

**REGULAR CITY COUNCIL MEETING**

**September 2, 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 Jay Ruybalid, City Manager.

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

**CITY MANAGER:** Jay Ruybalid

**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 if there were any questions or comments. Councilor David Carter would like to move item 10E to 8C for Discussion Only. Mayor Cordova asked for a motion to accept the Agenda with the change. Councilor Wayne Gallegos made a motion to accept with change. 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

**APPROVAL OF MINUTES**

**APPROVAL OF THE MINUTES DATED AUGUST 4, 2014**

Councilor David Carter moved to approve the Minutes of August 4, 2014. 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 OF THE MINUTES DATED AUGUST 18, 2014**

Councilor David Carter moved to approve the Minutes of August 18, 2014. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	
Councilor David Carter	Yes	

**PUBLIC COMMENTS**

**Clara Garcia:** Clara is with the Valencia County News Bulletin; she was there to talk about the Best of the Best of our community. Since 1995 the News Bulletin has featured Citizen of the Year and honoring Unsung Heroes. The nominees are those that are not paid for their good works in the community. They are asking everyone to nominate individuals who are unpaid volunteers, and who have made this County a better place to live. She left nomination forms for the public.

**Randy Garley:** He had an issue with the apartments located next to his house. He mentioned that the two apartments are without electricity and people are still living there. He added that the apartments are supposed to be Section 8 Certified, but the landlords are renting to anybody. Mayor Cordova answered that he would have the Police Chief look into the situation.

**PRESENTATIONS****9/11 MEMORIAL PROGRAM: GLORIA SANCHEZ**

Gloria had the program for the 13<sup>th</sup> Anniversary of the 9/11 Ceremony. Last week two additional memorial bricks were placed at the 9/11 Park. Gloria mentioned that the wall that Our Lady of Belen has in place has cracks on both sides. She stated that the property that the 9/11 Park is located is on an easement from Our Lady of Belen Church. She will be looking for another grant to help with the 9/11 Park improvements. Chief Manny Garcia will be out of town for the ceremony; Commander Charles Cox will be the MC for the event.

**DISCUSSION****PLACEMENT OF THE OLD CITY HALL BUILDING ON THE HISTORIC REGISTRY: JEFF PAPPAS, NM HISTORIC PRESERVATION OFFICER**

Jeff was at the meeting to discuss the possibility of placing the old city hall building on the national registry of historical places. Steven Moffson gave a short presentation on national registry; a copy of the presentation is attached hereto and made an integral part of these minutes by reference. To be eligible the property must be 50 years of age, and maintain its historical character, and be significant for a historic event. Steve then discussed the process; the applicant prepares a nomination, the office receives and reviews the application, the application would then go to the Cultural Properties Review Committee. If the application is approved, the application would get forwarded to the National Register in Washington to be officially listed. Councilor Gallegos asked if Belen has any buildings listed on the Register. Steve stated that the Belen Hotel is listed on the National Register. Mayor Cordova added that the Harvey House and the Felipe Chavez House are also listed. Councilor Gallegos mentioned that any time the City wants to do something to the Harvey House Building, he has the understanding that the City has to follow rules and obtain permission before doing anything to the building. Steve answered that entities of the State, such as municipalities, are required to consult with the State Historic Preservation Office, which is a consultation. The office will offer their expert opinion, but they do not have the authority to stop projects. Steve recommended getting the Office involved as soon as the planning starts for changes to a historical building.

Jay Ruybalid would like direction from the Council and Mayor as to the Agreement that has already been produced. Roseann went into more detail of the Agreement. She explained that the City received money into its bank account; she researched where the money came from. She found out it was from the Historical Preservation Society for a grant that was applied for and signed off my MainStreet. MainStreet asked if the City would be the fiscal agent. She stated that there was a letter of approval, which she never saw. She advised the Council that there is a match to this grant which is in-kind or cash. The Agreement was not signed by a City Representative; therefore the Historic Preservation Division would like for a representative to sign a duplicated Agreement. Councilor Aragon mentioned that the in-kind service has already been complete. Mayor Cordova provided additional clarification; he stated that the issue amounts to a legal misunderstanding as to who had the

responsibility for signing the agreement. The Agreement was a grant for \$17,000 that was received by Belen MainStreet Partnership. The Agreement was signed off by Belen MainStreet, but should have been signed by the City. Roseann informed the Council that there are a lot of requirements on the grant, such as progress reporting, which has been done by the MainStreet Group. Councilor Carter asked if any of the money has been paid out; Roseann answered no. Councilor Carter would like a little more information as to what took place presented at the next Council Meeting. Karla McWilliams from the Historic Registry clarified that the grant was for \$11,955.28; the total project is for \$19,000; there was a \$7,941 match which came from in-kind services. Steve stated that when he received a call from the City Manager, they came down to meet and discuss the problems with the contract. It was decided at that meeting that they would come present to the Council to explain what had happened, and to convince the Council that this is a worthy project. Jay Ruybalid asked Mr. Pappas if the Agreement was to be signed, with the approval of the Council, will it obligate the City to nominate the building for registry. Jeff stated that they could probably work with the City to at least accept the nomination draft form pending further conversation with the Council to move forward. He would like every opportunity to convince the Council that the building needs to be listed.

**VALENCIA COMMUNITY CHILDREN’S ADVOCACY CENTER INTERAGENCY AGREEMENT:  
CYNTHIA CHAVERS**

Cynthia Chavers was not in attendance at the meeting; Mayor Cordova gave a little background on the issue. The issue has been in discussion in Valencia County for quite some time and in the State of New Mexico. Governor Martinez has been trying to establish a Children’s Advocacy Center in Valencia County; it would be the first of its kind in the State. There will be a ribbon cutting and announcement of that center on Friday. Mayor met with representatives from the Advocacy Center and they would like the Council to consider an Interagency Agreement that would involve various municipalities in Valencia County which would allow the City to participate in the Child Advocacy Center. Councilor Ortega asked if the City will have to provide any funding. Mayor Cordova answered, that he believes it is fully State funded. He added that the Agreement is assuring them the City will participate, and by participating, we will abide by the protocol that is established. Police Chief Dan Robb reviewed the protocol in the Agreement, and assured the Council that it is consistent with the Department’s policies and procedures. Councilor Gallegos asked for the Police Chief’s recommendation. Chief Dan Robb replied that his recommendation is that the City sign the Agreement. Mayor Cordova expressed that he wanted the item on the Agenda tonight specifically for the Council to have an introduction on the topic. Mayor Cordova mentioned that there will be a ceremonial sign in on Friday; he would like a little more direction from the Council which will give him a little more authority going into Friday. Margarita Sanchez, member of the public stated that all the cities should meet and sign the Agreement together.

**APPROVAL OR DISAPPROVAL TO RESCIND RESOLUTION 2010-10, A RESOLUTION OF THE CITY OF BELEN, NEW MEXICO, IN SUPPORT OF THE CONTINUATION OF THE LOS LUNAS CORRIDOR STUDY: DAVID CARTER, COUNCILOR**

Councilor David Carter referred to Steve Tomita for presentation. Steve informed the Council that after reviewing the Resolution, there is nothing in the Resolution that needs to be rescinded. The Resolution provided support of the Corridor Study; the Resolution did not identify specific road alignment that the City was supporting. A specific road has been selected since then, and designs have been completed. Steve suggested if the City is going to take action, it would be to state that the City is not necessarily in support of the present alignment and would like other alignments to be considered. He reiterated that rescinding the Resolution is not necessary. Councilor David Carter requested that Steve contact DOT for a meeting with a possible hearing to review the proposals. He also requested a resolution stating the City is not in support of the S5 interchange, and would like the DOT to reconsider S1 and S2. Steve advised the Council that he has tried to set up a meeting with the DOT, but they are not responding. Steve suggested having the Mayor send a letter. The Mayor gave direction to draft a letter from him requesting a formal meeting.

**EXECUTIVE SESSION**

**AN EXECUTIVE SESSION TO BE HELD FOR THE DISCUSSION OF PENDING OR**

**THREATENED LITIGATION IN REFERENCE TO THE PROPOSED HOSPITAL & COLLECTIVE BARGAINING AS AUTHORIZED IN THE OPEN MEETINGS ACT.**

Mayor Cordova asked for a motion to go into an executive session to discuss pending or threatened litigation in reference to the proposed hospital and collective bargaining. Councilor David Carter moved the motion. 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

Mayor Cordova asked for a motion to leave a closed meeting and return to an open meeting. Councilor Darleen Aragon made the motion. 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

Mayor Cordova asked for a motion that discussion was limited to pending or threatened litigation in reference to the proposed hospital and collective bargaining and no action was taken. Councilor Wayne Gallegos moved the motion. 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

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL OR DISAPPROVAL OF THE COLLECTIVE BARGAINING AGREEMENT: DINA HOLCOMB**

After reading the next item on the Agenda, Councilor David Carter motioned to approve the Collective Bargaining Agreement. 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 LIQUOR LICENSE TRANSFER FROM BOBBY L. GARLEY JR. TO CST SHAMROCK STATION, INC.: STEVE TOMITA, P & Z DIRECTOR**

Steve Tomita advised the Council that the Station wants to buy the License in question. Steve assured the Council that the establishment is in compliance with the zoning.

Mayor Cordova announced that this was a Public Hearing and invited the public to come speak on behalf of the transfer. Margaret Miester is in favor; she is with Modrall Sperling and represents CST Shamrock Stations, Inc. Margaret indicated that she is there to stand for any questions. Mayor Cordova asked if there was anybody else in favor or opposition of the transfer. There were no more comments. Mayor Cordova closed the public

hearing.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to approve the Liquor License Transfer. 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 MEMO OF UNDERSTANDING BETWEEN THE CITY OF BELEN AND THE BELEN CONSOLIDATED SCHOOL IN REFERENCE TO THE SCHOOL RESOURCE OFFICER: DAVID CARTER, COUNCILOR**

Councilor Carter informed the public that this is the Agreement that has been place for several years between the City and the Schools. The Agreement states that the Schools pay \$50,000 a year, and the City furnishes an Officer to work with the School District. The Officer basically works out of the high school. Councilor Carter informed the Council that there are no changes to the Agreement. Councilor Carter mentioned that it is an annual Agreement. Police Chief Dan Robb explained that the \$50,000 pays for the Officer's salary and benefits, and the City provides the equipment.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to approve the MOU. Mayor Jerah 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

**APPROVAL OR DISAPPROVAL OF THE CITY'S 2014-2015 ICIP PLAN: ROSEANN PERALTA, FINANCE DIRECTOR**

Roseann advised the public that the ICIP Plan is an Infrastructure Capital Improvement Plan that the City approves every year and sent to DFA. The ICIP assists with obtaining funding from the legislature. She reported that on Friday a meeting was held to organize and to add to the City's top 5 projects. She informed the Council that the top 5 is submitted to DFA for the current legislation. Roseann listed the 5 projects; No. 1 is redrilling of Well No. 5, No. 2 is the Waste Water Sanitary Collection Improvements, No. 3 is the Reid May Pond and Drainage, No. 4 is the Vivian Field Improvements and No. 5 is the Airport Crosswind Runway. Roseann reported that the top 5 projects were submitted today.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to approve the 2014-2015 ICIP Plan. Mayor Jerah 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

**INFORMATIONAL ITEMS**

***City Manager's Report:*** Jay Ruybalid informed the Council that he had a second meeting with the MRGC District regarding the flooding off Mesa Road. He explained that their concern is the quality of the water that is running into the ditch as well as the erosion of cement lining along the ditch. One possible solution to the issue

is a cement run-off; another solution may be to install inlets. Molzen Corbin has met separately with MRGC, and at a later time, all entities will meet. He will be meeting with Chief Garcia and Dale regarding the fire hydrants. The lease agreement for the Domestic Building will be signed off next week. The roof at the Food Pantry has been complete. He has worked with Dale on a project plan; the priorities are going to be the parks including the dead trees and the fences. They have budget of \$100,000 for the small projects. They will be gathering bids for the dead trees. The Christopher Pre-Con meeting was held August 28, 2014. He issued a notice to proceed; the project will begin September 22<sup>nd</sup>. He wrote a letter of support to Rio Metro and Adelante regarding vans for senior citizens. He attended the NMML Conference on the 27<sup>th</sup> and 28<sup>th</sup>. He has a meeting tomorrow regarding the MOU with Rio Communities for animal control. He will be working with the staff to provide training to supervisors on interviewing techniques. This Saturday is the grand opening for Dollar Tree at 12:30 PM. There were 5 employment positions that closed this past Friday; 3 for the library, 1 code enforcement, and 1 risk manager. Councilor Frank Ortega asked Jay if he has talked with anyone regarding the lighting on the West Aragon Bridge. Jay answered that he contacted the DOT today and left a message.

### ***City Council's Report***

**Councilor Ortega:** He thanked the employees for working hard.

**Councilor Carter:** He met with Rio Communities, along with Councilor Gallegos; they discussed animal control and police. The Belen Expo is still moving forward. School has started and several sports are being held.

**Councilor Aragon:** She attended the County Fair on Saturday; there was a very small turn out; however, the rodeo was full. She attended the Chamber Meeting to discuss Rio Abajo which will be held at the end of the month. She attended the Expo Meeting and the NM MainStreet Meeting. She did a harvest at the Community Garden and took it over to the Food Pantry. She attended the ICIP Meeting. She and Rhona visited business to give information on the Business Expo. She shopped at the new Dollar Store on Main Street; the grand opening is on Saturday.

**Councilor Wayne Gallegos:** He attended the conference on Aging. He met with Councilors from Rio Communities to work on MOUs. He attended the pre-con for Christopher Rd; the project has been pushed back two weeks. The County Fair Parade went very well; his granddaughter won a couple of awards at the Fair for showing her animals.

**Mayor Jerah Cordova:** He participated at the Dunk Tank at the County Fair. The Parade was really great. He attended the Fire Department BBQ that the Chief puts on for all the Fire Departments in the County. He did the salsa and chili judging contest at the Fair, and on the same day he worked at the Community Garden. He met with Children Advocacy. He is looking at some design proposals for Welcome Signs. He toured the Belen Hotel; Don Woodman offered his and Judy's support for the City and the efforts to revitalize downtown. He has had the discussion on the possibility of reviewing the Main Street and Becker Ave. Overlay Zones. He attended the ICIP Meeting, met with constituents on flood control and he held a class discussion at Saint Mary's on volunteerism. He had a meeting with Chief Garcia for updates on fire inspections taking place in town, the ISO, the fire hydrant issue and the GO Bond.

### **ADJOURNMENT**

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

Councilor Wayne Gallegos	Yes
Councilor Darleen Aragon	Yes

Councilor David Carter  
Councilor Frank Ortega

Yes  
Yes Motion carries

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

ATTEST:

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