

REGULAR CITY COUNCIL MEETING

August 18, 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 stated that Dale Tafoya would not be presenting tonight, so his presentation would be omitted. Mayor Cordova asked if there were any questions; there were no questions. Councilor Wayne Gallegos made a motion to approve with amendment. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

APPROVAL OF MINUTES

APPROVAL OF THE MINUTES DATED JULY 21, 2014

Councilor Frank Ortega claimed that there is correction on approval or disapproval of the roadway lighting maintenance agreement. He claims, they were discussing what they thought was to have lighting on the west Aragon Bridge; somehow it got mixed up between the MainStreet Overpass that is being constructed. He mentioned that it is disappointing that we are not getting any lighting on the West Aragon Bridge, but they are trying to work on it. He stressed that it has to be corrected in the Minutes. Mayor Cordova replied that we would get that corrected with Leona. Mayor Cordova asked for a motion with the correction. Councilor Frank Ortega moved the motion. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

APPROVAL OF THE MINUTES DATED JULY 30, 2014

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to approve the Minutes. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

PUBLIC COMMENTS

Leonard Carrillo: He was representing Valencia County Sheriff’s Posse. He thanked the City of Belen for helping them with their Rodeo. He also thanked Councilor Carter via the Chamber of Commerce for a poster. On behalf of the Board, and its members, he invited the Council to a luncheon that will be held after the Valencia County Parade. The Luncheon will be at the Sheriff’s Posse Café. He added that Council, the Chief and his staff are welcome to eat at the concession the night of the Rodeo.

Carolyn Houston: She stated that with her recent communication with the Office of the District Attorney, she was told that the police are obligated to fully investigate and preserve any and all documentation that might lead to a possible criminal prosecution. She claimed that the police did not do a full investigatory case on her son’s death. She asked the Council to set aside their disinterest and consider the citizens that put them “there”. She will be contacting the Office of the Attorney General and the Governor’s Office requesting guidance. She will also be asking for an independent investigation of the crash and the lack of proper procedure. She wanted to know how many signatures on a petition are required for the Council to enact an ordinance or resolution requiring fatal accident reconstruction to be performed in Belen. Mayor Cordova answered that he does not believe there is a particular number required for such. She will obtain as many signatures as she can. Councilor Carter asked Chief Robb if we had an accident reconstruction on all deaths. Chief Robb informed the Council that they have called an Accident Reconstructionist for the 3 fatal crashes they have had this year. Chief Robb added that a few years ago their policy was modified to reflect an Accident Reconstructionist. Councilor Carter stated that he thought this was resolved a year or so ago; Chief Robb agreed. Carolyn stated the policy as it stands, it is a requirement that a family member ask the Police Department to do an accident reconstruction; unless the public is aware that the policy exists, there is no way they are going to ask for it. Councilor Ortega informed Carolyn that he too lost a child in a car accident, and he himself was wondering if there is anything the City can do to resolve this. Mayor Cordova gave Councilor Ortega a summary of what took place with Carolyn Houston’s situation. Mayor Cordova informed Councilor Ortega that he brought a proposal to the Council to amend the SOP to add accident reconstruction which would allow a family to request such procedure. Mayor Cordova added that at the time, that was the best that the City could get through the Council that was here. Chief Robb informed the Council that the Department has exceeded that policy by calling a Reconstructionist for all fatal accidents. Councilor Ortega asked if Carolyn received all the paperwork. Mayor Cordova informed Councilor Ortega that the accident took place many years ago, and there was a different Police Chief at that time. Councilor Ortega understands, but stressed that the pain doesn’t go away. Councilor Ortega believes we should try an ordinance again.

DISCUSSION WITH POSSIBLE ACTION

APPROVAL OR DISAPPROVAL OF THE INCENTIVE PLAN AMENDMENT: MARY LUCY BACA, HR DIRECTOR

Mary Lucy recommended an amendment to the Incentive Plan to include removing the asterisk on the positions. She stated that City should give monetary rewards to employees that do get any kind of education. She gave an example of when the Street Department needed a CDL Operator; the employee went to school, passed and was unable to get a monetary reward because the asterisk was on the Plan. Councilor Gallegos believes the Plan was designed to be accumulative and meaningful when they received certifications. He recommended some

work on the Plan, and then bring back for approval. Councilor Ortega suggested having a contract with the employee after receiving a certification, so that the employee will stay with the City for a certain period of time. Councilor Carter asked if anyone receiving these certificates is entitled to the incentive pay. Mary Lucy replied possibly. Councilor Carter stressed that if we pay for a certification, it needs to be used for that position. Councilor Ortega agrees that the certificate should be related to their position, but mentioned that cross training is important. Mary Lucy added that an employee in the Solid Waste Department received his certification for recycling, yet it has an asterisk, he would like to know if the City is going to pay him the incentive pay. Mayor Cordova encouraged Lucy to put together a small committee meeting, and invite a couple of Councilors to participate in amending the Plan.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to table the amendment to the Plan, until the Council receives more information. 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 Frank Ortega	Yes	
Councilor David Carter	Yes	Motion Carries

APPROVAL OR DISAPPROVAL OF THE GO BOND RESOLUTION: JOHN ARCHULETA

John Archuleta with George K. Baum informed the Council that there is an amended resolution before them which will allow the Council to take action on the GO Election for the Fire Station. The resolution states that the City shall issue up to 3,400,000 of General Obligation Bonds to be repaid from property taxes for the purpose of acquiring land for and designing, constructing, equipping, and furnishing the municipal fire station. Councilor Gallegos was satisfied that the GO Bond question which now reflects acquiring land, in case land is needed. Councilor Ortega asked John to remind the public what they will have to pay for such Bond. John answered, \$2.56 per 1,000 of assessed evaluation; so with a 100,000 home \$85.40 or \$7.12 per month. The City of Belen does not currently have any outstanding Bonds.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to accept. Mayor Jerah Cordova stated that there is a motion to approve the resolution and asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	
Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	Motion Carries

APPROVAL OR DISAPPROVAL OF THE ICIP PLAN: ROSEANN PERALTA, FINANCE CLERK

Mayor Cordova reported that Roseann was not in attendance, and he went over the top 5 projects on the City's ICIP. A copy of the ICIP is attached hereto and made an integral part of these minutes by reference.

Jay added, for clarification purposes, that item one "redrilling" is for Eagle Tank; item two, is "Aragon Phase IV"; item four, "the infield improvements", is for sidewalks and parking lot; item seven is "police cars with computers".

Councilor Gallegos has some concerns with upcoming projects; he mentioned that the City may have to revisit the top 5 priorities on the ICIP list. Mayor Cordova asked what projects would need to be added or changed. Councilor Gallegos replied that once the ponds are complete they will have to be released to one more section, and that was omitted from the list. Mayor Cordova clarified the project is for flood control improvements along Camino de Llano and the Mae Reid Property. Councilor Ortega suggested another workshop. Councilor Ortega suggested a notice of quorum so the entire Council can be involved.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to table the ICIP Plan. 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 Frank Ortega	Yes	
Councilor David Carter	Yes	Motion Carries

APPROVAL OR DISAPPROVAL OF THE CONSTRUCTION MANAGEMENT SERVICES FOR CHRISTOPHER ROAD PHASE II: CHRISTOPHER PEREA, WILSON & CO.

Chris Perea informed the Council that they have had several meetings with the City and the Schools preparing for Christopher Road Phase II Construction. The award for contract was given to Star Paving about three weeks ago. Pre-Con will be held on Thursday at 9:00. They added language to the Contract that will require the Contractor to submit specific documents required for the DOT and close out procedure. Chris also informed the Council that if a change order increases the amount, they will get with Councilor Carter and Councilor Ortega along with City Staff with the information. Chris reported that the grant amount is \$480,000 from the City with tax, and the current construction amount is \$434,000; so budgetary wise, there may be an amount that can be used for other services, such as reimbursement for construction management. He added that John Best will be working mornings doing a majority of the work. Chris will be courting with John, Steve and Jay for other times they need to supplement City Staff. Councilor David Carter asked exactly what the Council was approving tonight. Chris answered that there were several amendments that were approved for Wilson & Co; it is a request for just under \$45,000 for duration of the construction. Councilor Wayne Gallegos was comfortable with the idea, because the experience with not having a project manager on site has backfired.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to approve. Mayor Jerah Cordova asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	
Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	Motion Carries

APPROVAL OR DISAPPROVAL OF THE LEDA ECONOMIC DEVELOPMENT PROJECT APPLICATION: STEVE TOMITA, P & Z DIRECTOR

Steve informed the Council that a LEDA application was submitted from Body & Rhythm. He explained that LEDA stands for Local Economic Development Act. As part of the Act, the City is allowed to participate in business development that brings economic development to Belen. The categories are manufacturing, agricultural, retail, art & culture and redevelopment projects. Body and Rhythm is renovating the building at 237 North Main in order to expand their operation. Steve reported that during one of their inspections, Body & Rhythm was advised they would have to replace the sewer system within the building; however, they have run short of funds for that project. Part of their lease is a reduced lease, with the owner, as part of them renovating the building. As part of the application, Body and Rhythm will be expanding their business, adding additional service and additional employees. The application is requesting the City to grant the monies they are short, which is \$8,000 or provide a low interest loan. Steve stated that the LEDA Committee reviewed the documents, and there is no question as to the expansion being beneficial to the City. The concerns that were raised were twofold. One concern is that there has been nothing established under the City budget that would account with the participation in economic development projects in this point and time. Rose Gould came to the podium and stated that there were many supporters in attendance in tonight's meeting. She stated that she is a licensed health coach and then gave a brief history on her business. She explained that her business is somewhat rehabilitation for elderly people. She informed the Council that between the owners and her business, they have

put in over \$45,000 into the building. She stated that she approached Mayor Cordova to ask where she could receive funding to help her finish this project and finished by saying that this is a business that is needed in this community. Jolene Stone has been with the business from inception, and she spoke to the Council regarding her tenure with the business. She is a member of Silver Sneakers which is a program that is provided through Medicare. Councilor Gallegos does not see where the City could come up with the money or understand the process. Mayor Cordova explained to Councilor Gallegos how the LEDA process works. Councilor Gallegos asked where the funding comes from. Mayor Cordova answered through the City. Steve added that the funds are collected by the City and placed in a LEDA fund. Steve also mentioned that the funds may come from Capital Funds up to 10%; other communities have passed a minimal tax on properties. Councilor Gallegos suggested helping the business go after a grant of some sort. Councilor David Carter mentioned that he has concerns with the project. He stated that the Committee did recommend a no go on the project; primarily, because there is no money for LEDA. Another concern is that the money is not going to the business itself, but to a third party which is the owner of the property. He believes the owner of the property would maintain their own building. The third concern is that he did not see a business plan. Rose stated that she is ok with the Council tabling the application, if the Council will work with her. Mayor Cordova stated that the City does not have any other opportunity other than through LEDA. Councilor Gallegos mentioned that this may be premature being that there are no funds available. Councilors Ortega and Gallegos mentioned that they hope the business owners were not falsely led to believe there was a way they could get help through the City going through LEDA. Rose stated that they were told that there were discretionary funds, but they would have to apply for them. She added that she knew it would take a very long time for a grant process, and they were told that this would be a faster way to get through the process, if the Council approved it. She asked if the Council would table this issue for another day, she asked for each member of the governing body to walk through the building. Steve Tomita stated that since there is not budget set up, he would get on the phone with USDA and ask to meet with them to discuss the City co-sponsoring a grant.

Councilor Wayne Gallegos motioned to accept Steve’s recommendation. Councilor David Carter called a point of order, and stated that the issue is the LEDA application not Steve’s recommendation. Councilor Frank Ortega, called a point of order, and asked what the success rate of the USDA grant would be. Steve could not answer that at this time. Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos made a motion. Mayor Cordova clarified that the motion is to table with addition of direction to staff as per Steve’s recommendation. Darleen Aragon seconds the motion. Roll Call Vote:

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

INFORMATIONAL ITEMS

City Manager’s Report: Jay Ruybalid recognized Robert Ware, a City Employee that was at the Council Meeting. Jay reported that there were various meetings held within the last two weeks. He met with Molzen Corbin regarding Mesa Road regarding the flooding and berm issue, the flooding on Main & Gilbert, and an update on Eagle Park. The engineers are waiting for approval from DFA for the Eagle Tank. He met with Eric Zamora on the Mesa issue, and they are looking at the possibility of a concrete rundown. The roof work on the Food Pantry should start this Friday. Jay mentioned that an Administrative Assistant has been hired and will start next Monday. He and Dale set a mini ICIP plan; they are looking at a \$100,000 to work on these projects. They will be focusing on the Parks. DFA did approve the 2014/2015 Budget. Leona is working with the Interim Library Director on placing a snack bar at the Library. The fencing at the Community Park in underway; they are currently picking out the color of the fence. There will be some participation in the Parade this weekend. The second riding mower is in the repair shop. He had a meeting with Jeff Pappas from the Historic Preservation Society; they are looking for more information on the old City Hall Building. He added there was a study that was done, and the next step is for the Council to decide as to whether the old city hall

building will be nominated for the listing on the historic registry. Councilor Ortega asked if a work order had been issued for fire hydrant repairs; Jay answered that he and Dale are working on that. Councilor Ortega asked for an update on the CDBG projects. Steve answered that we need to be working with the consultants on that, because there is certain information they need to put together in order for the City to apply. Steve will have to go through training in November to be qualified to even put in the application; the application is due in January. Steve reminded the Council that the grant was for La Luz, Ross and San Lorenzo. Councilor Ortega mentioned that he hasn't seen the Street Sweeper out and had concerns with standing water. Mayor Cordova answered that the Street Sweeper has not been out frequently due to the rains. Councilor Ortega stressed how important it is to dry up the street, so that they do not deteriorate. Councilor Gallegos reported a huge pot hole on Picard and Main. Councilor Gallegos asked where the Agreement for the Domestic Shelter Building was at. Steve was not sure if Leona had sent the Agreement out yet. Steve gave a short economic development update; he reported that there are going to be some new homes in town, Family Dollar's Plans have been submitted to the State, Adelante is making a few minor changes to their plans. He mentioned there are a couple of companies in trying to come into Belen. The Belen Schools have submitted their plans for a new family school, and there is still an interest from the film industry to do work here.

City Council's Report

Councilor Ortega: He appreciated the posters being placed at City Hall for the proposed hospital. He asked the City Manager to gather the paper work for the project that has been done on Aragon and Garcia. He stated that the Fiestas were really great.

Councilor Carter: Last Thursday he attended the Celebrate Belen Meeting regarding Follow the Star; Our Lady of Belen sent a representative to the meeting. He attended the New Educators Luncheon sponsored by the Chamber. He attended the Belen Expo Meeting on Friday; the Expo will be held on the 18th. He has an 8th grader who will be playing varsity soccer. On the 13th he attended the Recreation Meeting. He talked with two or three representatives at the National Guard Event to discuss the hospital, and the lack of representation of Belen. He believes the lack of representation of Belen is due to the recent redistricting; representatives now only have pieces of Belen. He also discussed the proposed interchange located on Morris Road with the representatives. He talked to them about the location being wrong for the interchange; it needs to be a little further south so it can benefit the northern and southern part of the County. Council Carter informed everyone that the Representatives didn't want to hear it. Councilor Carter asked the City Manager to contact the DOT to set up a hearing and a meeting to discuss the issue further. He announced the first day of school was today. He thanked Walmart and the Community for filling a school bus with donated school supplies.

Councilor Aragon: Councilor Aragon had to miss this year's National Night Out; she was attending the NM MainStreet Conference in T or C along with Rhona from the Chamber. She went to the Farmer's Market last week. She went to the Recycling Center and was happy to see people recycling. She did some work at the Corazon de Belen Park. She attended the ICIP Meeting. She attended the Fiestas. She met with John from NM Historic Preservation Society.

Councilor Wayne Gallegos: On the 5th the City held National Night Out; he thanked the staff that worked on the event. On the 6th he had a Senior Advisory Meeting; they went over the SOP for the Senior Center. On the 11th he attended the ICIP Meeting. On the 13th he attended the meeting with the Colonel from the Air Force. On the 14th he met with Molzen & Corbin and Wilson; they discussed the run off by the Dollar Tree. He and Councilor Carter will be meeting with Rio Communities this coming Thursday at 8:00 A.M.

Mayor Jerah Cordova: He participated in National Night Out. He attended the County Commission Meeting. He did a ride along with Dale Tafoya, Public Works Director to locate the City's problem areas. He encouraged the Council to give input to Dale and Jay on issues they see; they will focus on a priority list. He participated in

the ICIP Meeting and the joint meeting with the Air Force. He had a citizen meeting on Saturday. He toured the Harvey House and talked about some issues with the Christmas Season just ahead. He attended the Fiestas, and he judged BBQ at the County Fair. On Friday he will be sitting on the dunk tank at the County Fair along with Representatives Baldonado and Fajardo.

ADJOURNMENT

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

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

/s/ _____
Jerah R. Cordova, Mayor

ATTEST:

/s/ _____
Leona Vigil, City Clerk, CMC