

**REGULAR CITY COUNCIL MEETING**

**September 8, 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

**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 to strike 9B from the Agenda, due to the fact that the issue does not need Council approval. Councilor David Carter moved to approve the agenda with the deletion of 9B. Mayor Jerah 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	Motioned Carried

**APPROVAL OF MINUTES**

Mayor Jerah Cordova asked for an approval of the Minutes dated August 14, 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

Mayor Jerah Cordova asked for an approval of the Minutes dated August 17, 2015. Councilor David Carter motioned to approve the Minutes with the correction of a few typos. 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	Motioned Carried

Mayor Jerah Cordova asked for an approval of the Minutes dated August 25, 2015. Councilor Frank Ortega motioned to approve the Minutes. Mayor Cordova asked for a second. Councilor David Carter 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. There were no public comments at this time and Mayor Cordova closed this portion of the meeting.

### **PRESENTATION**

#### **LITERACY WEEK PROCLAMATION: Jerah Cordova, Mayor**

Mayor Cordova read and presented Dolores Padilla with a Proclamation proclaiming September 7th through September 11<sup>th</sup> as Literacy Week. A copy of the proclamation is attached hereto and made an integral part of these minutes by reference.

#### **STAY IN SCHOOL MONTH PROCLAMATION: Jerah Cordova, Mayor**

Mayor Cordova read and presented Jeff Aragon and Patricia Castillo with a Stay in School Month Proclamation; a copy of which is attached hereto and made an integral part of these minutes by reference.

#### **9/11 CEREMONY: Chief Garcia and Gloria Sanchez**

Chief Manny Garcia presented and went over a copy of the 9/11 Ceremony Brochure. A copy of the brochure is attached hereto and made an integral part of these minutes by reference. Gloria Sanchez gave a history of the 9/11 Park. She had two requests, one that political figures do not use the Park for campaign photo shots and that the Fire and Police jointly adopt the Park.

#### **PUBLIC WORKS DEPARTMENT UPDATE: Dale Tafoya, Public Works Director**

Dale went over his Department Update Presentation. A copy of the presentation is attached hereto and made an integral part of these minutes by reference. Chief Garcia suggested having a third party inspect the fire hydrants. The Mayor and Council thanked Dale and his crew for their hard work.

### **PUBLIC HEARING**

#### **ABANDONMENT OF THE ALLEY LOCATED AT THE END OF NORTH TWELFTH STREET: Steve Tomita, P & Z**

Steve informed the Council that Mr. Gibson applied for the abandonment of this alley way. Steve informed the Council that Lisa Miller verified, with the utility companies, that they have no need for the alley. Mr. Gibson owns the land all around the alley. Steve's recommendation is that the City give up that alley and deed it over to Mr. Gibson. Steve would expect the minimum charge to Mr. Gibson will be the cost of the preparation of the deed and the costs for a legal survey. Councilor Gallegos asked if there were any lines that belonged to the City. Steve answered, no. Councilor Carter asked if we were trying to abandon the easement or the property. Steve answered that it would affect both. He explained, when we abandon an easement it goes to the joining property owners. Councilor Carter is not sure that if the City abandons the property it would go to Mr. Gibson. Councilor Carter further stated that the City may have to sell it to Mr. Gibson. Councilor Carter mentioned that it may even have to go through the procurement process. Steve replied that he will take this to legal counsel. It is Steve's understanding, when you declare an easement for a right-a-way, you are taking that property away from the property owner. When you abandon the easement it is given back to that property owner. The property is then split between the two property owners; in this case, Mr. Gibson owns the property all around it. Councilor Carter asked if the City owns it; Steve will have to reconfirm. Councilor Carter stated that if it is an easement there is not a problem, but if we are abandoning property it's up for grabs. Mr. Gibson informed the

Council that the property is north of the catholic cemetery, and that alley is a carry-over from a long time ago. Councilor Gallegos stated that on the documentation it appears to be on the west end of a closed alley; the alley is not in use. Steve answered that is correct, all of that was abated, and Lisa is not sure why this little piece wasn't included.

Mayor Cordova stated that this is a public hearing and asked if there was anyone who wanted to speak in favor of or opposed to the abandonment. Two individuals from the audience stated that they were in favor of the issue. Mayor Cordova closed the public hearing.

**PROPOSED PANHANDLING ORDINANCE: Jerah Cordova, Mayor**

Mayor Cordova announced that this is a public hearing on the Panhandling Ordinance issue and asked if there was anyone here to speak for or against the issue.

Philip Tabet would like a better understanding of the panhandling ordinance. Mr. Tabet asked does it address people standing on a corner asking for money or people asking other people for money. Mayor Cordova stated that the law can only address aggressive panhandling. The Mayor added that people have a constitutional right to stand on a street corner and hold a sign. Mayor Cordova read the definition of aggressive panhandling as listed in the proposed ordinance. Mr. Tabet stated that he is for it.

There were not more public comments and Mayor Cordova closed the hearing.

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL OR DISAPPROVAL OF THE ABANDONMENT OF THE ALLEY LOCATED AT THE END OF NORTH TWELFTH STREET: Steve Tomita, P & Z**

Steve informed the Council that Lisa has been trying to find out if these were easements or were they established as right-a-ways. Lisa cannot find any documentation that tells how the alleys were established throughout Belen.

Mayor Jerah Cordova asked for a motion. Councilor Frank Ortega motioned to approve the property for 12<sup>th</sup> Street. Mayor Cordova asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE 2017-2021 ICIP RESOLUTION: Jay Ruybalid, City Manager**

Jay reported that there was a meeting held on August 31<sup>st</sup> regarding the ICIP and as part of the ICIP process the Council must approve by resolution. Councilor Gallegos reported that there are some discrepancies in the list. Councilor Carter pointed out that the Master Plans were still on the list, yet those were going to be self-funded and pulled from the list. Councilor Gallegos asked when the ICIP was due. Jay answered September 16<sup>th</sup>. Jay recommended approving the ICIP pending adjustments. Jay went over the top ten from the Workshop. Reid Mae Pond and Drainage, Vivian Field Improvements, Airport Crosswind Runway, Fire Station, Road Improvements, Eagle Lane, Asset Management Plan, Business Incubator, SCADA System, Wastewater Plant Improvements. Jay will make sure that is how it shows up in the plan.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to approve with the pending changes. Mayor Cordova listed the three changes; removal of the water and waste water plan, modifying road improvements to CDBG, and 2021-002 should be 2018-001 "District Attorney Office": 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	Motioned Carried

**INFORMATIONAL ITEMS**

**CITY MANAGER’S REPORT**

Jay Ruybalid thanked the Council for approving the added alternative for the fuel farm. He reported that Lawrence is moving along with Real Time Solutions for a Web-Design. An Economic Development and Animal Control Workshop is scheduled for October 2<sup>nd</sup>. Well #5 was taken off the ICIP list because it will be self-funded. Mesa Rd drainage project is ready to go. We will be using some light poles we had stored for the Aragon Bridge. The LED sign has arrived; the plan is to install just west of the building.

Councilor Carter asked about the water tower. Jay answered that a specialist did a survey on the tower, and he is just waiting for the report. Councilor Carter asked for a completion date for the Camino de Llano Ponds and the Airport Project. Dale answered probably two more months for the Ponds, and Jay answered the middle of October for the Airport. Councilor Carter asked Jay, when the engineer report for well #5 is expected. Jay answered, it’s about seven months away. Councilor Carter asked when we are expected to hear something on the State Revolving Fund. Jay answered that the lady from the State wants Jay and Roseann to address some issue from the latest audit. Councilor Ortega asked when the Hearing was for the hospital. Jay advised, September 21<sup>st</sup> at 9:00 A.M. Jay will set up transportation to the Hearing. Councilor Carter asked Jay for a copy of the second letter to the Freedom of Religion that Charles sent out.

**COMMUNICATION FROM CITY COUNCIL**

**Councilor David Carter:** He directed traffic for the Nativity Set Rally. He participated in a Finance Meeting with City staff. He attended a Local Emergency Planning Committee meeting with the Police Chief that was held at the Schools Transportation Department. He participated in the ICIP Workshop and the OMA training. He went to the County Fair, which was really nice.

**Councilor Frank Ortega:** He announced that a City of Belen YFL Team got to play on TV, channel 26. He also announced that Volleyball and Football Season is on, “support your Belen Eagles”. He went to the City owned houses on Aragon Street. He reported that the houses are in bad shape; his recommendation is to get rid of them.

**Councilor Darleen Aragon:** She attended the OMA training; she learned a lot of things and had a lot of questions. She attended the ICIP and P & Z meetings. On 9/1 she worked on the Corazon de Belen Garden Park. She attended the Fire Station BBQ, Afterhours Event for the Chamber and the Park dedication for PNM, Dubra Kurnes Padilla, and Pito Pito. On 9/3 she participated in a safety training; she would like to see self defense training offered here in Belen. She mentioned that MainStreet is working hard towards being a certified MainStreet.

**Councilor Wayne Gallegos:** Councilor Gallegos wanted to go on record to state that we have a drug problem in the City. He did a review on some attorney statements and he wanted to bring it to everybody’s attention. He stated that the Council needs to go over the statements and see how we can better it. He believes we have a 50,000 contract for the year; we are three months into it, and we are at \$23,000. He suggested grouping questions together and only making one call or asking Municipal League. He met with a local developer who wants to development senior housing off of Camino de Llano. The individual is looking for someone to help him that has built housing through USDA contracts. On the 25<sup>th</sup> he completed a walk through at the Armory Incubator; things were stagnant but are moving along now. He received a call from a man who is interested in building two homes on Charlene Dr, another home was being built on Aragon, and he seen some apartments come up on Tenth Street. He stressed that things are starting to happen, and we need to take care of these

individual needs. He mentioned there was an issue with a business owner on Becker Street, but it got taken care of. He stated the County Fair Parade was nice. On the 30<sup>th</sup> at the Fair was Senior Day and it turned out nice. He participated in the ICIP Workshop. He met with the volunteer at the Armory; he hopes that the volunteer is happy staying with us and is clear on his roles.

**Mayor Jerah Cordova:** He participated during the Viva II Event to break the world's record of the longest tamale. The rally for the Nativity was on the 23rd. He believes the City is getting a better control with weeds on private property. On the 25<sup>th</sup> he attended a special meeting about the Airport. He participated in a radio interview regarding the Nativity. He met with the business owner on Becker Street that was having some difficulty, and he believes they were able to smooth that over. On the 28<sup>th</sup> he attended the training on OMA and roles and responsibilities. He participated in the County Fair Parade and attended the BBQ at the Fire Dept afterwards. He participated in the ICIP and P & Z Workshop. On the 4<sup>th</sup> he participated in the Animal Control and M1 Zoning Workshop.

Steve Ethridge: He stated that he missed public comment, and he suggested adding the police station to the fire station GO bond.

### **EXECUTIVE SESSION**

#### **AN EXECUTIVE SESSION TO DISCUSS LIMITED PERSONNEL MATTERS REGARDING THE CITY MANAGERS EVALUATION AS ALLOWED PER THE OPEN MEETINGS ACT (10-15-1 H-2), PENDING OR THREATENED LITIGATION REGARDING THE HEART OF BELEN AS ALLOWED PER (10-15-1 H7), AND COLLECTIVE BARGAINING AS ALLOWED PER (10-15-1 H8)**

Mayor Jerah Cordova asked for a motion to go into executive session. Councilor Wayne Gallegos so moved. Councilor Frank Ortega 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 Darleen Aragon so moved. Mayor Cordova 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 Jerah Cordova	Yes	Motion Carried

Mayor Jerah Cordova asked for a motion that discussion was limited to personnel matters and no action was taken. Councilor Frank Ortega 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 Frank Ortega motioned to adjourn. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

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

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