

REGULAR CITY COUNCIL MEETING

May 4, 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

CITY ATTORNEY: Charles Rennick

REPORTER: Clara Garcia, VC News Bulletin

OTHERS: See attached sign-in sheet

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Gallegos asked Frank Shupp, Ameris Representative to lead the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Pro Tem Gallegos asked for approval of tonight's agenda. Councilor David Carter made a motion to approve the agenda. 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 OF MINUTES

Mayor Pro Tem Wayne Gallegos asked for an approval of the Minutes dated March 3, 2015, April 6, 2015 and April 20, 2015. Councilor Frank Ortega moved to approve all of the Minutes. Mayor Pro Tem 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

PUBLIC COMMENTS

Mayor Pro-Tem Gallegos asked if there was anyone with public comments.

Carla Ferrell and Richard Sanchez: They informed the Council that they called the Fire Department because they smelled gas in their home. Joe Saiz and Justin Thomas arrived at their house and asked everyone to leave. Mrs. Ferrell was in the back room, unconscious. Both Carla and Richard stated how professional and polite the

two individuals were. They apprised the Council that the two individuals called PNM and the Gas Company, and they arrived to the house in less than a minute's time. Carla and Richard also thanked the City Manager. They boasted on what a well trained and wonderful Department the City of Belen has. They reported that they even went back to check on her. She stated, "They basically saved my life". They presented Certificates of Excellence for the City Manager, Joe Saiz and Justin Thomas.

Dr. Roland Sanchez: He offered all his support for the hospital. He encouraged the Council to keep up the efforts.

Elias Sanchez: She is the wife of Dr. Roland Sanchez. She thanked the Council for their continued efforts. She stressed that this is a vital situation regardless of the situation that has happened between municipalities. She encouraged Belen to follow through and pursue having a hospital here. "There's several physicians ready to come and provide service in our hospital, here".

There were no more public comments at this time.

PRESENTATIONS

EMERGENCY/CURFEW ALARM PETITION: Steve Ethridge

Steve Ethridge informed the Council that with the help of many local businesses and individuals he collected 611 signatures in a petition to reinstate the emergency siren at the water tower. He stated that it could be used for public safety and should go off at noon. The Council is in favor of reinstating the siren and will look into it. The Council reminded everyone that the siren was used for emergency notices and for 10:00 PM curfew.

PROJECT REPORT UPDATE: James Lopez, Wilson & Co.

Mayor Pro Tem Gallegos advised the public that Wilson & Co. is the leading engineer on the ponds. He reported that there is a change order which falls under the bid amount. He stated that bringing the change order to the Council is for information purposes, and will not hold up any of the work.

James Lopez started with the Christopher Road Project. He reported that the original contract amount was \$462,561.45. The project is on hold because of the weather. There is a remaining \$56,489.89 for the project. With the remaining money, they have been directed to redesign the roundabout on Christopher Rd. The design fee is \$2,200.00 and \$25,890.08 for construction. There is \$28,399.90 left that the City could opt to be reimbursed for construction management fees. Mr. Lopez showed the Council the plans for the roundabout; the roundabout is gone, and there will only be striping. They are hoping to start construction in two weeks. Steve advised the Council that the money must be spent by the end of June.

James reported on the Camino del Llano Pond Project. He advised the Council that construction has already started. They have cleared the entire site, excavated the north pond and identified all the utility in that area. The ground breaks will cost in the \$15,000 range and will come out of the utility allowance budget. Mayor Pro Tem apprised the public that there was a high pressure gas line that is in the slope area of the pond.

PUBLIC HEARING

ADOPTION OF AN ORDINANCE AMENDING CHAPTER 9.16; ENTITLED, "ALCOHOLIC BEVERAGES IN MUNICIPAL BUILDINGS AND MUNICIPAL PROPERTY", TO ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES IN ANY MUNICIPAL PROPERTY FOR "BUSINESS ACTIVITY": Steve Tomita, P & Z Director

Steve informed the Council that the ordinance has been changed significantly since it was originally proposed. The original ordinance was to allow private events to be held on city property and within city buildings; however, there were a lot of concerns with the original proposal. He advised the Council that this ordinance is a rewrite that was done by the Mayor and was presented to legal for review. The changes to the ordinance strictly limit alcohol of private nature and have to be conjunction with a business. The allowable consumption of

alcohol is limited to sidewalks adjacent to buildings. He reiterated that the ordinance has been restricted considerably. Steve showed a slideshow of pictures showing restaurants with seating on the sidewalk. He pointed out that all the areas that he showed were gated. He stressed that alcohol consumption is strictly monitored.

Councilor Ortega asked if there were any businesses that were serving food out on city sidewalks currently. Steve answered no, not right now.

Councilor Ortega asked who is responsible for installing the gated area. Steve answered the business owners, and he assured the Councilor that they have strict rules to follow.

Councilor Aragon stressed that this is a wonderful thing for Belen to have something like this. “This will not only promote Belen, but also promote tourism.”

Steve Tomita mentioned that the thing about this type of business is this isn't just cheap beer and wine. “You're paying pretty high dollar to sit out there on the sidewalk.” Typically beers will run anywhere from 5 to 10 dollar per glass and wine from 9-10 dollars up to 20-30 dollars; “So you're not going there to put away a lot alcohol. It's just the setting and scenery to enjoy”.

Councilor Gallegos asked for clarification on the title of the ordinance. The ordinance is entitled alcoholic beverages in the municipal buildings and municipal properties. He wanted to know why municipal buildings in still in there. Steve answered that because right now you can have a public festival in a municipal building and serve alcohol. He is adding a provision for the private business side.

Mayor Pro-Tem Gallegos asked if there was anyone with public comments.

Robert Noblin: He likes the ordinance and would like to see the growth. As a neighbor in that area he has not heard any ill on the issue. This ordinance has his support.

Mike Moreno: He stated for his own clarification that this is an amendment to an existing ordinance, because an ordinance already exists. Steve answered yes. “We are amending our ordinance to allow a business to serve alcohol in a confined area adjacent to their building on the sidewalk.”

There were no more public comments, and Mayor Pro Tem closed the public hearing.

DISCUSSION WITH POSSIBLE ACTION

APPROVAL OR DISAPPROVAL OF THE PROPOSED AMENDMENTS TO THE CITY'S MUNICIPAL CODE, CHAPTER 9.16, “ALCOHOLIC BEVERAGES IN MUNICIPAL BUILDINGS AND MUNICIPAL PROPERTY ORDINANCE”: Steve Tomita, P & Z Director

Steve reiterated the purpose of this ordinance from his presentation earlier. He informed the public that this adds the ability of a business owner, which may be wine tasting, micro brewing, or a restaurant, to be able to set tables out. He stressed that the business must be in compliance with the State of New Mexico Liquor License Board which will require that are be enclosed with fence and gated.

Councilor Carter declared that he is not opposed to this. “This was initially started for one business, but we got it where other business can do it similar.” Operation, provided the sidewalk is wide enough. He doesn't see where we have any sidewalks at this point.

Councilor Carter would have liked to see a more comprehensive ordinance. He had some problems with the language. First, under 9.16.010 “a positive danger”; he suggested “may pose a danger”. He questioned “unless subject to procedures and policies as set forth in this ordinance”. He suggested. “This ordinance is hereby set forth to mitigate possible dangers or chances of danger”. He would like to see that changed. “Business Activity” should be up where the definitions are. In Section C, he wanted to know what disabilities would a dispenser have. Steve was not sure. Charles Rennick stated that it doesn’t probably apply here because this is not a dispenser permit. Councilor Carter asked for a revision of that also. Steve clarified that there is a dispenser permit. They have to have a picnic dispenser permit for that specific event. Councilor Carter suggested using restrictions instead of disabilities. Charles informed the Council that everything that he has suggested so far can actually be done right now; it doesn’t change the substance of the ordinance. It provides clarification, and the Council can make a motion to do that.

Councilor Ortega asked if the violation subsection was going to be revised. Steve answered it can be revised to whatever the Council would like. Councilor Ortega asked Steve how much economic development this would bring in. Steve replied that that is a hard question to answer as far as how much it will bring in. “It enables an additional opportunity to offer a service or a setting or environment that would attract additional businesses and possibly new businesses that want to set up something a little more unique.” He stated that they may feel if they offer this, they may draw more people or they might draw a clientele that has more expendable money. Councilor Ortega stated that that is something similar to Global Technology or little Ranchitos; it’s a possibility, but there’s no guarantee that were going to get an increase in economic development. Steve replied that he can’t disagree with that. “But if you took that attitude, even with the manufacture, where nothings guaranteed, then why would we be trying to go after it.” Councilor Ortega stated, “They come in and they promise things, but yet we don’t have the population to support some of the business that we have here now”. Councilor Ortega is looking for some kind of insurance of what this is going to bring, if we do this. Steve went over some Belen economic statistics with the Council. Councilor Ortega mentioned that he didn’t see any pictures of Los Lunas in Steve’s slide show. Steve replied that they would have a rough time putting that on their main street. Councilor Ortega also pointed out that the pictures Steve showed have high populations. Councilor Ortega asked how many businesses have shown interest in doing this, if this is approved. Steve answered that he has had the one, but if the opportunity isn’t open we will never know. Councilor Ortega stated that the calls that the police department have now are great, and then with additional calls. He stated that there is only one business that is interested, and stressed that we are supposed to be doing this for everybody. Steve informed the Council that he has big challenges trying to attract business. He has firms looking at Belen, but cannot disclose who they are. Councilor Ortega is still not convinced on this.

Charles Rennick informed the Council in terms of public safety and law enforcement; he does not believe this has any affect on that. He stated that risks are liquor license and will require more safety and law enforcement. Mr. Rennick stressed that the outdoor area changes nothing as far as alcohol enforcement or law enforcement. “It is simply moving a prohibition that allows use of particular space.”

Mayor Pro Tem Gallegos stressed and reiterated that this ordinance is not for one business. “This is for anybody who wants to expand.” Mayor Pro Tem stated if anybody comes in that wants to expand onto the sidewalk, they can do it. Charles answered no, because they still need to obtain city approval on a case by case basis. Charles explained that if Chief Robb comes up and says, “We have a lot of trouble at that business, we don’t think it’s a good idea”; you can say no. Mayor Pro Tem asked for clarification, if this is approved it’s still going to have to come forward for each business. Mr. Rennick answered it has to come forward for each business because it is a use of city property. Mayor Pro Tem Gallegos stated that millions of dollars was invested in downtown Albuquerque, and he stressed that it is a mess now. “There are empty buildings, there are fights every night, it made the national news and this is about all the drinking up and down that street”. He knows that this won’t turn into that, but asked is that what we want for the City of Belen. Mr. Rennick stated that conditions of approval could be in the permitting, and a land use ordinance could address those conditions.

Charles informed the Council that the way the ordinance was originally, it had one purpose only which was to prevent public drinking. "This ordinance removes the prohibition for a very well defined purpose."

Councilor Carter would like P & Z to create strict criteria for issuing the permit.

Mayor Pro-Tem Gallegos called for approval or disapproval of the proposed amendment to City Municipal Code Chapter 9.16. Councilor Darleen Aragon motioned to approve it, but with changes that were put forth. Mayor Pro Tem Gallegos asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

Councilor Frank Ortega	No	
Councilor David Carter	Yes	
Councilor Darleen Aragon	Yes	
Councilor Wayne Gallegos	No	Motion dies for lack of majority

APPROVAL OR DISAPPROVAL OF THE DISPOSITION OF PUBLIC SURPLUS ITEMS FOR AUCTION: Hermann Madrid, Solid Waste Supervisor

Hermann handed out a copy of the auction items; a copy of the list is attached hereto and made an integral part of these minutes by reference. Councilor Aragon asked where the money goes that is made off these auctions. Roseann answered back to those individual departments.

Carla Ferrell asked if the public can bid on these items. Leona answered yes, and gave her the internet site.

Mike Moreno asked if it was possible for other departments to use them. Mayor Pro-Tem Gallegos suggested showing the list to other departments to see if they can use some of the items before getting rid of them.

Mayor Pro Tem asked Hermann to make sure these vehicles were not insured. Roseann advised the Council that a copy of the list will be sent to the State Auditor's Office and a list will be sent to the City's insurance company so that the items can be removed from our policy.

Councilor Ortega pointed out that there are a couple of weed-eaters, and he asked if they could be fixed. Mayor Pro Tem Gallegos stated that that was a good idea, but keep in mind that we don't want to put too much money into them.

Mayor Pro-Tem Wayne Gallegos asked for an approval or disapproval of the disposition of public surplus items for auction. Councilor Frank Ortega motioned to approve. 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

APPROVAL OR DISAPPROVAL OF THE OUT-OF-STATE TRAVEL FOR JULIE CERVANTES, LIBRARY DIRECTOR TO ATTEND THE AMERICAN LIBRARY ASSOCIATION CONFERENCE: Julie Cervantes, Library Director

Julie Cervantes is seeking approval to attend the Library Association Annual Conference. The conference is in San Francisco this year. She informed the Council that she would receive four days of professional development and networking, and as a student she receives a reduced rate.

Councilor David Carter asked Julie what it is going to cost. As a student, her cost to attend is \$150.00; the Friends of the Library have agreed to cover the cost of that registration. She informed the Council that she has a family member in San Francisco so there would be no costs to the City for lodging. The remaining costs would be for transportation which will run about \$300.00 and per diem. She stated that she has enough money in her budget to cover those costs. Roseann verified that Julie has the money to cover the conference. Jay Ruybalid gave a positive recommendation to the Council for Julie to attend the conference.

Mayor Pro-Tem asked for a motion to approve or disapprove. Councilor Darleen moved to approve the out of state travel for Julie Cervantes to attend the American Library Association Conference. 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 OUT-OF-STATE TRAVEL FOR BERTHA FLORES AND LEANDRA CHAVEZ TO ATTEND RSVP TRAINING: Bertha Flores, RSVP Director

Bertha reported that she has \$3,000 budgeted for training annually. She informed the Council that the training will help her with her grants. She will be trained on “Keeping in Compliance”. She is taking Leandra, because one of her supervisor’s recommendations was to have staff crossed trained. She has enough to cover travel for both her and Leandra. She pointed out that she has to use \$1,500.00 by the end of the month. She will be leaving Sunday and coming back Thursday. Jay Ruybalid recommends the training opportunity, and he mentioned that the funding is coming out of her Federal Grant and is already budgeted.

Mayor Pro-Tem Gallegos asked for an approval or disapproval of out of state travel for Bertha Flores. Councilor Frank Ortega motioned to approve. 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

DISCUSSION

AMENDMENTS TO THE MUNICIPAL CODE; SECTION: 17.41, ENTITLED “ZONING” TO INCLUDE M-1 ZONING FOR INDUSTRIAL AND BUSINESS PARK ZONING FOR HEAVY COMMERCIAL AND MANUFACTURING LAND USE: Steve Tomita, P & Z Director

Steve introduced the issue and stated that he would like to have a work study on Friday to discuss this further and in more detail. He informed the Council that the reason for this is because the current zoning ordinance does not account for, or allows heavy manufacture. He would be adding an M-1 Zone, which is heavy manufacturing, into the City’s Zoning Ordinance. The Council informed Steve that they will not be able to attend a workshop on Friday. Mayor Pro-Tem Gallegos asked if this is for a specific business coming in or for the general to open up the opportunity. Steve answered it is to open up the opportunity. Councilor Carter asked Steve if he has identified any areas that he plans to zone M-1, other than Cemco. Steve has identified the Cemco area, the Rancho Cielo area and possibly the airport area. Mayor Pro Tem Gallegos asked Steve to get with the City Manager on how to proceed.

Valencia County Commissioner David Hieder asked when and where the workshop would be advertised. Leona answered that it would be published in the paper.

Mayor Pro Tem asked to take the next two items together.

A PROPOSED ORDINANCE FOR THE SALE OF REAL PROPERTY TO AMERIS ACQUISITIONS, LLC: Steve Tomita, P & Z Director

A PROPOSED ORDINANCE ADOPTING A LOCAL ECONOMIC DEVELOPMENT PROJECT FOR THE PUBLIC SUPPORT OF AMERIS ACQUISITIONS, LLC FOR CONSTRUCTION OF A GENERAL HOSPITAL FACILITY IN THE CITY OF BELEN: Steven Tomita, P & Z Director

Steve introduced Frank Shupp from Ameris. Mr. Shupp advised the public that this November will make five years that “we” have been working on this. “Everyone has stuck together.” Mr. Shupp reported that he has been building rural hospitals for 39 years. He reported that he stays in touch with the physicians who are still committed to coming down here and being part of the active medical staff. The key thing the medical staff told him was that you find a location that is adjacent to I-25 and not too close to Albuquerque. He stressed that no one is going to fund a project of this magnitude with the issue with the village to the north. He also stressed that he is willing to sit with anyone who is opposed to the hospital and talk to them. Councilor Aragon thanked him for staying with us for so long.

Mr. Rennick informed the Council that one ordinance is approving the LEDA and the other is for the sale of property. Charles Rennick pointed out that a project this size needs lots of agreements. He informed the Council that several documents are necessary for the transfer of the property. He advised the Council that we will need a Real Estate Sales Agreement, Development Agreement and two ordinances required by law. The Sale Ordinance is required for the sale of any municipal property over \$25,000. The ordinance sets out the parameters that state law requires. The real estate sales agreement is approved by ordinance to authorize the sale. Property over \$25,000 is subject to referendum and can go before the voters.

The second ordinance is the LEDA Ordinance. He explained that in order to provide public assistance for a LEDA project an ordinance must be adopted that identifies the project, the benefits and the securities for the City. He further explained that the City would provide economic assistance by a reduced purchase price. He pointed out that the ordinance identifies the benefits in section (1A) which is providing healthcare to a community of 75,000 people. The LEDA part of it seeks economic development, which is the creation of 180 to 190 new jobs, generating 375 jobs through the ancillary area around it and encourages retirees to move here. The security part of it has to do with a loan that has to be paid back, but this doesn't involve a loan and is not a long term LEDA project. The City will get its benefits when the hospital is built, and at that point security is no longer a factor. The security is up to the point the hospital is built and is simply a rite of reversion. If the City sells the property to Ameris and they don't build it, it will revert back to the City. After these ordinances are adopted a Project Participation Agreement will be brought to the Council. That agreement will include the benefits, security, time-line and so on.

Leona advised the Council that the ordinances have been published; a public hearing will be held on May 18th and action will take place on June 1st.

Councilor Carter gave a brief history of the politics that have taken place with the hospital. “It's time; citizens need a hospital.”

INFORMATIONAL ITEMS
CITY MANAGER'S REPORT

Jay Ruybalid went over a copy of his report to the Council earlier. A copy of his report is attached hereto and made an integral part of these minutes by reference. Mayor Pro-Tem asked Jay how much of the match for the airport runway does the City have in place. Jay exclaimed that we definitely have 500,000, and will have to find the other 30,000. Councilor Carter added that it is a 5.3 million dollars project. Mayor Pro Tem Gallegos

reported that they have talked to the Air Force, and they are coming in. He added that the City's Airport Manager has requested a fueling station for the airport.

COMMUNICATION FROM CITY COUNCIL

The Council attended the Budget Hearings that took place last week.

Councilor Darleen Aragon: She had a MainStreet Meeting; she and Rhona are writing a grant to PNM for old City Hall. She announced that Coffee with the Chief will be on Wednesday at 9:00 A.M. She proudly announced that she passed her real estate exam.

Councilor David Carter: He had a Celebrate Belen Director's Meeting; they discussed the dates for the Business Expo and Follow the Star. Follow the Star is set for December 13, 2015. He met with the City Manager to discuss Celebrate Belen and collaborating with the City of Belen. On May 2nd, he attended the Valencia County Fair Fund Raiser at the Fair Grounds. They want to make the County Fair bigger and better. He was watching the O'Reilly Factor, and they had just finished a show in Rio Rancho. Mr. O'Reilly took about 5 minutes to say how great the state of New Mexico treated him.

Councilor Frank Ortega: He gave kudos to the Dale Tafoya and the Road Crew for the work on Rosedale. He went to the Belen School Board Meeting, and they approved the Swimming Pool MOU. He attended a fund raiser for a cancer patient at the Belen Middle School that turned out really good. He had several constituents came up and yell him that they see Belen moving forward.

Councilor Wayne Gallegos: He is still on jury duty. The City is working on a flat type budget to where we are increasing; on behalf of the Mayor and the Council, they are trying to get everybody to the Federal 10.10. He informed the public that they started this last year and anybody hired, we want them at a minimum of 10.10. The range this year will be at \$10.00; after they become full time. He stressed that the City was able to save 500,000 for that match on the runway because of proper planning; he thanked the City Manager and the Finance Director. He attended the Library Board Meeting on the 30th; they are updating their by-laws. He will bring them to the Mayor and Council for approval. He too attended the Fair Board Fundraiser and the Cancer Patient Fundraiser. He reported that the reason he is there tonight, is because by state statue, when the Mayor leaves out of town the Mayor Pro-Tem takes over. He added that the Mayor is at work and is tied up for about a month. He advised the public that the Mayor was telephoned in for the budget meeting.

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 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/ _____
Wayne Gallegos, Mayor Pro Tem

/s/ _____
Leona Vigil, City Clerk, CMC