

**REGULAR CITY COUNCIL MEETING**

**November 3, 2014**

**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  
Councilor David Carter  
Mayor Jerah Cordova  
Councilor Darleen Aragon

**ABSENT:** Councilor Wayne Gallegos

**CITY MANAGER:** Jay Ruybalid

**CITY CLERK:** 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**

Councilor Frank Ortega asked to remove 9(b) from the Agenda, he believes the appointment should be done administratively. Mayor Cordova stated that it was requested that the member be appointed by the Council. Mayor Cordova then asked for a motion. Councilor David Carter moved to approve. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

**APPROVAL OF MINUTES**

**APPROVAL OF THE MINUTES DATED OCTOBER 15, 2014**

Mayor Cordova asked for a motion to approve the minutes dated October 15, 2014. Councilor Darleen Aragon moved to accept the Minutes of October 15, 2014. Councilor Frank Ortega seconds the motion. Roll Call Vote:

Councilor Darleen Aragon Yes  
Councilor David Carter Abstained  
Councilor Frank Ortega Yes Motion Carried

**APPROVAL OF THE MINUTES DATED OCTOBER 20, 2014**

Mayor Cordova asked for a motion to approve the minutes dated October 20, 2014. Councilor Ortega moved to accept the Minutes of October 20, 2014. Councilor Aragon seconds the motion. Roll Call Vote:

Councilor Darleen Aragon	Yes	
Councilor David Carter	Abstained	
Councilor Frank Ortega	Yes	Motion Carried

### **PUBLIC COMMENTS**

**David Mintz:** He gave an update of the rundown properties located at 1212 and 1212 ½ Reinken Ave. He claims that there have been no improvements to the properties. He stated that he has not received responses to his emails he sent to Jay Ruybalid or Lisa Miller.

**Dudley Johnson:** He announced that next Monday, November 10, 2014 is the 259<sup>th</sup> U.S. Marines Corps birthday. He is a retired Navy Chaplain and former Marine. He cordially invited all Marines active or former to celebrate with birthday cake and a rereading of the orders to remember the birthday of the Marine Corps at Perk it Up Café beginning at 8:00 AM.

**Chief Manny Garcia:** He proudly announced that the Belen Fire Department is a \$100,000 Grant recipient for the Fire Protection Fund from the State Fire Marshal’s Office.

### **PRESENTATIONS**

#### **EMPLOYEE OF THE QUARTER**

Mayor Pro-Tem announced and presented Ashley Jaramillo as Belen’s City of Belen Employee of the Quarter. A copy of the letter and certificate is attached hereto and made an integral part of these minutes by reference.

#### **KIRTLAND AIR FORCE BASE FLIGHT OPERATIONS: Major Steel**

Members of the Air force were present tonight to discuss some of the Flight Operations in and around the Belen Airport. Christina Wullard, Operations Support Squadron Commander, primarily works on local projects to make operations in the 58<sup>th</sup> Special Operations Wing successful. The 58<sup>th</sup> Special Operations Wing is made up 1800 military personnel, 3500 including balings, and they use 8 different types of aircraft. They train about 1900 students per year, and fly about 22,000 flight hours in a given year. They fly generally 16 hour days. She then showed a video of their operations. She stressed that coming to land in Belen will be important to their training. She mentioned that landing at the Sunport Airport, they don’t necessarily get the lights out, the less traffic and the runway is a little longer than they like to use for training. She stated that coming to Belen to use the runway when it’s built will provide more realistic training. Lt. Mike Holder, Commander 71<sup>st</sup> Special Operations informed the public that they fly the Osprey. Lt Col Jake Vickers is hoping to start using the Belen runway by this summer. He stated that the training will happen mostly at night. Col Vickers mentioned that the good news is that the new C1-30 is a little quitter.

#### **UNSUNG HERO PRESENTATION**

Charles Cox, Belen Firefighter was the recipient of the Citizen of the Year Award, and Chief Manny Garcia would like to officially congratulate him on this award. Mr. Cox thanked the Chief for the nomination. The Mayor and Council expressed their appreciation to Mr. Cox for his service.

### **DISCUSSION WITH POSSIBLE ACTION**

#### **APPROVAL OR DISAPPROVAL OF THE TAP APPLICATION**

Steve Tomita announced that the TIP and TAP applications are due next week. Steve and Jay asked Molzen Corbin to make project recommendations to the Council. Abiel Carrillo from Molzen Corbin went over his presentation; a copy of which is attached hereto and made an integral part of these minutes by reference.

Councilor David Carter asked what action is included on this issue. Steve replied that suggestions were given tonight, and he would like the Council to give him direction. Councilor Carter suggested tabling the issue, until

the projects have been selected. Steve answered that he is on a crunched time. Mayor Cordova stated that the goal tonight is to select two projects for the applications, and appears that the recommendations from staff are Aragon for one application and Second Street for the other application which would include bicycle pedestrian improvements. Steve added that this application will come back around in two years. Mayor Cordova tends to think Aragon is an important project, but he is not sold on Second Street. Roseann Peralta asked Abiel if the City applies, are we committed. Abiel answered that if the City applies for funding, you are applying to get slatted in the future. Abiel went on to say that if circumstances change, the City can always amend the project or move it back. Mayor Cordova asked if there were any other considerations to take the place of the Second Street Project. Steve stated that they could go back and look at some of the street north of Reinken.

Mayor Cordova stated that what he would like to see tonight, if possible, a motion from the Council approving an application for West Aragon from Main Street to Mesa and approving sidewalks for the TAP fund on Aragon from Main Street to the overpass. Councilor Carter so moved. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

Jay mentioned that because the projects are so far in advance, the City can budget the matching funds.

**APPROVAL OF DISAPPROVAL OF JOE SAIZ, FIRE FIGHTER II, TO SERVE ON THE MWNMCAP YOUTH COMMITTEE: JAY RUYBALID, CITY MANAGER**

Jay informed the Council that the Mid Western New Mexico Community Action Program has requested that the City have a representative on their youth committee. Jaime Diaz the Deputy Chief Executive Officer of MWNMCAP as well as the Head Start Director gave a brief summary of the history and an update on the NMNMCAP. He advised the public that Head Starts' main goal in the corner stone of the work they do is really preparing the family for lifelong learning and education. Mr. Diaz informed the Council the reason he was there tonight was to have Mr. Joe Saiz nominated and selected by the Council for the tripartite board that is required by state statute; a third of the board has to come from the private sector, a third from representatives of the poor, and the other third must be designated for some form of governmental entity. Mr. Diaz explained that the max of time served on the board is ten years, and there are now some currently openings. He went on to say the Mr. Joe Saiz is a passionate man who does wonderful works for this community.

Mayor Cordova asked for a motion. Councilor David Carter made the motion. Councilor Darleen Aragon seconds the motion.

Councilor Darleen Aragon	Yes	
Councilor David Carter	Yes	
Councilor Frank Ortega	Abstained	Motion Carried

**APPROVAL OR DISAPPROVAL OF THE GO BOND B RESOLUTION OF SUPPORT: JULIE CERVANTES, LIBRARY DIRECTOR**

Julie Cervantes is here tonight to ask for approval of the GO BOND B Support Resolution. A copy of the Resolution is attached hereto and made an integral part of these minutes by reference.

Mayor Cordova asked for a motion. Councilor Frank Ortega so moved. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

Mark Rosenblum also asked the public to support the Senior Center Bond as well. Julie Cervantes took this opportunity to introduce Rebecca Wright, she is the Adult and Electronic Services Librarian at the Belen Public Library.

**APPROVAL OR DISAPPROVAL OF THE MOU BETWEEN THE CITY OF BELEN AND RIO COMMUNITIES FOR ANIMAL CONTROL SERVICES: DAVID CARTER, COUNCILOR**

Councilor Carter reported that a couple of changes were made that was requested at the last meeting. Jay Ruybalid reported that the changes that occurred were regular service and emergency service hours were separated; emergency service will be provided during regular hours. Sharing the liability was the other issue, but according to the City Attorney entities cannot share liability.

Mayor Cordova asked for a motion. Councilor David Carter motion to accept the memorandum of understanding between the City of Belen and the City of Rio Communities for Animal Control Services. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE AMENDMENT TO THE PERSONNEL POLICY SECTION 12 LEAVE & HOLIDAYS; TO INCREASE THE MAXIMUM AVAILABLE LEAVE FROM 160 TO 240 FOR EMPLOYEES WITH TEN OR MORE YEARS OF SERVICE: ROSEANN PERALTA, FINANCE DIRECTOR**

Jay Ruybalid informed the Council that because the current policy has a provision that employees have to be down to 160 hours, there are a lot of employees that are taking time off, which is affecting services to a certain degree. Roseann Peralta advised the Council that she has been approached by a lot of employees asking her about accrual hours, and asking her why the hours could not be back to where they used to be. Roseann explained when the policy was revised, the accrual hours were changed to 160 across the board; one of the reasons was due to an audit finding, but that wasn't what that audit finding was about. She explained that "they" were counting vacation and sick hours together in payroll, but the issue has been taken care of. Roseann stressed that she does not want employees to lose their hours. Roseann suggested that the maximum accrual hours for an employee with 0-10 years would be a maximum of 160 hours. Employees with 11-20 years of service would have a max accrual of 240 and Employees with 21 and above would also be 240 hours. Jay stated that the cap would help out tremendously so that services won't be affected by employees being out. Robert Chavirra stated that he has been with the City 21 years and he will start to accrual 7. something hours. He also said that if the City keeps us like this there are going to be more people taking off. Robert stressed that the City needs these employees here. Councilor Darleen Aragon asked why the employees are waiting until the last minute. Councilor Aragon stressed the reason for vacation is so that the employee has a good work life balance. She also stressed the importance of having employees cross trained. Robert stated that there are only 3 employees in their department with CDLs. Councilor David Carter reminded everyone that two years ago he and the Mayor were sitting on the Council when the City reduced the hours from 240 to 160. Councilor Carter stated that the employees came to the Council with the argument that it was hard to calculate if they were to leave, because the City couldn't budget for it. He claims that employees were stacking up hours and then retiring. Councilor Carter emphasized that the administration at that time, including Roseann told the Council that it was hard to budget for the employees that are leaving, and they needed to reduce the accrual to assist the City calculate compensation. He added that was two years ago and the employees were given fair warning to

take their leave. He stressed that the employees were give two years to take their time off, but now that there is two months left and it now is an issue. Councilor Carter mentioned that it doesn't matter what maximum accrual is given to the employees, once they meet their maximum accrual hours, they are back in the same boat. Mayor Cordova recalls the reason for lowering the accrual hours two years ago was due to payouts and to make sure employees accrual at a fair rate in that the maximum accruals are appropriate for the tasks that they complete at the City. Councilor Ortega asked how many employees are asking for these hours to be changed; Roseann answered 10 to 15. Councilor Ortega mentioned those are probably the 10 to 15 employees getting ready to retire. Roseann explained that she budgets for the employees that are eligible to retire. Councilor Ortega agrees that things won't be any different if the hours go to 240, because there is still no proper scheduling. Julie Cervantes, Library Director stated that number is irrelevant; she believes 160 hours is significant. Julie expressed that she too is having difficulties scheduling the Library Staff due to so many employees being out. Manny Garcia, Fire Chief, stated that the City Manger at that time gave the employees that number; there was no negotiation. Chief Garcia stressed that the vacation time earned belongs to the employee, and he does not feel that he can tell his employees when they have to take their vacation. Chief Garcia mentioned that this is the time when his employees like to take their time, because they have family. He also stressed the employees are needed here, and it is tough for employees to be away from emergencies that occur; he suggested moving their time given as vacation into their salaries. Jay Ruybalid recommended 240 maximum accrual hours. Leona informed the Council that she was part of that committee, and she is one of those dedicated employees that was over her time. She claims that she has been forcing herself to take off; she has been taking off every Friday and is now almost down to the maximum accrual. She stated that as a long term employee she is setting herself up for retirement. She agreed with what Chief Garcia said earlier, the City Manager gave the directive to reduce the maximum accrual. She reminded everyone about the meeting the committee held with all the employees discussing the changes to the personnel policy. She and Chief Robb proposed lowering the amount of accrual leave amount; needless to say shortly after the Union was voted in. She mentioned as most of you have stated 160-240 the problem will not be solved, that's why at the time, she suggested cutting down on the vacation leave accrual amount, but that did not go over well with staff, so the City Manager agreed to keep the accrual amount, but lower the maximum accrual amount. Chief Robb stated that when he was on the committee, he suggested that employees at that time should be allowed to keep 240, and new employees should max out at 160. He claims he was told by the City Manager at that time, that process would be too difficult to do. He suggested maybe going back to that prior suggestion. Jay Ruybalid agrees that the issue will still exist no matter what the maximum accrual hours are, but he does not see a problem with going back to the 240 maximum accrual hours. The Council would like to have a workshop to discuss the issue further.

Mayor Cordova asked for a motion. Councilor David Carter motioned to table. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

**DISCUSSION**

**2014 /2015 FIRST QUARTER FINANCE REPORT: ROSEANN PERALTA, FINANCE DIRECTOR**

Roseann went over a copy of her first quarter Finance Report; a copy of which is attached hereto and made an integral part of these minutes by reference. She reported that all reserves are at 3.6 and the General Fund Checking Acct Enterprise included 5.6. The first quarter revenues GRT are where they should be at 24.6 %. She has not received property tax, but will receive a large payment in November or December; that will help cover all the expenses that have happened this first quarter. The Community Service Department expenditures were high in that department, because they had a couple of mower repairs and truck repairs. The Culture and

Recreation Department, which includes the Library and Recreation Department, was also high in expenditures. Roseann approved a thorough cleaning for the Library and they ordered all of their books and supplies up front. The Library received their monies from the GO Bond October and their budget will be fine in the second quarter. On page 3-6 are Special Revenues, the departments under this fund collected revenues to cover their expenses. On page 7 under miscellaneous funds, technology is collecting, but has not made expenses yet. The Property Abatement Fund has money, but the one demolition is not showing yet. Roseann reported that the 1/8 and 1/2 of the GRTs are coming in, and those monies collected are moved over to debt service for the City's debt payments. The Capital Projects Funds, Christopher I has received full reimbursement and the match monies for Christopher II are budgeted. The monies are in place for the tank and for the ponding. Roseann informed the Council that as far as the City's Debt Service, loan payments are being made on time. The Bond payments are due in December, and the money is already set aside. She reported that the Solid Waste Department is a little high in expenditures, because they are now in charge of alleyways, and they bought a mower. Councilor Carter stated that the Lodgers Tax still had monies, but Roseann reported that the Lodgers Tax Committee already has it budgeted for expenditures. Councilor Carter brought up the Capital project funds; Roseann answered that the cash for project matches for COOP and MAP are already in there. Councilor Carter asked if there were still 250,000 left in the CD; Roseann answered that the CD matured on October 14, 2014. The CD was cashed out and will be used for the match on the airport runway.

**AMENDMENT TO THE MUNICODE CHAPTER 9.16, SECTION 9.16.030 TO ALLOW CONSUMPTION OF ALCOHOL BEVERAGES IN MUNICIPAL PUBLIC BUILDINGS: STEVE TOMITA, P & Z DIRECTOR**

Steve informed the Council the reason this issue is coming before them is due to the manufacturing company that is coming into Belen. The Company is planning to have a VIP tour of the Plant and Steve would like to showcase Belen to the VIPs. He plans on having a balloon flight and then a reception at the Harvey House. They would also like to showcase the local wineries, but under the current ordinance that cannot be done. The only thing allowed is a public special event or festival; however, this will not be open to the public. The only way to allow this to happen is to amend the ordinance to include a special event that would be based on economic development or showcasing Belen. The existing language states that the Governing Body finds and declares that the consumption of alcohol beverage on and around municipal property is a positive danger to health, safety and welfare of the citizens. He would like to amend that to read **may** be detrimental to the health, safety and welfare. Steve wanted to mention that the Central Hotel would to expand their business onto the sidewalk to allow for wine testing, but this would not be allowed under the current ordinance. He would like to propose that restaurant be exempt from the ordinance under lease provisions by the City as set forth under the Becker Avenue Overlay Ordinance. Councilor Ortega asked about the Matanza; Steve answered that is under a special public event. Councilor Carter stated that he would like to see some sort of a permitting system.

**INFORMATIONAL ITEMS**

**City Manager's Report:** Jay reported that he and Steve attended the MRCOG/Transportation meeting to talk about the guidelines on the TIP and TAP applications. He reminded the council of the Legislative Dinner to discuss the top ICIP projects. There was a sewer line break on Seventh and Dillon Streets; the cost was a little over \$60,000. Dale and Councilor Gallegos attended the Infrastructure Conference hosted by NMML. There was a meeting with the Kirtland Air force Meeting today. Mike Provine will host monthly meetings regarding the Airport Project. He attended the Global Technologies Announcement last week; he talked with Charles Rennick to discuss the next step. The Annual Matanza will be held on January 24<sup>th</sup> at Eagle Park. A preliminary meeting was held regarding the downtown master plan and a kick off Meeting was held today. He will be meeting with Rhona to discuss the MOU with Belen MainStreet; a check was sent out for monies owed from the last MOU. There will be a workshop this Friday for the discussion of political signs. Christmas decorations will be going up next week. Councilor Carter asked to leave Becker Street free of Santa decorations for the Follow the Star Event. The Belen Recreation Park Project is moving along; the bid opening will be on November 13. A Progressive Discipline Training will be held with Dina Holcomb. The Food Pantry

Contracts have been signed and filed. Valene is requesting copies of Driver's licenses from all employees including the Council. The floor lights at the Gazebo will be removed within the next two weeks. Councilor Carter asked for the timetable on Eagle Tank; Jay will send a copy of the timeline to Councilor Carter. Councilor Frank Ortega has the silt been cleared out of the holding ponds; Jay answered not yet. Councilor Carter offered to schedule CDL training for City employees.

### **CITY COUNCIL'S REPORT**

**Councilor David Carter:** Councilor Carter announced that the Business Expo was a big success; he enjoyed the Round Table the most. He has been working with the Follow the Star Committee. He attended the "Political Rally"; he was disappointed in the lack of acknowledgment of Belen employees. He has met with Mr. Garza concerning the proposed pipeline that is coming from Arizona to Tarrant County. He met with a representative with the Upward Bound Outreach Program; they are looking into adopting a park. He exclaimed, Go Vote!

**Councilor Aragon:** She met with NM MainStreet last week. She attended the Economic Development Meeting and the Global Technologies Announcement. She also attended the 29<sup>th</sup> NM MainStreet Board Meeting; they had sticky wall to place ideas which was very interesting. She attended a BBQ this weekend to meet the candidates. She participated in the Downtown Master Plan Meeting for the MainStreet area. The Corazon de Belen Park is under construction to include pouring concrete, putting up an awning with lighting and a new fence. She invited everyone to the Chamber After Hours on November 6, 2014 at the Sabinal Wine Vineyard. She also exclaimed, vote tomorrow.

**Councilor Ortega:** He reported that he saw concrete work going on at the Corazon de Belen Park. He suggested having a Matanza Team for the annual matanza. He thanked Steve for putting up a banner thanking Herman Tabet for his participation in bringing Global Technologies to Belen. He asked everyone to go out and vote. He held a meeting with constituents; they are concerned with weed issues. He is still concerned with the lights for the overpass on West Aragon. He thanked the Street Crew for watering the roads by the High School. He is hoping to move forward on the hospital.

**Mayor Jerah Cordova:** He reported that Rancho Cielo will be bringing some new information to the Council in the near future. He attended the Economic Development meeting, they are moving forward at a quick pace. He took a tour of the F & E Plaza; the building is not in that great of condition and there is some vandalism inside. At an Agricultural Meeting he learned that there is an agriculture department group interested in economic development projects in Belen. He attended the Matanza Meeting to discuss the use of Eagle Park. He also attended the last P & Z Meeting and the Global Technologies Announcement. He will be meeting with the Model Railroad Club a week from today.

### **ADJOURNMENT**

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

Councilor Darleen Aragon	Yes	
Councilor David Carter	Yes	
Councilor Frank Ortega	Yes	Motion carries

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

ATTEST:

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