

**REGULAR CITY COUNCIL MEETING**

**October 5, 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 Jay Ruybalid, City Manager.

**PRESENT:** Councilor Darleen Aragon  
Mayor Pro-Tem Wayne Gallegos  
Mayor Jerah Cordova  
Councilor David Carter  
Councilor Frank Ortega

**CITY MANAGER:** Jay Ruybalid

**ABSENT** Leona Vigil, City Clerk

**REPORTER:** Clara Garcia, VC News Bulletin

**OTHERS:** See attached sign-in sheet

**PLEDGE OF ALLEGIANCE**

Mayor Jerah Cordova led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mayor Jerah Cordova asked for a motion to approve the agenda. Councilor Wayne Gallegos made a motion to accept the agenda. Mayor Jerah Cordova asked for a second. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

**APPROVAL OF MINUTES**

Mayor Jerah Cordova asked for an approval of the minutes dated September 21, 2015. Councilor Wayne Gallegos motioned to approve the minutes. Mayor Cordova asked for a second. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

**PUBLIC COMMENTS**

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

**Gloria Sanchez:** She is glad the drainage problem on Mesa Rd is being corrected. She would like the City to consider placing signs (“Stop when pedestrians are in cross walk”) on Camino de Llano, Delgado and Reinken. Those areas have wide cross ways, four way stops, and they are located near walking trails. She thanked Chief Robb for recognizing the speeding in that area and putting up the speed sign.

**Bob Skerry, City Manager of Rio Communities:** He announced that on October 20, 2015 at 6:00 P.M., at the Transportation Meeting in Los Lunas, an open meeting will be held for City Managers, Administrators and County Commissioners. The theory is to get everybody talking, and he hopes that everyone will try to attend.

**Felix Jaramillo:** He is a resident of 24 Orchard Rd. He thanked the Council for paving their road. He reported that since the paving, the traffic in that area is heavy. Since school has started, 87 cars have come through the front of his house. He is concerned with the pollution and the smell of the exhaust. He speculates that even though the road was widened four feet, the road is not wide enough for a bus. He also reported that there's a telephone pole in the middle of the road and wires hanging down. He was not happy with the letter he received from the City stating that portions of the road could be closed during the school year. He would like to know what portions they are. Mayor Cordova advised Mr. Jaramillo that the Council will be addressing that issue under item 8 of the agenda.

There were no more public comments at this time and Mayor Cordova closed this portion of the meeting.

### **PRESENTATION**

#### **FIRE PREVENTION WEEK PROCLAMATION: Jerah Cordova, Mayor**

Mayor Cordova read and presented the Fire Prevention Week Proclamation to Lt. Charles Cox. A copy of the presentation is attached hereto and made an integral part of these minutes by reference. Lt. Cox announced that this Saturday will be the Fire Department's third annual Fire Prevention Event at City Hall from 12:00 P.M. to 3:00 P.M.

### **PUBLIC HEARING**

#### **PORTION(S) OF EASTSIDE SCHOOL ROAD CLOSURE DURING THE 2015-2016 SCHOOL YEAR:**

##### **David Carter, Councilor**

Councilor Carter informed the public that the document is addressing the safety of the students during pick-up and delivery. Councilor Carter explained that the portion closure of Eastside School Road will be during the morning drop-off and the afternoon pick-up. He stated that only busses will come in from the south all other traffic will come off River Rd. The only ones exiting will be the parents who drop their children off in the parking lot, and they will exit south. Family School will continue to exit north. He believes that this will reduce the traffic on Orchard and also ensure the safety of the students. Family School parents will come in through the south gate from River Rd and exit right directly back out to River Rd. Rio Grande parents will come in through River Rd into the parking lot and exit south. The only inbound traffic will be the busses that will be coming from the east or west on Orchard Road. Parents exiting Rio Grande will go south, east or west when they get to orchard. The hours of closure will be from 8:15 A.M. to 9:00 A.M. in the morning and 3:00 P.M. to 3:30 P.M. in the afternoon, *only* on school days, when school is in session.

**Felix Jaramillo:** Mr. Jaramillo stressed that there is enough room south of the building. The parking behind that school could be used the same way, in and back out. He suggested having two lanes; he added provide more pavement and striping and it would eliminate the problem.

**Councilor Ortega** asked what the Schools had planned for the Old Eastside School building. Councilor Carter answered that there is talk about using the property for drainage. Councilor Ortega asked if the building was historical. Mayor Cordova answered that it is considered historical, but it is not designated as historical. Councilor Ortega suggested it be knocked down and used for a parking lot.

Mayor Jerah Cordova asked if there was anyone in the public to speak in favor or opposed to the issue. Mayor Cordova reported that there were two individuals in opposition. Mayor Cordova closed the Hearing.

### **DISCUSSION**

#### **MANAGER/PERSONNEL ORDINANCE CHANGES PER THE MUNICIPAL LEAGUE TRAINING:**

**Jerah Cordova, Mayor**

Mayor Cordova informed the Council that he took two ordinances, the city manager ordinance and the personnel system ordinance as they currently exist, and made edit marks based on what he understands state law to say and what he understood at the workshop with New Mexico Municipal League. He changed, in some areas, City Council to Governing Body. He stated that the two ordinances require that there is process for mayoral appointment and a vote by the City Council, but in some areas we had to keep the mayor and council separate. Section 2.12.30 (b) explains the duties of the City Manager to include supervise and discipline all persons engaged in the administration service of the City. He added item (c), supervise and discipline all persons engaged in the executive service of the City. He informed the Council that there are some differences between (b) and (c). In regards to (c), the City Manager would not be employing, promoting, demoting, transferring and discharging those in the executive service. Councilor Aragon asked the Mayor if the supervision, discipline and discharge be the responsibility of the HR person. Mayor Cordova answered that the official actions would go through HR at some point, but normally the supervisor is responsible for supervising and disciplining. Councilor Ortega had some concerns on discipline and discharge. He would like to see something for professional development, having some kind of recall before a person is fired. Jay replied that for all positions there is progressive discipline; first time is a verbal warning, written warning and suspension and/or termination. Councilor Ortega understood the progressive discipline process, but would like to see a recourse plan to try and improve their performance. Mayor answered ok. Councilor Gallegos asked for a definition of the word "indefinite" as stated on 2.12.020. Mayor Cordova answered that he does not have one, but the term is stated that way in state law. He explained that the personnel ordinance will set a two year term for all executive service employees, but it can't be done for the City Manager because state law states an *indefinite* term. Councilor Aragon interjected, but it's contractual; therefore, it's not for an indefinite amount of time. Mayor Cordova stated that it would still be a two year time in practice; every two years we have a municipal election and every two years all of those positions will come up for reconsideration. Mayor Cordova stated that state law says *indefinite* and he believes the City's ordinance has to say *indefinite* also. Lorenzo Carrillo, HR Manager, stated that the intent of the term is when other factors play in such as discharge, removal, death, resignation and so on. "So it is indefinite until one of the factors play in". Councilor Gallegos emphasized that it should be defined that way in the ordinance. Councilor Gallegos pointed out that the City never had a contract for the City Manager, this is the first time they looked into a contract. He informed the Council that this time around, they decided that every appointed position, because they are exempt from some aspect of the personnel ordinance, should have a contract that lays out what their position is. Councilor Gallegos asked if every executive position was going to be under a contract. Mayor Cordova answered yes, and he believes that all the appointed employees currently have a contract. Jay answered that everybody that is an appointed position, yes. He added that he didn't believe Roseann was in an appointed position. Roseann advised the Council that she believes the contracts were drafted, but nobody signed them. Jay does not believe Leona has a contract. Councilor Ortega stated that as a Council they have the right to go back to the form of government, the way it was and end the confusion. Councilor Ortega also stated that the Council should be part of the City Manager's evaluation. Councilor Ortega believes there needs to be a workshop to discuss the ordinances further. Mayor Cordova agrees, but wanted to finish summarizing the ordinances. Section 2.12.50 lays out supervision. He apprised the Council that as part of the contract, it was written, for the City Manager to acquire an annual evaluation. The Personnel system ordinance defines 3 types of employees, municipal service, administrative service, executive services. Councilor Ortega asked if the Treasurer is supposed to have a contract. Mayor answered if this ordinance was in place today, yes it would be required to have a contract. Councilor Ortega asked if the Treasurer currently has a contract. Roseann answered no, she is not considered appointed. Councilor Ortega asked who appoints the appointed positions. Mayor answered, every two years the Mayor nominates the employee and the Council approves or disapproves. Councilor Gallegos would like to have a workshop with advice from someone who is neutral. Councilor Ortega asked if the handbook comes under the realm of the Council's authority. Mayor answered the Council has the authority to enact ordinances, rules and regulations. He continued, the Council sets a particular ordinance regulation, and then it is up to the administration to interrupt and enforce. Councilor Ortega pointed out that the old handbook was approved by the mayor and council, but this year's handbook was not approved by anybody. Mayor Cordova answered that there is one handbook that is authorized by the ordinance for publication and under the purview of the Council. Jay addressed the Mayor and Council; he stated that there is a difference in terms between the personnel

ordinance, manual and handbook. He stated in talking to two different attorneys, they made it clear that, no; the handbook is separate from the policies and procedures manual. He explained that the handbook is determined to be directives from the City Manager and it does not need to go before the Council. Councilor Carter emphasized that the ordinance does specify all personnel policies and procedures. Councilor Carter claimed, either we approve the handbook or we change the ordinance. Jay mentioned that there is nothing in the current ordinance that talks about chain of command neither does the manual; the handbook was developed to specify open communication and chain of command. Councilor Carter suggested specifying different forms of removal of executive service employees. Roseann Peralta introduced the Lorenzo Carrillo, new Human Resource Manager for the City of Belen. He stated that section (b) applies to whatever form of government that is chosen. He added that once the City decided to hire a City Manager section (b) applies. Mayor Cordova informed the Council that there will be a workshop to continue to work on the ordinance.

## **INFORMATIONAL ITEMS**

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

Jay wanted to stress that he would never be part of terminating an employee without the employee having an opportunity to correct the behavior. The DWSRLF application for the electronic meter system was approved for 1.3 million dollars; it's a loan, but at 1.55% interest rate after \$600,000; that first \$600,000 being interest free. He met with the Air Force on a couple of occasions to discuss the proposed training project. The airport runway should be completed mid to late October. The redrilling of Well #5 does not have to have a professional engineering report, since it will be self-funded. The drainage issues are being addressed on Mesa Rd., they are waiting for irrigation to end; there will be six drainage inlets installed. There was an over-flow at Eagle Tank recently that had to do with the over-flow mechanism (electric issue) not stopping the flow of water. Dale is working with Bigsy Electric to get the electric issue taken care of. There was an 18" water line break today on the DOT right-away across from Wal-Mart. A meeting has been set up with the School for October 23<sup>rd</sup> at 3:30 P.M.

Councilor Ortega mentioned that the lights will finally be going up on Aragon Bridge.

Valencia County Commissioner Hyder was at the meeting on behalf of the Office of the Emergency Management for Valencia County. They want to remind everyone that NIMS has been offering classes to their employees within the last couple of weeks. He informed the Council that last year they lost over \$50,000 in grant funding from FEMA, because they were not in compliance. The classes can be taken on-line and in December they will offer more classes. He is asking that the City put their employees through classes, to get in compliance.

### **COMMUNICATION FROM CITY COUNCIL**

**Councilor Darleen Aragon:** She reported that MainStreet has received a lot of information, because they are going to become a Certified MainStreet. On October 20, 2015, they would like for the Council to attend the NM MainStreet Meeting from 2 to 4 at City Hall. They participated in the Belen Football Team Homecoming Parade. She also reported that she needs to schedule a clean-up for the Community Garden. As part of her job, she is pleased to say that people are starting to look at Belen and Rio Communities as a whole. She mentioned that tomorrow at the Library, a presentation of the perception for Belen will be held from 6 to 8 PM.

**Councilor Wayne Gallegos:** He attended the RSVP meeting; the number of volunteers is still increasing. He announced that RSVP will be the Clearing House for Holiday Food Baskets. He attended the Retirement Luncheon for Mary Lucy Baca, here at City Hall. On the 26<sup>th</sup>, the Rio Abajo Day had a great success. He participated in the workshop for the Animal Control Ordinance and Economic Development.

**Councilor David Carter:** He reported that the Belen Homecoming Parade was huge. He attended Rio Abajo Days on the 26<sup>th</sup>, he checked out all the cars in the Car Show. He continues to work on the Follow the Star Event, which will be held here in front of City Hall. He attended the Workshop this past Friday. He announced that BHS will play Santa Teresa this Friday. There is no school this Friday.

**Councilor Frank Ortega:** Ditto. He added that the Eagles will always be the champs in his heart. He proclaimed Ernie Gabaldon is our Trash Fairy. He is helping people take out their trash cans on Fourth and Bernard. Channel 13 reported that residents didn't know who was taking out their trash cans so they put out a camera and caught Ernie Gabaldon taking out peoples trash cans. It was on Channel 13 news.

**Mayor Jerah Cordova:** On Sept 24, he met with NMDOT for needs, in and around the area. NMDOT was going to have a meeting on the Aragon Properties that same day. On the 25<sup>th</sup> he attended Mary Lucy's Retirement Luncheon. He had a radio interview about the nativity on that same day. He mentioned Rio Abajo. On the 28<sup>th</sup>, he did an interview about the City's airport which is going to go into a Trade Magazine. He presented a Manufacturing Day Proclamation at the Valencia Flour Mill. He met with Nino Trujillo to discuss the Economic Development Corporation. He participated in the Workshop on Friday. He met with Jay, Steve and Congressman Pierce; Congressman Pierce was incredibly optimist to find funding for us.

Councilor Ortega introduced his son who was in the army, an Iraqi Veteran, with a 10<sup>th</sup> Mountain Division.

### **EXECUTIVE SESSION**

An executive session to discuss pending or threatened litigation in reference to the proposed hospital and the Heart of Belen as allowed per Section 10-15-1 (H7) of the Open Meetings Act.

Mayor Jerah Cordova asked for a motion to go into executive session. Councilor Frank Ortega so moved. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

Mayor Jerah Cordova asked for a motion to return to an open meeting from a closed meeting. Councilor Wayne Gallegos so moved. Mayor Cordova 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 Jerah Cordova	Yes	Motion Carried

Mayor Jerah Cordova asked for a motion that discussion was limited to those mentioned and no action was taken. Councilor Wayne Gallegos so moved. Councilor David Carter seconds the motion. Roll Call Vote:

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

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

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