

**REGULAR CITY COUNCIL MEETING**

**March 16, 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. 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

**APPROVAL OF MINUTES**

Mayor Jerah Cordova asked for an approval of the Minutes dated March 2, 2015. Councilor Wayne Gallegos moved 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	Motion Carried

**PUBLIC COMMENTS**

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

**David Mintz:** He advised the Council that Jay Ruybalid, stated in writing, he doesn't condone such behavior, but he does not say he will discipline such behavior; such as Lisa Miller falsifying documents. David's stated, in his point of view is if you do nothing about the action you are condoning the action. He finished by asking Jay Ruybalid, "Are you in present time?"

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

## **PRESENTATIONS**

### **MAYOR'S DAY OF RECOGNITION FOR NATIONAL SERVICE: Jerah Cordova, Mayor**

Mayor Jerah Cordova read and presented the Mayor's Day of Recognition for National Service Proclamation to Bertha Flores, RSVP Director. A copy of the proclamation is attached hereto and made an integral part of these minutes by reference. Bertha Flores reported that she has 210 active volunteers whom have put in 53,096 hours of unpaid work for the County. She thanked the Council for supporting the RSVP program.

### **WASTE MANAGEMENT: Lee Robinson**

Lee Robinson is the Public Sector Solutions Manger for Waste Management. Waste Management is planning a service upgrade which includes a route change that will commence on March 31, 2015. Residents may be experience a change in their trash collection days as part of the improvements. All residents will receive notice of their new service day in the mail. The notice will have Waste Management's number to minimize phone calls to the City. Ms. Robinson advised the Council that the re-route will allow Waste Management to deliver a higher level of service, greater efficiency and safety. Councilor Carter asked if this change would affect commercial accounts. Ms. Robinson answered that the change will only affect those with a 90 gallon cart. If a commercial account uses 90 gallon cart(s), it will be affected. Councilor Ortega asked Ms. Robinson how Waste Management notifies customers when there is a delay in their pick-ups. She answered that Waste Management sends out an automatic phone call, but they only go to land lines, and they also notify the City of Belen staff.

## **PUBLIC HEARING**

### **ADOPTION OF AN ORDINANCE AMENDING CHAPTER 17.58 OF THE CITY OF BELEN CODE OF ORDINANCE RELATING TO SIGN REGULATIONS, REPEALING EXISTING PROVISION RELATING TO CAMPAIGN SIGNS AS TEMPORARY SIGNS, AND ADDING A NEW SECTION RELATING TO THE PERMITTING AND REGULATION OF CAMPAIGN SIGNS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: Steve Tomita, P & Z Director**

Steve Tomita reported that this ordinance was taken before the P & Z Commission. The Commission had two comments; they relay one more time their desire to have 45 days instead of 30 and paragraph 2, they recommend the form be picked up from the City Clerk or designee. Councilor Ortega wanted to point out that if constituents pick up their sign on time, they will get their money back. Steve Tomita added that the fees are high enough to induce them to pick up their signs instead of forfeiting the money. Councilor Ortega believes the fine is \$50.00, which will be used for clean-up. Councilor Carter pointed out a typo under D number 1; the number "10" is repeated. He also wanted to point out that small campaign signs located on approved residential zoned property shall be subject to provisions of the code, but shall not require a permit; the 24 x 18 yard signs are ok. He liked that the ordinance took into consideration the traffic and will not obscure with the driver's view. Mayor Cordova asked how this will be incorporated into the next election. Steve answered that, once adopted, the ordinance will be sent to all the different parties. Leona stated that she would put a copy of the sign ordinance with the candidate's packets. Mayor Cordova asked who would be responsible for collecting money for this. Steve answered that it depends on who is issuing the permit.

Mayor Cordova asked if there was anyone from the public with comments or concerns. There were no public comments, and this portion of the meeting was closed.

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL OR DISAPPROVAL OF THE PROPOSED ORDINANCE AMENDING CHAPTER 17.58 OF THE CITY OF BELEN CODE OF ORDINANCE: STEVE TOMITA, P & Z DIRECTOR**

**APPROVAL OR DISAPPROVAL OF THE CITY SERVICE POLICY: Jay Ruybalid, City Manager**  
Mayor Cordova asked for a motion on this item. Councilor Frank Ortega made a motion to approve. Councilor David Carter made a motion to amend Councilor Ortega’s motion to include the changes “clerk or designee” and delete the second “10”. Councilor Frank Ortega approved the amended motion. Councilor David Carter seconds the approval.

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

**APPROVAL OR DISAPPROVAL OF THE CITY SERVICE POLICY: Jay Ruybalid**

Jay advised the Council that the Policy was heard at the last Council Meeting. He reported that the Council recommended a change from 75% to 50% in the first paragraph. A copy of the policy is attached hereto and made an integral part of these minutes by reference. He informed the Council that the Policy is to ensure the City is in accordance with the anti-donation clause.

Councilor Gallegos pointed out in the Policy that there is an option to enter into a professional service agreement. He explained, the City can accept in-kind service from someone who is under this agreement. Jay answered that it correct.

Jay reported that in the last two or three weeks he has had three activities that have come up, and two of them have chosen the alternative option of exchange of services. The Junior Rodeo has chosen to go with the 50%. Councilor Ortega reported that Santa Fe has an ordinance for this. Jay expanded on the topic, that the City of Santa Fe allows two activities per year with no exchange or payment. Councilor Gallegos stressed that they want to welcome those activities into our city, but be within the law. Councilor Aragon asked what services did the Rodeo request. Jay answered a water truck and EMT services for three weeks which came out to just under \$1,000.00. Councilor Carter is concerned with the Policy, because it does not encompass everything such as insurance, deposits and leases for renting city property.

Roseann suggested having a price list to use to figure out the different charges. Roseann stressed that she does not believe the City should lend out its equipment without an employee present. Councilor Carter stated that needs to be in the Policy also. Jay informed Council Carter that the Policy does not encompass his issues, but the Event Form does. Jay explained that the Event Form has services that the individual could check off for services they are requesting. He further explained that the committee that put this form together decided not to include City equipment. Councilor Carter suggested referencing the Form in the Policy. Councilor Gallegos stated, in putting together the price list, remember we are not in competition with City businesses.

Mayor Jerah Cordova asked for a motion. Councilor David Carter moved to approve the City Service Policy with the addition of the reference to the completed City Service Request Form. 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 PROPOSED BUDGET ADJUSTMENT RESOLUTION:**

### **Roseann Peralta, Finance Director**

Roseann went over the Mid-Year Budget Adjustments; a copy in which is attached hereto and made an integral part of these minutes by reference. She had to increase vehicle maintenance, unemployment, the community garden for the fence and add the grant for the Fire Department. The EMS grant was more than what she originally budgeted. Councilor Gallegos reported that he talked to Roseann a few days ago, and the GRTs are pretty much the same, so there is not going to be a whole lot of changes. He stated the good news is the City of Belen's budget is pretty healthy.

Councilor Carter stated that it looks like the budget adjustments are all increases. Roseann replied that she does the decreases at the end of the year. Councilor Carter stated that we are increasing our budget which means we are spending more than what we planned for. He indicated that maybe our forecasting is not where it should be.

Councilor Carter asked about the increase to unemployment. Roseann answered that she received a bill from the State for unemployment that employees received two to three years ago; she also informed him this would be the last bill.

Councilor Carter asked about the increases to both legal services. Roseann answered the legal fees for administration was increased due to the amount of issues sent to the attorney, and the 13,000 was for police.

Councilor Carter asked about the increase to utilities. Roseann answered it is for administration utilities; she didn't budget enough for it.

Councilor Carter asked about the miscellaneous expense \$36,000. Roseann answered that was for the park maintenance and street light maintenance and the pumper trucks used on the flood. Roseann advised Councilor Carter we have cash to cover all this. Councilor Carter responded, "Cash, but we should budget it, so we know what we are going to spend". Councilor Carter brought up light maintenance. Roseann answered that light maintenance covers the portion of damaged light poles that the insurance does not. Councilor Carter asked where insurance reimbursements are posted to. Roseann answered general fund, same place where the expenditure comes from. Councilor Carter asked, "So were 27,000 over our insurance recoveries?" Roseann replied, "yes, also all the wiring that was taken out of the bypass lights".

Councilor Carter stated that in material and supplies, we had 10,000 budgeted, but a 39,600 increase. Roseann answered that is in fire funds; he has enough. Councilor Carter reiterated, he has enough, but we need to start budgeting for him a little more. Roseann answered he has a budget, and was given a budget based on what his grant is going to be.

Councilor Carter asked about #57 in the budget report. Roseann answered that is for Camino; that is part of the whole issue of them not including those fees in the original contract amount, and there is still monies in the project account that was set aside.

Councilor Carter asked, "Without adjusting the decreases, is this going to be enough to keep you out of audit trouble?" Roseann answered for right now; she is planning to do more when she brings her 3<sup>rd</sup> quarter report.

Councilor Gallegos asked, "bottom line, are we going to exceed or be at our budget at the end of the year?" Roseann answered yes, because she believes we are going to collect more in property tax than she had budgeted for; and the way the GRTs are going, she will have to adjust those higher. Councilor Carter asked, "Are the expenditures going to exceed our revenues?" Roseann answered they may; but there was a slight increase in GRTs for Christmas which was received in February and the Property Tax will also be increased a little. Councilor Carter clarified, "probably spend a little more, but we are not going to have to touch our Reserves". Roseann answered, "oh, no".

Councilor Aragon brought up the fact again that the legal services are really high. Jay advised the Council that he is working on a Legal Service Contract which will set a cap of \$50,000.

Mayor Cordova asked for a motion. Councilor Carter moved to approve the Budget Adjustment Resolution as presented by Roseann Peralta, Finance Director. 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

**APPROVAL OR DISAPPROVAL OF THE PROPOSED MOU FOR ALLOCATION OF AN ELECTRONIC MESSAGING SIGN/BOARD THROUGH APPLICATION OF A GRANT TO UWCNM: Steve Tomita, P & Z Director**

Steve Tomita informed the Council that last week he received a phone call from Dianna Good informing him that the Department of Health the Community Wellness Center was intending to pursue a grant. The grant would be to obtain electronic information signs. She would like for each community to have their own sign. The City would be given their own sign and be responsible for maintaining it. He explained that right now, they would control some of the messages that go on the sign, because it needs to be educational, health and self sufficiently related as far as the signs go. If they cease to stop operating the sign they would turn that over along with the software and everything else. Steve invited Dianna Good to speak to the Council.

Dianna informed the Council that she is connected with the Community Wellness Council (CWC). She advised them that United Way came down and asked them if they wanted to access some of this funding. She began working with them on the grant March 4<sup>th</sup> to get the application in by March 27<sup>th</sup> which is the deadline. She doesn't believe that she has the time to collect MOUs from the various entities on time, so she is asking for a letter of support for right now. She added that a MOU will be needed eventually, if she receives the grant funding.

Jay stated that this is a great idea; it would cost nothing to the City to get the sign other than the electric bill which Dianna has estimated to be three hundred dollars per year. The sign would obtain their messages, but we would also have the City's messages. Steve mentioned that, as per the presentation earlier, if there is a delay in garbage pick-up, the sign would really help.

Councilor Gallegos reported that this sign issue came up at the last IT meeting; they wanted a nice sign for media purposes. Councilor Gallegos would like to see the City's IT be involved to make the sign a little better. He suggested taking the opportunity that is being offered to the City and enhancing it. Steve stated that Dianna could add in her grant that the City has an interest to do that.

Dianna advised the Council that the sign would be a 4 x 8 full color sign. She added that one thing this grant is supposed to do is serve our underserved populations. She read a paragraph of the Concept Sheet that other communities have gotten; United Way's goals are very broad categories of communicable and even an announcement of an alcohol free car show would potentially qualify, because it encourages families to get out and do something in the neighborhood that's interactive. Councilor Carter asked if advertising events such as the Comic Con would qualify, and he clarified that public announcements will be permitted. She does not see why not; community events which is a promoting community health. Every time a family goes out and engage in a health way, "we have less abuse at home". Those are all the data indicators she has to track. If we can show that we are promoting things that have a positive impact and a collective impact on community health; "we're good to go". It doesn't have to be so much medical in a sense. Councilor Carter asked if the grant award will preclude the City from contributing matching funds to get a bigger better board. Dianna answered the

amount of the grant is set at \$68,000 to the Community Wellness Council. She replied that she will look into that issue in detail.

Councilor Aragon asked who would be making the decisions on the messages. She informed the Council that the Community Wellness Board will make the decision what messages can take place. Jay asked Dianna if other communities don't want to participate, will that free up more money for the communities that do want to participate. Dianna replied if you guys decide don't want it, we can find other places for it.

Mayor Jerah Cordova asked for a motion. Councilor David Carter made a motion to issue a letter of support at this time, until we iron out details for a MOU. Mayor Cordova asked for a second. 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

## **INFORMATIONAL ITEMS**

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

Jay gave a report to the Council earlier. He mentioned he enjoyed his time at the Film Flight & Comic Con Event. He appreciates the effort from individuals it took to put on the Event.

### **COMMUNICATION FROM CITY COUNCIL**

**Councilor Darleen Aragon:** She reported that she had a death in the family. She mentioned she was able to see the balloons fly over her house. She attended the Chamber of Commerce Mix and Mingle at the DAs Office on March the 4<sup>th</sup>. She also attended the PNM Groundbreaking and the Workshop on various ordinances.

**Councilor Wayne Gallegos:** He announced that he was elected for Jury Duty. On the 5<sup>th</sup> he met with the Schools; everything worked out on some issues the City had with the Schools. He met with Waste Management; they seem to be confident with the new changes they presented earlier. He attended the Fiesta Meeting; they will be held in August. He met with a group that is trying to get a medical facility on North Main Street. He participated in the Workshop and attended the Film Flight & Comic Con Event.

**Councilor David Carter:** He participated in the meeting with the Schools. He attended two track meets to support the Eagles, at the district to the north, it was a nice event. Belen had their track meet this last weekend. He watched the Balloon Rallye from his balcony. He announced that the University Team to the south made the NCAA Playoffs; they will be facing Kansas on Friday.

**Councilor Frank Ortega:** On Sunday the 8<sup>th</sup> he attended the 515 National Guard Change of Command. They changed from Captain Castillo to Captain Romero, and they want to work with the City. On Monday he met with the City Manager and Dale Tafoya to go over Sunrise Bluffs; they did find some discrepancies. Jay added they do go under some garages. He met with Ms. Esquibel in regards to Buena Vista. He gave a shot out to the Police Department; they did a heck of a job on the situation with the police officer. He too attended the Fiesta Meeting. He also attended the Martin Luther King Meeting; they discussed scholarships. He passed out Certificates of Appreciation to individuals for helping with the Matanza on Friday. He attended the Workshop Meeting. He went up on a balloon on Friday at the Balloon Launch. He gave a shot out to his wife for her birthday. He stated that the Balloon Pilot Dinner served at Eagle Park was a success. He stressed how nice the Film Flight & Comic Con Event turned out. He gave his condolences to Councilor Darleen Aragon.

**Mayor Jerah Cordova:** He attended the PNM Groundbreaking on March 5<sup>th</sup> for the new Energy Center they are building. On the 6<sup>th</sup>, he went to a local dance performance. The dance group is out of Los Lunas that is having some problems with the buildings they are leasing. The owner of the group is from Belen and would like to come back over here. On the 11<sup>th</sup> he attended Rio Metro Visioning Session that discussed the Railrunner and the Rio Metro Shuttles; they are looking for ways to improve service in Belen. On Friday the 13<sup>th</sup> he met with staff regarding improvements to make to the P & Z process. He attended the Workshop to discuss three ordinance that may come up for consideration soon. He attended the Balloon Rallye dinner with all of the Pilots. He announced it was an amazing weekend here in town; it was very exciting. Staff put on an amazing event. The film screening was exciting, and he participated on the flights Saturday and Sunday. "This event was something that spoke to kids locally, and gave them something to do". He also went to the Saturday Film Screening at the Harvey House which was part of a Ghost Tour; it was very well attended. They gave free popcorn and people got to sit in the movie theater they created.

Councilor Ortega thanked Clara for a good job on the St. Patrick's Day Film and Flight Coverage.

### **EXECUTIVE SESSION**

**Mayor Cordova asked for a motion to go into an Executive Session to discuss the purchase, acquisition or disposal of real property and water rights as allowed in the Open Meetings Act 10-15-1 (H-8).**

Councilor Frank Ortega so moved the motion. Mayor Cordova asked for a second. Councilor 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

**Mayor Cordova asked for a motion to return to the open meeting from the closed meeting**

Councilor David Carter so moved the motion. Mayor Cordova asked for a second. Councilor 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

**Mayor Cordova asked for attestation that the executive session was limited to the discussion of the purchase, acquisition or disposal of real property and water rights as allowed in the Open Meetings Act 10-15-1 (H-8) and no action was taken.**

Councilor Wayne Gallegos so move the motion. 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

**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

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

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