

## REGULAR CITY COUNCIL MEETING

March 2, 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 Frank Ortega  
Mayor Pro-Tem David Carter  
Mayor Jerah Cordova  
Councilor Darleen Aragon  
Councilor Wayne Gallegos

**CITY MANAGER:** Jay Ruybalid

**CITY CLERK, CMC:** 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

Mayor Jerah Cordova asked to modify 8(e) and 8(f) of the agenda. He was asked to change the wording from Aragon Road Phase IV to Various Roads. With that, Mayor Cordova asked for a motion to approve tonight's Agenda. Councilor Frank Ortega made a motion to approve the agenda. Mayor 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 OF MINUTES

Mayor Jerah Cordova asked for an approval of the Minutes dated February 16, 2015. Councilor Frank Ortega moved to approve the Minutes. Mayor Cordova asked for a second. 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

### PUBLIC COMMENTS

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

**Gloria Sanchez:** She is a volunteer with the City of Belen. She reported that there is now a surveillance camera at the 9/11 Memorial Park. She thanked Jay Ruybalid for recognizing the importance for this need. She added that Jay makes you feel very comfortable without putting one in defense. She gave thanks to the Police Chief for starting a 24/7 police patrol watch at the Park. Finally, she thanked Lawrence Kaneshiro who made this all happen.

**Paul Munoz:** He was raised at the Boys Ranch. He informed the Council that he used to box. He wants to start a boxing team for youth and is trying to find a place where he can train them. He advised the Council that he has all of the equipment. Mayor Cordova stated that he talked to Mr. Munoz today, and he has staff working on finding him a facility.

There were no more public comments or concerns at this time. Mayor Jerah Cordova closed the public comment portion of the meeting.

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

Mayor Pro-Tem Carter announced Robert Lucero as Employee of the Fourth Quarter. Robert Lucero received a certificate and a letter of appreciation. He also received a day off with pay and his name will be posted on the plaque in the entry way of City Hall. A copy of his letter and certificate are attached hereto and made an integral part of these minutes by reference.

### **RECOGNITION AWARD**

Chief Manny Garcia reported that the Belen Fire Fighters and Police Officers responded to an urgent rescue call for a pet dog on Monday, February 16<sup>th</sup> at approximately 1:30 PM. The pet dog is a 180 pound Saint Bernard by the name of Jazzy. She was stuck in a drainage ditch off of Mesa Street. Jazzy's companion, mini Dotson, by the name of Razor caused enough attention to warrant help. Chief Garcia presented Razor with a medal of valor and a certificate. A copy of the certificate is attached hereto and made an integral part of these minutes by reference. The story went viral and spread throughout the country. The Council presented Razor with a goodie bag filled with treats.

### **RECOGNITION AWARD**

Mayor Jerah Cordova called up former Mayor Ronnie Torres to present the next award. Ronnie Torres announced that on behalf of the Belen Harvey House, they would like to present a carved picture of the M190 to the City. The M190 is also known as the Doodle Bug. Ronnie informed everyone that when the M190 got to Belen, they found out that that wasn't the actual train that used to travel between Las Cruces and Santa Fe. This one went between Clovis and Carlsbad and was called the Pelican. Ronnie Torres then turned the time over to Rebecca Wright, employee of the Belen Public Library/Harvey House. Rebecca introduced Roger Ward. Roger Ward comes from Iowa and comes to Belen once a year. He spends a couple of months working on and restoring the M190. In addition, he has over 300 volunteer hours researching the M190. Roger received a round of applause, and came to podium. Roger exclaimed, "It's been nice visiting your city. I love coming down and working here." The Council thanked Mr. Ward for all of his time and dedication placed on the M190. Mr. Ward was also presented with a carved picture of the M190 for his efforts in restoring M190, the Pelican.

### **DISCUSSION WITH POSSIBLE ACTION**

#### **APPOINTMENT OF MAYOR PRO-TEM: Jerah Cordova, Mayor**

Mayor Jerah Cordova explained that traditionally the Mayor of the City of Belen appoints a City Councilor serve as Mayor Pro-Tem. Mayor Cordova explained that the title and responsibility rotates annually from Councilor to Councilor. This year the Councilor to serve as Mayor Pro-Tem is Councilor Wayne Gallegos.

Mayor Jerah Cordova asked for a motion to approve Councilor Gallegos as Mayor Pro-Tem. Councilor Frank Ortega motioned to approve Councilor Gallegos as Mayor Pro-Tem. Councilor David Carter seconds the motion. Roll Call Vote:

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

Motion carried

### **APPROVAL OR DISAPPROVAL OF THE AGREEMENT REGARDING THE UPDATE ON THE SUNRISE BLUFFS UTILITY INFRASTRUCTURE: Gerred Knight, TLC**

Mr. Gerred Knight from TLC Plumbing reported that some of the investigations that were done at Sunrise Bluffs included the sanitary sewer system. He reported that the sanitary sewer system is in good shape. The only issue is that it was designed for a private entity; therefore, there are sewer mains that are running under existing lots and houses. On the original plot plan it shows three lots on the very first road to the far north. When you go onto Google Earth, there are four of them. Which means the water main is running through that lot that goes over to Camino de Llano. He reported that this is another issue that is not good. He went on to report that the storm system looks in good shape and is clean. He added that the only other concern is with a water line that they fixed over there. There were two valves that were shut down in order to kill that section. They never could get it to kill off; the hydrant kept flowing. After looking at the drawings, those two valves were the ones that closed. He is wondering if something is wrong with the valve and explained that there would have to be further investigation on that.

Dale Tafoya reported that he had a few issues with the collection system; the lift station that pumps all the sewage into the City's wastewater main. They did inspect the wet well, but they could not pull any of the pumps, because they are not stainless steel cables. "Everything in the wet well is corroded." They would have to be upgraded to stainless steel cables, brackets and bolts. He noticed that it is not automated, and it will have to be upgraded to automation which will monitor when the pumps kick on and off. He got a total cost of about \$10,000 to upgrade that system. He did not inspect any of the pumps, but if he needs to replace them they are \$6,000 a piece.

Councilor Ortega asked who will be responsible for upgrading them and paying for the costs. Dale answered that it is up to the Council. Councilor Ortega stated that his understanding is that everything should be upgraded before the City accepts the responsibility; that way we know everything is working properly. Councilor Ortega asked if there is a sewer break and it damages the home, who is responsible. Dale answered the City would be responsible. Mayor Cordova stated for clarification, "Under item 2; the item does say that Sunrise Bluffs will be responsible for providing the money to Belen for any and all updates to existing water and sewer infrastructure".

Councilor Gallegos asked to define Sunrise Bluffs "is it the people or is it the developer?" Mayor answered Sunrise Bluff is defined as Sunrise Bluffs LLC Developer and Sunrise Bluffs Home Owners Association Incorporated. Councilor Gallegos believes that this is something that can be worked into. But, he stressed, "We shouldn't jump right into it, because of legalities". Councilor Gallegos explained in the past the City was sued by one of the homes that had a sewer line under it. The City had to spend a lot of money to reroute the whole sewer line down another road to take it out of the two properties. He further explained, "if we do it again, we're accepting responsibility knowingly that they are there, and that would be a big no no for the City's sake". Councilor Gallegos mentioned the valves, "we have valves in our town that aren't working either, and we have a big issue with that when there's a fire or water shut and we need to get those working". "We need some sort of master plan, and if we are going to include the Sunrise Bluffs they should be included onto that list". Councilor Gallegos stressed, "It's not going to happen overnight". The City has another place behind old

Charlie's garage that is zoned into the City and has no water or sewer, and they want to know where there water is.

Councilor Ortega doesn't see how the City can assume that kind of responsibility knowing they have sewer lines under their homes.

President of the HOA stated that they don't think there are any sewer lines under the homes. There is an easement that runs, for private lots. "The easement could be dedicated to the town also. He thinks the easement runs through a lot and not through anybody's home. The lots were made extra wide so the sewer could come through there.

Councilor Ortega pointed out that we just received a report from TLC reporting that sewer lines were under homes. Gerred interceded, "it's on property". Gerred explained that if the City ever has to fix that line you are going to be tearing two different properties.

Mayor Cordova asked how many properties are affected by the line that is running through the properties. Gerred answered it's going through lots, so you have to go in tear the fences down and rip out the concrete. Councilor Cordova asked if that is every lot. Gerred answered no, just where the easement runs through, so basically 5 sections and two lots that will be affected, so 10 lots total.

Steve Tomita answered the question he was asked earlier. He answered; standard private developers are to be build to standards that would be acceptable to State and National codes. He added that part of the issue when a city starts accepting these developments is that they are not built to city standards. Councilor Gallegos asked Steve how Sunrise Bluffs was accepted into the City. Steve answered it was accepted with an agreement that they would build the infrastructure and privately owned and maintained.

Councilor Carter stated that we need to sit down and define all the concerns that the City has and put a cost on it.

Roseann Peralta asked if we have to go investigate further, who is going to pay for that. Councilor Gallegos stated that we will need to come up with agreement to see how we are going to move this along.

Councilor Gallegos asked the residents and presidents of the HOA if everything is working right now or are there any problems. They answered there were no problems. He asked if there was an emergency or situation that the City could help with right now. Dale answered no, everything is working.

Dale informed the Council that they only ran a camera 500 feet and there is over a mile of sewer line there.

Councilor Ortega mentioned that there was an agreement signed in 2004 regarding tap-in fees, and that would have to be rescinded. Councilor Ortega recommended tabling the issue until they have a chance to look into it.

Mayor Jerah Cordova asked for a motion. Councilor David Carter moved to table the issue until we hammer out an agreement with the Limited Liability Corporation and the Home Owner Association and direct the City staff to get with them and give them a good working agreement with money figures on who is going to pay what. Mayor Cordova asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

A resident from Sunrise Bluffs interjected by asking if they could get a copy of the report. Mayor Cordova advised her that the City could request that from TLC. Councilor Cordova stated that he would get her something that shows what the issues are.

Bob Pruitt, President of the Home Owners Association informed the Council that Sunrise Bluffs LLC no longer exists. There is only Homeowner Association Inc. He advised the Council that they expect that they would have to meet City standards in order for the City to accept.

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

**APPROVAL OR DISAPPROVAL OF THE RECOMMENDED BID AWARD FOR THE CAMINO DEL LLANO PONDS PROJECT: Wilson & Co.**

Chris Peralta from Wilson & Co. reported that he opened bids for the Camino del Llano Project a week ago. They received 3 bids, all of which are within the City budget. The lowest bid came in, with tax, one million thirty eight thousand dollars and some change. Chris explained that they worked with Stephanie DeBoise and NMED for the loan part which came from the Clean Water Revolving Trust Fund. Christ stated, "We have her concurrence". With that, they recommend the Council accept the bids and move forward with construction". Jay Ruybalid recommended proceeding with the low bid from Star Paving for this project.

Councilor Carter asked what the projection was. Chris answered that the engineer estimate was 1.4 million. They had budgeted 1.1 million potentially in the Clean Water Fund for loan and 425,000 in capital outlay. He is hopeful that if things go well with the FEMA fund, it will cover the loan amount. The pond will be located between the frontage road and the ramp of the interstate.

Mayor Jerah Cordova asked for a motion. Councilor David Carter motioned to approve the bid award to Star Paving. Mayor 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 ALTERING THE SCOPE OF THE CHRISTOPHER ROAD PROJECT: Wilson & Co.**

Chris Perea reported that the project is wrapping up. He reported that the original amount without tax was about \$462, 561; work remaining is about \$137,000. There is going to be a project under run of about \$58,000 on the Christopher Rd Project. He and City staff came up with 3 options for the under run; making the round-about smaller, removing the round-about or leaving it as is. If the round-about is left as is, the money could be used for tax which would spend about \$30,000 and some change and possibly construction management fees be reimbursed for that amount.

Councilor Carter reported that trucks have damaged the round-about and his suggestion is to get rid of it.

Councilor Gallegos asked what the timeline was to get back to them; Chris answered until May. Chris mentioned that that would give them time to get a design and plan together. He would then work with the Council and staff. The cost would be about \$43,000 and it would fit within the budget of the project. Roseann asked if that includes engineering. Chris answered no. Mayor Cordova asked for an estimate of the engineering costs. Chris imagines \$2,000 to \$3,000 tops.

Councilor Wayne Gallegos recommended getting back with the City Manager as soon as possible with direction to either remove completely or modify.

Mayor Jerah Cordova asked for a motion. Councilor David Carter motioned to get rid of the round-about. Councilor Frank Ortega seconds the motion.

Roseann asked what the price was to get rid of it. Chris answered \$43,000 plus engineering costs.

Councilor David Carter withdrew his motion, and moved to table the issue once the finances are figured out.

Councilor Ortega withdrew his second. Councilor Darleen Aragon seconds Councilor Carters 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 2015-2016 CO-OP RESOLUTION FOR VARIOUS RD. PHASE IV: Jay Ruybalid, City Manager**

Jay informed the Council that he is seeking approval of the Resolutions to submit applications for MAP and COOP monies. The MAP and COOP monies will go toward various street improvements.

Councilor Ortega asked if East Ross would be a part of this. Jay answered that the funding for East Ross would come from CDBG. The application is due next May for March. Councilor Gallegos stated they need to get some priorities straight. Roseann suggested having a meeting where the public can participate.

Mayor Cordova reminded the Council that at the last meeting the City re-appropriated some MAP and COOP funding. He stated that during that discussion they talked about the priority list that the City does have in place. On that list there are 12 priority roads, and the top 3 of which will be taken care of as part of the approval at the last Council Meeting.

Jay mentioned that at the last meeting they talked about the various roads; Orchard, Barboa, Martha Jean and so on.

Councilor Carter estimated that there is about \$338,000 of MAP and COOP money. Councilor Carter stated if he remembers correctly all of these roads were mentioned, but someone was going to come back to the Council with the list prioritized. Councilor Carter asked if listing various roads, instead of a specific road project, on the resolution will affect our chances of receiving monies. Jay replied, he does not believe so, but not using the monies will. Jay advised the Council that they have a prioritized list in their packets. Councilor Carter asked if there are costs associated with those roads. Jay answered it would costs a lot of money to gather prices associated with each of the roads, so he waited until the Council made a decision of whether those monies could be moved. In talking with Dales and Doug Albin the \$338,000 will only be able to fund the first two or three roads. Dale Tafoya reported that Orchard Road would be replacing the pavement and Barboa and Gabaldon would be just for drainage.

Councilor Ortega asked Dale if he plans on widening Orchard Road. Dale answered they will be meeting with Molzen and Corbin and will assess it then. Councilor Ortega asked how that road became a priority. Dale answered they were looking for roads that didn't need infrastructure, because MAP monies only cover road paving and drainage. Dale added that East Ross needs a sewer line, so the City can't fund that. Councilor Ortega asked what is being done to take care of these roads and potholes. Dale replied that the crew has been out there, and they will be on East Ross in the next couple of weeks. Councilor Ortega stressed we need to do something with East Ross. Dale stated that he will get a cost from Star Paving to put fiber with a 2 to 3 inch. Roseann informed the Council that the City can use CDBG for that road project. Steve added that CDBG can

be used for water and sewer projects. Jay reported that the application for CDBG will be submitted in March or April of next year.

Mayor Jerah Cordova asked for a motion. Councilor David Carter motioned to approve the 2015-2016 CO-OP Resolution for various roads. Jay stated that this is specifically for Bernard. 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 2015-2016 MAP RESOLUTION FOR ARAGON RD.**

**PHASE IV: Jay Ruybalid, City Manager**

Mayor Jerah Cordova asked for a motion to approve or disapprove the 2015-2016 MAP Resolution. Councilor David Carter motioned to approve the Resolution. Mayor 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

**APPROVAL OR DISAPPROVAL OF THE OPEN MEETINGS ACT RESOLUTION: Leona Vigil, City Clerk**

Leona explained that all municipalities must adopt an Open Meetings Act Resolution annually. She reported that nothing has changed from last years. The City’s Meeting will still be held on the first and third Monday of the Month at 6:00 P.M. Agendas and Notice shall be available 72 hours before the meeting is held.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos motioned to approve the Open Meetings Act Resolution. Mayor Cordova seconds motion. Councilor David Carter 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**

**PROPOSED AMENDMENTS TO THE CITY’S SIGN ORDINANCE: Steve Tomita, P & Z Director**

Steve went over the proposed ordinance. He reported that no signs can go on public right of ways or properties. “Signs on private properties are required to have permits.” There are some suggested fees that are included in the ordinance. If signs do go up in violation, the City can issue them a notice that they are in violation. If the sign is not removed, the City can issue a citation and it goes to court. Steve reported that the ordinance is going back to the P & Z Commission to be re-reviewed this coming Monday, and he will have those comments back to the Council before the next City Council Meeting. The recommendation from the P & Z Commission is to allow 45 days rather than 30 days to better coincide with early election; so the public can have a better idea of who is running. Councilor Carter prefers the 30 days.

Councilor Gallegos stressed that Election Day is Election Day as defined. Steve stated that this ordinance removes the false authority from the original ordinance.

Mayor Cordova asked if there were any issues with the deposits. Councilor Carter would like to see them cut in half, but they do get the deposit back. Councilor Carter pointed out, in section D, property owner issued. Mayor Cordova replied, that he believes if the property owner places it on their property for an issue then they are charged 100. Steve suggested changing the language to “refundable deposit” for clarity. Councilor Gallegos stated, “When we’re talking about the individual or private, we are saying on his own amendment, but if an elected official goes to that private person and they do it on behalf of that person, that person is covered through their money, correct”. Steve answered, “That is correct.” Mayor Cordova reiterated that the P & Z Commission was interested in 45 days, but the Council in fact wants to leave it at 30 days. The Council agreed with leaving it at the 30 days. Mayor Cordova stated that he is in favor of 45 days. He believes that a candidate needs the opportunity to promote themselves particularly when they are the challenger.

### **PROPOSED CITY SERVICES POLICY: Jay Ruybalid, City Manager**

This policy is to assist with not being in violation of the anti-donation clause. Jay reported that recently various entities wanted assistance with activities. The City has been providing these services to help the entities, but the City cannot be providing services free of charge. Jay stated the policy is very simple; a copy of which is attached hereto and made an integral part of these minutes by reference. He and some of his staff worked on a service form, so that an entity will submit the form and check off what they need. The form will be submitted to the Finance Department. The Finance Department will figure the costs associated with what is requested, and the City will charge the owner of the event 75% of the total calculation costs. The other option, the entity can enter into a professional services agreement with the City where they exchange something in lieu of the pay. The third option would be Lodger’s Tax for their event.

Councilor Aragon would hate to see some entities not providing something for the City. She stated that the entities the City provides services for are for the residents of Belen, and she would hate to pull the support. She asked is there is another word, or a way around it.

Jay believes the issue of anti-donation has come to forefront this last year. Councilor Gallegos stated that was because of the trouble with Celebrate Belen. Councilor Gallegos likes the professional service agreement; “somebody will fall under some place where we can legally work with whatever we need to do.” Councilor Carter knows that Finance is saying it costs the City money, but we have to provide services that belong to the City. He understands the anti-donation clause, and “if you charge entities a dollar to fill out the services form, then it’s not a donation.” Councilor Carter stated that 75% will kill some of these organizations. He went on to say, we will never make Finance happy unless there is a 100% reimbursement, but like Councilor Gallegos said that’s just one vote. Councilor Carter finally concluded that we need to charge these entities a minimal charge so that were in compliance with the anti-donation clause, but were not running off these events. Mayor Cordova clarified the third option that Jay gave earlier. Lodger’s tax will still continue to function the way it always has; they don’t collect 75% of the services provided. Lodger’s tax may be able to provide a lot of those services to the same organization just as we always have through Lodger’s tax. He is looking in to freeing up as much money as possible in lodger’s tax from City entities that don’t necessarily need that.

Councilor Carter stated that lodger’s tax is specific on how it is spent; for advertising and not police protection. Mayor Cordova and Roseann answered that yes it is covered. Roseann reported lodger’s tax can cover promotion, advertising, police, fire and sanitation. Roseann mentioned that the big issue is borrowing City equipment. She does not believe in lending out equipment to people who do not know how to use the equipment. Councilor Carter asked why agreements aren’t being filled out when people use our equipment along with a certificate of liability. Roseann answered, because we never used to do this. Councilor Cordova believes that the intent of the new form will provide most of what Councilor Carter is talking about. Councilor Aragon suggested deposits. Roseann replied, if they can’t afford to rent one, they probably can’t pay for the deposit. Mayor Cordova pointed out that we don’t have to charge government to government, but we do. Jay mentioned that there will be exchange with entities that can’t afford services, but the exchange must be

comparable. Jay asked the Council if they would like to add amend or delete anything in the policy. Councilor Carter stated he does not like the 75%. Jay replied the auditor suggested 50% to 100%. Councilor Frank Ortega suggested starting at 50%. Councilor Carter agreed.

**PROPOSED AMENDMENTS TO THE CITY’S UTILITY RATES & CHARGES; SECTION 13.12.100 OF THE BELEN MUNICIPAL CODE BOOK ENTITLED “DELINQUENT ACCOUNTS”: FRANK ORTEGA, Councilor**

Councilor Ortega reminded everyone that at the last meeting, they decided not to go with a grace period. Councilor Ortega stated that customers get 10% if they are late right away. He is proposing to drop the whole 10%; he doesn’t believe they need that, because once they are late in paying their bill it goes delinquent and then their water will be shut off anyway. He reiterated that he is for cutting out the 10%. He understands that there has been discussion of 5% or progressive, but he believes they should eliminate the 10%.

Councilor Aragon asked for clarification, you’re saying you want no late fees. Councilor Aragon read the progressive late fee process 0-3 no late payment, 4-6 days 3%, 7-10 days 5%. Councilor Ortega replied; it’s at 10% right now. “If they are one day late they still charge 10%. Councilor Aragon asked Councilor Ortega are you for the graduated, not for it. Councilor Ortega said, “I’m against the 10%. I think we should eliminate the 10% penalty”. “So you like the graduated?” “I don’t want no late fee.” Councilor Ortega stated, according to Councilor Carter he didn’t want the grace period because he didn’t think we would get the bills out on time. Councilor Ortega stated the discussion was that if we couldn’t go with the grace period, let’s eliminate the penalty charge. Councilor Ortega mentioned that the City waived some really large late charges that were assigned to customers. .

Mayor Cordova summarized the options; elimination of a late fee all together, a graduated late fee, no charge, 3 and a 5 percent.

Councilor Carter agrees with Councilor Ortega that the 10% is too high. He stated, “If you set it back 15 days after you receive it, the same people will wait for the last minute”. He continued to say, “There is going to be administrative costs for late fees, and there is not going to be an incentive to actually even pay your bill if there is no late fee.” Councilor Carter asked how hard it would be to administer the graduated. Roseann is not sure if Caselle can do this. Councilor Carter stated, “but we gotta have a penalty in place” Councilor Aragon agreed. Councilor Gallegos stated the penalty is having your water turned off. Roseann replied, but that’s in 30 days. Roseann added that the late fees are what is going to help us fix East Ross. Councilor Gallegos stated, he thinks it’s going to take more than those late fees to fix East Ross. Councilor Aragon stated that she likes the graduated option.

Mayor Cordova, once again summed it up, “we have no fee, low fee, and a reduction from 10 to 5. Councilor Gallegos asked the staff to ask Caselle if the graduated could be done.

Leona announced for the record, we are going to do a progressive, none and a 5%.

**INFORMATIONAL ITEMS**  
**CITY MANAGER’S REPORT**

Jay Ruybalid sent a copy of his report to the Council earlier. He reported the highlights of his report, Jose Gallegos fence was knocked down this morning. Council seat arrangements will take place at the next meeting. The old community center is now vacant. There was a water line break on Castillo and will cost about thirty some thousand dollars for repairs. Grant coordination meeting including the USDA will be on March 18<sup>th</sup> at 10:00 A.M. The FEMA application is going to be withdrawn, because the City is still waiting for it. “If it comes after the project is started, we can’t use the funds.” Councilor Gallegos asked Jay if he was sure. Jay answered that he talked to Kevin Dodge from the State and he contacted FEMA. Kevin reported that you cannot touch FEMA monies if the project is already started. “It would be as late as October to see if we got the

monies.” Councilor Gallegos asked if the funds had to be used on the ponds that are being done now, or can it go towards the other phase. Jay answered it has to be for these specific ponds.

## **COMMUNICATION FROM CITY COUNCIL**

**Councilor Frank Ortega:** He commended the Street Crew on the clean up at the Jose Gallegos Park. He wants East Ross to be fixed. He went to Santa Fe for the Round House to attend the Matanza; they did a good job. He met a lot of politicians, and he was pushing the City’s projects. He attended the Master Plan Meeting at the Chamber. He attended the meeting in Los Lunas where they elected new officers. The homes on 3<sup>rd</sup> and 5<sup>th</sup> Street were knocked down; constituents are happy to see them down. There has been much progress on the water tank; it is moving quickly and efficiently. He reported that the police department took care of the speeder that took down the fence at the Jose Gallegos Park.

**Councilor David Carter:** He attended the Downtown Master Plan Meeting, but it does not include East Ross. Constituents were happy to see the house down on 5<sup>th</sup> street. He received a lot of comments on the fence, but it’s knocked down already. He was able to see the picture of the eagle that is going to be placed on the Eagle Tank; it beautiful.

**Councilor Darleen Aragon:** From the 18<sup>th</sup> to the 20<sup>th</sup>, she was in Santa Fe with the MainStreet Project. They discussed a lot of things about revitalization and grants that are available to fund their projects. On the 20<sup>th</sup>, she served at the Matanza. On the 24<sup>th</sup> she had Sites Southwest in for the Master Plan Meeting. She was there until 4:00 P.M; they heard from the Council, community members, and arts and culture. She attended the MainStreet Board Meeting, they discuss the Master Plan. She suggested placing “Welcome to Belen-Home of the Eagles” on the Eagle Tank.

**Councilor Wayne Gallegos:** He reported that Jake Armijo, citizen, was upset with the trash issue today. Waste Management didn’t go through a section of town today. It was a windy day and trash blew. There was no notice or calls made to the customers. He understands that Waste Management wants to change the routes for everybody in about a month or two. Elutario Gurule has concerns with the curb and pavement that is lifted on Rosedale Circle. He received “thank you” for the demolition on 5<sup>th</sup> and Aragon. Valencia County Day was a success. The Belen Harvey House Retreat was great. Volunteers came in with a plan and where they want to go; they will be using old plans. On the 24<sup>th</sup> he attended the Downtown Master Plan Meeting. The ISO rating for the City used to be at 3,500 gals per minutes because of the buildings we had up; Del Rio Plaza, the 80 units of apartments, Tommy’s Lounge. Now the City has been reduced to 2,000 gals per minute. This is a great plus for the City’s fire rating. We have a good chance for an ISO #IV. On the 25<sup>th</sup> he attended the older American advisory which went well. On the 25<sup>th</sup> he met with a group of people in reference to a medical center. He recommended inviting them to an open meeting; it’s a medical center that they are trying to move into one of the café hotels we have on North Main. The City may become a fiscal officer for the appropriated money. In return the property, if something happens, falters to the City. Mayor Cordova advised Councilor Ortega that the issue was on the agenda, but it was taken off, because the Senator expressed that we negotiate for the building prior.

**Mayor Jerah Cordova:** He attended Valencia County Day; he was able interact with the legislatures. They read through the Memorial for Valencia Day and Belen had a good promotion. On the 21<sup>st</sup> he had a constituent meeting regarding issues. On the 24<sup>th</sup> he attended the MainStreet Planning Meeting for the Master Plan. On the 27<sup>th</sup> he met with a local farmer about some property that he owns right outside of City limits and he is interested in providing for the City. He met with another interested party regarding animal control issues such as the conditions of the animals in the shelter, spayed and neuter programs and leash laws. He and Jay will look into the budget to see if there is anything the City can do to assist. He stated that Valencia County is getting close to opening up a surgical room, and it may be able offer free spade and neuter programs.

**ADJOURNMENT:**

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

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

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

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