYBALID, CITY MANAGER**

Jay informed the Council that this was the same MOU that was discussed in the January 16th Workshop. He stated that it was decided to make a correction regarding the budget portion. In addition, the in-kind service that

the City was offering was taken out and he had the dates changed. With the Council's approval, he recommends the passing of the MOU. Councilor Carter asked about the in-kind service. Jay stated that there will be no in-kind service at all; which, is something that Rhona had taken out when she came to that workshop. Councilor Carter asked for clarification that the income from the City would be \$25,000; Jay answered that was correct.

Mayor Jerah Cordova asked for a motion. Councilor Frank Ortega moved to approve the MOU. Mayor Cordova asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor David Carter            Yes  
Councilor Frank Ortega            Yes     Motion carried

**APPROVAL OR DISAPPROVAL OF THE RIGHT OF FIRST REFUSAL OF THE RANCHO CIELO'S WATER RIGHTS: STEVE TOMITA, P & Z DIRECTOR**

Steve Tomita recommended breaking out into an executive session. Charles Rennick stated that the annexation agreement provides a 45 day notice period for the right of first refusal which was provided before the New Year. Charles explained, if the City does not act, it is considered as waived. He went on to say that in this case there are certain conditions of the exercise of the right. He stressed, if the conditions have not been met, the time period is irrelevant. He further explained; if the Council does nothing, or take formal action to waive the right of first refusal, it will trigger the next step. He mentioned that Rancho Cielo needs the City's assistance.

**Councilor David Carter moved to go into an executive session. Councilor Frank Ortega seconds the motion. Roll call vote:**

Councilor David Carter            Yes  
Councilor Frank Ortega            Yes     Motion carried

**Mayor Cordova asked for a motion to return to the open meeting. Councilor Ortega moved the motion. Councilor Carter seconds the motion. Roll Call Vote:**

Councilor David Carter            Yes  
Councilor Frank Ortega            Yes     Motion carried

**Mayor Cordova asked for a motion that water rights were discussed and no action was taken. Councilor Carter moved the motion. Councilor Ortega seconds. Roll call vote:**

Councilor David Carter            Yes  
Councilor Frank Ortega            Yes     Motion carried

Mayor Jerah Cordova asked for a motion of the right of first refusal of the Rancho Cielo's Water Rights. Councilor David Carter moved to table the issue. Mayor Cordova asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

Councilor David Carter            Yes  
Councilor Frank Ortega            Yes     Motion carried

**DISCUSSION**

**AMENDMENT TO CHAPTER 13.12, UTILITY RATES AND CHARGES; SECTION 13.12.100, DELINQUENT ACCOUNTS OF THE CITY OF BELEN MUNICIPAL CODE, WHICH WOULD ALLOCATE A 10 DAY GRACE PERIOD ON ALL UTILITY BILLS.**

Councilor Frank Ortega has been informed by constituents that the utility bills do not have a grace period. He would like to propose a 10 day grace period to give constituents time to pay them. He mentioned that some individuals are on Social Security or don't receive their checks on time. He reported that if you miss one day over here, the next day they get served an \$8.00 service charge. He is hoping by implementing this can avoid a lot of the problems were having. Councilor Ortega informed the Council that he went over the City's audit, and he discovered there were a lot of problems with the water bills. One account was led up to over \$199,000 because they hadn't paid their water; but according to city ordinance, after 30 days water should be turned off. Councilor Ortega stated that he knows that he received slack on the \$3.00 that they stopped by not raising the 5% of the water bill, and that was only \$108,000. He would like some type of grace period, and would like to hear discussion to help the constituents. Councilor Carter stated no matter what the date is; it is always coming to that. He added no matter what the date is; someone is going to miss that date. Leona interjected for clarification that late fees are 10% of your utility bill. Councilor Ortega read the City ordinance on delinquent bills, and he pointed out that the City is not treating everybody the same. He mentioned the bill that was over \$199,000; "if they didn't meet the 10% surcharge they have for them, they automatically shut their water". Councilor Ortega stated according to the State of New Mexico City of Belen Annual Financial Report, there were 25 accounts given credit that were not justified. The total credits given was \$120,575.78; "we can't afford to be giving water away". Councilor Ortega made a comparison of the \$3.00 they saved off the 5 % increase for the year came to a total of \$108,000; this water customer owes over \$199,000. Charles Rennick reported that individuals currently have approximately 15 days to pay their bills. Councilor Ortega pointed out that the utility bills service dates ranges from 25 days to 35 days. Jay stated that if he understands correctly, the billing is from the beginning of the month to the end of the month, but the meter reading date varies. Leona explained that the water is serviced from the last meter read date to the current read date, which sometimes does go over 30 days, but the garbage, sewer and other fees are from the first through the 30 or 31<sup>st</sup> of that month. Councilor Ortega asked if the 10% is on the entire bill. Leona answered yes, it is. Leona informed the Council that when she was in the department she would allow 2 to 3 days for all the mail, depending on weekends and holidays, before assessing late fees. Councilor Ortega stated that he is not sure if a 10 day grace period is needed, "it could be just 5 days needed; that's why it's up for discussion". Councilor Carter stated that whether it's 10 days or 15 days, it will just lengthen the days due after the bill is received; "They are still going to be late". Councilor Carter stressed that he is concerned with the consistency of the meter read dates. Councilor Carter was fine with adding five days to the due date, "but do not make it to where you can't get the next bill out". Councilor Ortega stated that if it's not the grace period that will help, maybe reducing the late fee will. The Mayor agreed with that.

#### **AMENDMENTS TO THE SCOPE OF WORK ATTACHED TO RESOLUTION NO. 2014-03; NMDOT MAP LOCAL GOVERNMENT ROAD FUND PROGRAM: JAY RUYBALID, CITY MANAGER**

Jay reported that there are a couple of funding grants that are available for the Eagle Lane Project; MAP monies is in the amount of \$213,000 and COOP monies in the amount of \$115,000. In talking with Dale, Public Works Director, they had the thought that these monies, which are dedicated for Christopher Road, could be moved to other projects. Jay informed the Council that the COOP Grant can be allowed for other projects; it does not specify Christopher Rd. The MAP monies specifically states for Christopher Rd. Jay spoke with the Department of Transportation, and they stated if the Council and Mayor decide to approve this, they would just have to change the scope of work. The scope of work would match that of the COOP Grant which indicated the monies can be used for a variety of road projects. He and Dale discussed; if the Council approved this, using these monies for other projects Dale felt were more pressing. Councilor Carter asked if Jay had a list of those pressing projects. Jay replied Orchard, Wisconsin, Lopez Lp, Roldan Dr, Martha Jean, and Edward Drive. Councilor Ortega stressed that he did not hear East Ross. Jay wrote that down. Mayor Cordova stated it is likely the issue will be at the next meeting for action.

#### **INFORMATIONAL ITEMS** **CITY MANAGER'S REPORT**

Jay advised the council that he is sending out the City Manager's Report ahead of time, because there is so much going on. He wanted to point out the roof work that took place at the Harvey House, which was an emergency repair. He mentioned that a Structural Engineer will come out this Friday to look at the Harvey House roof and added that all this should be taken care of through insurance reimbursement. He reported; the water and sewer line repairs were completed on Fifth Street last week. The Community Center will begin opening all day on Fridays and Saturdays (an extra 12 hours) beginning in March. The Camino de Llano Ponds Pre-Bid Conference is tomorrow, and the Bid Opening is February 19<sup>th</sup>. Charles Rennick has completed the changes to the Sign Ordinance, and it will go before the P & Z Commission for recommendation. The work to complete the project for Lorraine Court needs a pump and electrical work which could cost about \$22,000. Councilor Ortega does not know why the Sign Ordinance has to go before the P & Z Commission, being that this Council has already heard it. Mayor replied that the P & Z Board needs to be aware of the changes since they are the Review Board.

### **COMMUNICATION FROM CITY COUNCIL**

**Councilor Frank Ortega:** He reported that the City Matanza Team took 3<sup>rd</sup> place for specialty item at the Annual Hispano Matanza, and he congratulated the Belen Schools for their wins. Councilor Ortega personally thanked everyone that helped with the City Matanza Team. He attended Senior Citizen Day in Santa Fe and met with Senators Sanchez and Tripp. He attended the Retirement Party for the Los Lunas Fire Chief. He reminded everyone that School Board Voting Day is tomorrow.

**Councilor David Carter:** He provided the bus for the Senior trip. He reiterated what Councilor Ortega and announced School Board Election is tomorrow, and there are a couple of questions on the ballot for UNMVC. He participated in the Celebrate Belen Debrief Meeting on the Follow the Star Event; they are already planning for next year. He attended and delivered the pigs for the Matanza.

**Mayor Jerah Cordova:** He attended the Hispano Matanza and participated in the Kissing the Pig Contest; State Rep Fajardo won the contest. He attended the Matanza Wrap up Meeting; Clara mentioned that 10,000 tickets were sold, and about 13,000 showed up. He attended the St. Mary's First Responders Event; students honored the City's first responders. He attended the Belen School Meeting; they discussed a possible Charter School that they want to establish in Belen. He and Jay had lunch with Los Lunas' Mayor Griego and discussed a lot of non-contraversal issues which was a great start to a dialog in a relationship between the City and the Village. He had a meeting with Tina Ziuk; she is trying to establish a Valencia County wide economic development organization. He had an update meeting with PNM.

### **ADJOURNMENT:**

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

Councilor David Carter	Yes	
Councilor Frank Ortega	Yes	Motion carried

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Jerah Cordova, Mayor

ATTEST:

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Leona Vigil, City Clerk, CMC