

**REGULAR CITY COUNCIL MEETING**

**July 6, 2015**

**6:00 P.M.**

Mayor Pro-Tem Wayne Gallegos 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  
Councilor David Carter  
Councilor Frank Ortega

**ABSENT:** Mayor Jerah Cordova

**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 Pro-Tem Wayne Gallegos asked Marinus Sanchez to lead the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mayor Pro-Tem Wayne Gallegos asked for approval of tonight's agenda. Councilor Frank Ortega asked to add executive session to the agenda to discuss limited personnel matters as permitted by the Open Meetings Act. Mayor Pro-Tem Wayne Gallegos asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

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

**APPROVAL OF MINUTES**

Mayor Pro-Tem Wayne Gallegos asked for an approval of the Minutes dated June 15, 2015. Councilor David Carter motioned to approve the Minutes. Mayor Pro-Tem Gallegos asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

**PUBLIC COMMENTS**

**Telles Sanchez:** He thanked everyone that helped with the sewer line and redoing the street on Ross. He reported that there is still a speed control issue in that area. Mayor Pro-Tem Gallegos asked Police Chief Dan Robb if he could place the speed limit sign trailer on the road. Mr. Sanchez also reported that one of the speed hump signs is tilted forward.

Mayor Pro-Tem Wayne Gallegos asked if there was anyone else with public comments. There were no more public comments at this time and Mayor Pro-Tem Gallegos closed this portion of the meeting.

## **PRESENTATION**

### **CHRISTOPHER ROAD AND POND PROJECT UPDATE: Chris Perea, Wilson & Co.**

Chris Perea reported that Christopher Road is just about completed. There is around 30 to 35 thousand left from the project, which came from the State Road Fund. The remainder can be applied towards other fees of the project; engineering or construction management.

Councilor Ortega asked if the water break, on Friday, affected Christopher Rd. Chris replied that the water break affected Camino de Llano more than Christopher Road. However, there was some reminiscence that flushed through the entire system.

Councilor Carter announced, "The roundabout is gone". Chris informed the Council that there is some minor striping in a couple of areas and some signs that need to come down.

Camino de Llano is in its fourth month. They have had some under-runs on the 12" and 18" water line. They have had some conflicts which they anticipated with NM gas, that has been taken care of. They have had to make slight modifications to the design. He stated that the big hurdle is the equalizer pipes that go under Camino de Llano that tie both ponds together. He explained, there is a sewer line underneath, the equalizer pipe in the middle, fiber optics going through the line and the water line just at the top of the equalizer pipe. He reported that they are going to have to move the fiber optics line. They are also going to try to squeeze the equalizer pipes between the sewer and water lines. He claims, there is a chance they may have to raise the water a little.

Mayor Pro-Tem Gallegos asked if this will affect the timeline. Chris answered that it shouldn't affect the overall schedule. Chris believes the project should be complete around the end of August or September. Mayor Pro-Tem asked if opening up the existing drains on Camino is part of the scope of work. Chris answered yes, that is correct.

Councilor Ortega asked if there was going to be any additional cost. Chris answered, no. They already accounted for it in the budget, under utility allowance. Councilor Ortega asked what if the allowance wasn't needed. Chris explained that in this case, it's a grant/loan combination; there are capital outlay funds and clean water revolving fund involved. He further explained that they will spend the capital outlay first and then the City won't have to borrow so much money on the grant/loan.

### **DEPARTMENT(S) UPDATE: Roseann Peralta, Finance Director**

Roseann gave a brief update of the departments she is in charge of. The Utility Billing Department has been cross training and trying to stay on top of the Waste Management audit they do each month. The Utility Department has compiled two new forms; billing adjustment guidelines and a form that indicates when the bill is due, when it is late and the shut off process. Customers must sign the forms and they are kept on file. Human Resources is busy with the new hires. Lucy is 99% complete with the salary study. They are hoping to bump up those that are severely under paid at mid-year. The Payroll Department will start a new process using the time clock software they purchased years ago. That Time Clock Company is working with Caselle to transfer the data. Mayor Pro-Tem Gallegos verified that this will not eliminate any employees in the Payroll Department. Roseann clarified that it will not take away from the department, there is still a lot to do. The IT Department has been helping with the payroll process. IT is working on the Tough Pads for the police and fire departments vehicles. The completion of the public safety loop was completed a couple of weeks ago. The installation of fiber was completed at the Waste Water Department. IT has also installed additional surveillance at Eagle Park. In the Finance Department, she is closing out the end of the year. She needs to add the capital outlay monies that the City received for Vivian and the Airport. She will send the final budget to DFA at the end of this month. She advised the Council that the auditors will be here the second week of August.

Councilor Aragon asked if the City is paying tipping fees on trash cans that are located at empty houses. Roseann answered that the cans should be picked up after the account is closed. Councilor Gallegos asked Councilor Aragon to call the City when she knows of a can at a vacant home.

Councilor Frank Ortega asked when the automatic 5% increase will go into effect on the water bills. Roseann answered this month. Councilor Ortega stated that we could use some of that money to use for Well #5. Councilor Carter asked Roseann to thank her staff for finding his water leak. Councilor Carter asked Roseann if she has an idea of what the roll over amount was going to be this year. Roseann estimates about the same as last year, 300,000.

Councilor Ortega asked if the additional gross receipts monies was added to the budget. Roseann answered yes. Mayor Pro-Tem thanked Roseann.

## **PUBLIC HEARING**

### **COMCAST FRANCHISE AGREEMENT: Leona Vigil, City Clerk**

Leona advised the Council that this franchise agreement has been in the works for almost 2 years now due to the negotiations process. She reported that as of today, at 5:13, both parties finally reached an agreement. The ordinance in the Council's packet is used to formally adopt the agreement. The franchise agreement will grant a cable franchise to Comcast for operation, new construction and continued maintenance of a cable television system. Section 1.13 is the provision that the parties did not agree on. Leona explained that Comcast did not want to seek authorization every time they were doing work on their equipment. Leona advised the Council that Charles Rennick, City Attorney added the language "such approval will not be required in any emergency situation". She informed the Council that the term is for 10 years, the amount of the franchise fee to the City is 5% and they are required to have insurance. Leona pointed out that in section 10.2 the grantee must provide free basic cable service and free installation at one outlet to each state accredited k-12 public and private schools. Furthermore, in 10.3 the grantee shall provide free basic cable and free installation at one outlet to each municipal building located in the franchise area.

Leona wanted to point out that the City's PNM and NM Gas franchise agreements are expired. She noticed that Rio Communities is passing a franchise agreement with PNM and NM Gas for a 3% franchise fee. Our expired agreements were for 2%. She stressed that this would be a good time negotiate the fee.

Mayor Pro-Tem Wayne Gallegos asked if there was anybody with public comment. There were no public comments at this time and Mayor Pro-Tem closed the public hearing.

Councilor Carter asked when he should see an increase on his cable bill. Leona answered there shouldn't be an increase, because the 5% didn't change from the last agreement.

## **DISCUSSION WITH POSSIBLE ACTION**

### **APPROVAL OR DISAPPROVAL OF THE FRANCHISE AGREEMENT WITH COMCAST: Leona Vigil, Clerk**

Mayor Pro-Tem asked for a motion. Councilor Darleen Aragon motioned to approve with the said changes. Mayor Pro-Tem Gallegos asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

### **APPROVAL OR DISAPPROVAL OF THE ANNEXATION REQUEST FOR AN A-R ZONED PROPERTY LOCATED NEAR I-25 BY-PASS OWNED BY JOSE SANCHEZ & LUKE SANCHEZ: Tom Greer, P & Z Chair**

Tom Greer informed the Council that this issue was outlined at a previous council meeting and is seeking approval of the Council this evening. He mentioned that the applicants came to the City to annex their property located near the I-25 Bypass.

Mayor Pro-Tem Gallegos asked for a motion. Councilor Frank Ortega motioned to approve the annexation. Mayor Pro-Tem Gallegos 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 Wayne Gallegos	Yes	Motion Carried

**APPROVAL OR DISAPPROVAL OF THE VETERANS MEMORIAL TO BE PLACED AT EAGLE PARK: Eric Green**

Mayor Pro-Tem stated that this issue was heard at the last City Council Meeting. Eric Green is here tonight to ask if it is ok to get started. He is seeking approval to use Eagle Park for a Veteran’s Memorial.

Mayor Pro-Tem asked for a motion. Councilor Frank Ortega motioned to approve the use of the property for the memorial at Eagle Park. Mayor Pro-Tem Gallegos asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

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

**INFORMATIONAL ITEMS**  
**CITY MANAGER’S REPORT**

Jay Ruybalid mentioned the All American Celebration, and the Judy Chicago Event that took place this past weekend. He reported that the work on Orchard will begin on Wednesday, Impala and Rosedale will start next week. He received a letter today informing him that there will be COOP monies for 2015/2016 road projects. There was a water line break parallel to Camino de Llano; the leak was fixed last week and the road was patched today. Councilor Frank Ortega asked if there were any costs to the City regarding the water break. Jay answered that it was TLC responsibility. Roseann stated that she issued a purchase order for \$10,000. Councilor Ortega clarified then the City will have to pay. Councilor Ortega asked Jay if the City decontaminates the water after a break, or is flushing the water through fire hydrants enough. Jay was not sure, but would find out. Lastly, Jay reported that the agreement for recycling has been renewed. The City will receive \$600.00 a month for the recycling program.

**COMMUNICATION FROM CITY COUNCIL**

**Councilor Frank Ortega:** On the 17<sup>th</sup> he went to check out the speed humps on East Ross. He stated the band-aid fix came out great, and the citizens are really happy. He went to the Fiestas Meeting. Our Lady of Belen has a new Father and they are getting ready for Fiestas. On the 19<sup>th</sup> of June he helped with the Senior Fathers Day Breakfast; it turned out great. He went to the Belen High School Student Center where Renee Antoinette’s was holding a dance performance. He went to the Gun Club Shooting next to the Eagle Tank; he fired over 150 rounds and it was a lot of fun. He wished all the fathers a happy belated Father’s Day. On the 30<sup>th</sup> the Senior Citizens held a Veteran’s Solute; it was really nice and had good food. They still had WW II Vets at the Solute. He attended the County Commission Meeting. He also attended the RSVP meeting on the 2<sup>nd</sup>. He proclaimed that the All American Celebration was very good. He attended the Ribbon Cutting at the Family Dollar Store.

**Councilor David Carter:** He attended a planning meeting to discuss the best way to utilize the capital outlay for Vivian Field. He announced there will be a Meet and Greet to meet the new BCS Superintendent.

**Councilor Darleen Aragon:** On June 23<sup>rd</sup> she attended the Chamber Board Meeting. She had a MainStreet Meeting; they ordered the park bench for the Corazon de Belen Park. On July 1<sup>st</sup> she attended the After Hours at the Harvey House. The event was nice, they had a history of aprons and the Mansion Players were there. She attended the July 3<sup>rd</sup> All American Celebration. On the 4<sup>th</sup> she attended the Family Dollar Ribbon Cutting.

She read a Proclamation for Judy Chicago; there were over 120 people at her Viewing Event of a Butterfly for Brooklyn. There were maybe 5-7 people from Belen the rest came from Albuquerque and Santa Fe.

**Councilor Wayne Gallegos:** On the 19<sup>th</sup> he helped with the Father's Day Breakfast at the Senior Center. On the 22<sup>nd</sup> he had a meeting with Camino Real Housing Authority. On the 24<sup>th</sup> he met with Little League on how to spend the Capital Outlay Money; 300,000 will be for lighting alone. He attended the Valencia County Commission Meeting. The possible relocation of the DA's office was on the agenda, but it was removed. They discussed the Recycling Agreement, which has been updated. On the 29<sup>th</sup> he met with Mike Moreno to discuss the Armory. On the 30<sup>th</sup> the Seniors honored our senior vets. He attended the RSVP Meeting; they discussed the park on Ross and Tenth, the grant, and the past conference. One of the City's RSVP employees will be leaving. He also proclaimed that the All American Celebration at the Park; was great. He thanked all the staff with their help on celebration. On the fourth, he too attended the Family Dollar Ribbon Cutting. The Welcome Wagon from the Chamber was at the Ribbon Cutting; it's a great way to encourage new businesses.

### **EXECUTIVE SESSION**

#### **AN EXECUTIVE SESSION TO DISCUSS LIMITED PERSONNEL MATTER AS PERMITTED IN THE OPEN MEETING ACT; SECTION 10-15-1 (H-2)**

Mayor Pro-Tem Wayne Gallegos asked for a motion to go into Executive Session. Councilor Frank Ortega so moved. Councilor David Carter seconds the motion. Roll Call Vote:

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

Mayor Pro-Tem Wayne Gallegos asked for a motion to return to an open meeting from a closed meeting. Councilor Frank Ortega so moved. Mayor Pro-Tem Gallegos 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 Wayne Gallegos	Yes	Motion Carried

Mayor Pro-Tem Wayne Gallegos asked for a motion that discussion was limited to personnel matters and no action was taken. Councilor Frank Ortega so moved. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

### **ADJOURNMENT:**

Mayor Pro-Tem Wayne Gallegos 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 Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Darleen Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried

/ss \_\_\_\_\_  
Wayne Gallegos, Mayor Pro-Tem Pro Tem

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