

**REGULAR CITY COUNCIL MEETING**

**May 18, 2015**

**5:30 P.M.**

Mayor Jerah Cordova called the Regular Meeting of the Belen City Council to order at 5:30 P.M. Roll call taken by Leona Vigil, City Clerk.

**PRESENT:** Councilor Darleen Aragon (came in after the motion to go into executive session)  
Mayor Pro-Tem Wayne Gallegos  
Mayor Jerah Cordova  
Councilor David Carter (came in after the motion to go into executive session)  
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.

**EXECUTIVE SESSION**

Mayor Jerah Cordova asked for a motion to go into Executive Session to discuss the purchase, acquisition or disposal of real property or water rights by public body for the possible extension of boundaries, as allowed per 10-15- (H-8). Councilor Wayne Gallegos so moved to go into Executive Session. Councilor Frank Ortega seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes  
Councilor Frank Ortega Yes Motion Carried

Mayor Jerah Cordova asked for a motion to return to an Open Meeting from a Closed Meeting. Councilor Wayne Gallegos made a motion to return to the Open Meeting. 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 Motion Carried

Mayor Jerah Cordova asked for attestation that no action was taken and that discussion was limited to the purchase, acquisition or disposal of real property or water rights by the public body for the possible extension of boundaries, as allowed per 10-15-1 (H8). Councilor Wayne Gallegos so moved the motion. 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 Motion Carried

## APPROVAL OF AGENDA

Mayor Cordova announced that there has been a request to move 8A before public comments. With that, Mayor Jerah Cordova asked for approval of tonight's agenda. Councilor Wayne Gallegos made a motion to approve the agenda. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

Councilor Ortega advised the Mayor that the top of the Agenda states 6:00 P.M. and should state 5:30 P.M.

## APPROVAL OF MINUTES

Mayor Jerah Cordova asked for an approval of the Minutes dated May 4, 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 Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Darleen Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried

## PRESENTATIONS

### **DEBORAH GRAHAM MEMORIAL SCHOLARSHIP AWARDS: Julie Cervantes, Library Director**

Julie Cervantes introduced Kathy Jaramillo from the Library Board of Trustees and the Deborah Graham Memorial Fund. Kathy Jaramillo informed the public that Deborah Graham was the previous Librarian, and passed away from breast cancer. They wanted to get a scholarship together in her honor. They sent applications to the high school and received 9 applicants. They were only going to give one scholarship, but the applicants were so good, they decided to give two. Mr. Eugenio Padilla will be attending NM State University and received \$250.00. Ms. Janessa Ortiz will and is already attending UNM VC, and she received \$250.00.

## PUBLIC COMMENTS

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

**Charles Cox:** He is representing Belen's VFW Post 2387. He reported that the post will be placing flags at various cemetery sites. He invited the Council to help place the flags and to the Cookout afterward at the post. The Memorial Day Ceremony will be held at Our Lady of Belen starting at 11:00 A.M. The guest speaker will be the Honorable Judge John R. Chavez.

**David Mintz:** He is a resident of Belen. On March 24, 2015, he received a letter from the City Attorney, Mr. Rennick. The letter states that according to Mr. Ruybalid, Lisa Miller did not falsify documents. Mr. Mintz stated that according to the dictionary false means a non-truth. He showed the Council a document signed by Lisa Miller. He stated that there are people who deny history and events such as the Holocaust of World War II where the Jews were prosecuted along with gypsies and undesirables. His purpose tonight, is to keep these records straight. "These documents did happen and they do exist".

**Richard Sanchez & Carla Ferrel:** Richard and Carla told their heroic story and presented Certificates of Appreciation to the Fire Department at the last City Council Meeting but the two Fire Department Employees were not in attendance. Their heroic story can be found in the Minutes of May 4, 2015.

Mayor Cordova asked if there were any more public comments. There were no more public comments at this time, and this portion of the meeting was closed.

## **PRESENTATIONS**

### **EMPLOYEE OF THE QUARTER: WAYNE GALLEGOS, MAYOR PRO TEM**

Mayor Pro Tem Wayne Gallegos announced Joseph Chavez as the Employee of the Quarter. Mayor Pro Tem read and presented Officer Joseph Chavez with an Employee of the Quarter Certificate. A copy of the letter and certificate is attached hereto and made an integral part of these minutes by reference. Joseph Chavez' name will be displayed in City Hall, and he earned a day off with pay.

### **2015 EMS WEEK PROCLAMATION: WAYNE GALLEGOS, MAYOR PRO TEM**

Mayor Pro Tem read and presented Fire Chief Manny Garcia with the 2015 EMS Week Proclamation. A copy of the proclamation is attached hereto and made an integral part of these minutes by reference.

### **2015/2016 INTERIM BUDGET PRESENTATION: ROSEANN PERALTA, FINANCE DIRECTOR**

Roseann reported that on the 29<sup>th</sup> of April the City held a Budget Workshop to put together the budget for the new Fiscal Year. She has to submit an Interim Budget to DFA by the end of this month. DFA will review the budget and give any feedback they may have. The Final Budget will need to be approved by resolution after the year closeout on June 30, 2015.

She stated that nothing has changed from what was approved at the Workshop. This year there will be four additional employees added; three to the enterprise fund and one to the general fund.

Councilor Gallegos asked Roseann to give an update of what was needed to adjust. Roseann replied that the budget was made as well as they could to last year's budget in general fund. There was a slight increase due mostly to some major purchases for some of the departments. The Enterprise Funds are doing really well.

Councilor Carter asked about the recap. He stated it looks like the budget is 600,000 expenditures over revenue. Then, the major purchases are in the tune of about \$600,000-one time shot. Roseann answered that the revenues are 100,000 over from last year, and the expenses are close to two. Councilor Carter is still looking for the 600,000. Roseann replied that last year there was money set aside, and that is taken out of the beginning cash balance and this does not include the other reserves for the debt that the City has.

Councilor Carter asked about Capital Projects. Roseann answered that primarily the money is set aside for the airport project match. Councilor Gallegos asked Roseann to report on the airport project match. She reminded everyone that the airport match is 532,000; and she has it all in place expect for 10,000.

## **PUBLIC HEARING**

### **A PROPOSED LEDA PROJECT ORDINANCE FOR THE PUBLIC SUPPORT TO CONSTRUCT A GENERAL HOSPITAL IN BELEN: Steve Tomita, P & Z Director**

Steve Tomita reminded everyone that the ordinance was presented at the last meeting by the City Attorney, Charles Rennick. This Ordinance is part of the complying with State LEDA and the City's Local Economic Development Plan that establishes an economic development project. The project must be for economic development, show a creation of jobs and benefit the people.

Mayor Cordova announced that this issue is a Public Hearing, and he invited anyone to come speak for or against the issue. There were no comments from the public, and this Public Hearing was closed.

**AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY FOR THE CONSTRUCTION OF A HOSPITAL: Steve Tomita, P & Z Director**

Steve informed the Council that the next step for selling the property is to authorize the sale through an ordinance. This ordinance will approve the actual sale of the property to the hospital provider.

Mayor Jerah Cordova invited anyone from the public to speak for or against the issue is welcome to do so. There were no public comments, and Mayor Cordova closed this Public Hearing.

**PROPOSED AMENDMENTS TO THE CITY'S CURRENT FIREWORKS ORDINANCE TO INCLUDE, BUT NOT LIMITED TO STAND REMOVAL, HOURS OF SALES, HOURS OF FIREWORK DISCHARGE, PROHIBITED FIREWORKS, PERMISSIBLE FIREWORKS, PYROTECHNIC PERMIT, FINES AND FEES: Manny Garcia, Fire Chief**

Fire Chief Manny Garcia went over his proposed amendments to the City's current Firework Ordinance. A copy of his proposed amendments are attached hereto and made an integral part of these minutes by reference. In the original ordinance tents were to be removed within 24 hours. Chief Garcia proposed allowing 72 hours for tent removal, which is more reasonable. He proposed, with the exception of July 3<sup>rd</sup> and 4<sup>th</sup>, sales to be from 8:00 a.m. to 8:00 p.m. instead of 8:00 a.m. to 10:00 p.m. On July 3<sup>rd</sup> and 4<sup>th</sup> sales will be from 8 a.m. to 10:00 p.m., instead of 8:00 a.m. to midnight. He also proposed adding restriction that fireworks can be discharged until 10:00 p.m. with the exception of July 3<sup>rd</sup> and July 4<sup>th</sup>. July 3<sup>rd</sup> and 4<sup>th</sup> fireworks can be discharged until midnight. Chief Garcia informed the Council that there is no time reference in the state statutes. He proposed issuing permits. He added items to prohibited devices. He informed the public that a rule of thumb is "Caution" is legal and "Warning" is illegal.

Councilor Aragon stressed that she still sees roman candles and bottle rockets go off and asked Chief Garcia, how we stop it. Chief Garcia answered public education, and they could be cited for having illegal fireworks. Councilor Aragon asked if they are cited. Chief Garcia answered that he is not going to cite somebody just because; he will ask them to hand over their illegal fireworks and it's done. He added that they might have to pursue those that don't comply. He reported that in the past four or five years he may have given four or five citations total.

Councilor Carter had a concern with the sales of fireworks vs. the discharging of fireworks; there was a conflict with the dates. He pointed out that you can buy fireworks three days before Cinco de Mayo, but according to 6.8 you can only discharge them between June 20<sup>th</sup> and July 4<sup>th</sup>. Chief Garcia will add the language needed. Chief Garcia pointed out that he only typically deals with fireworks for the Fourth of July Holiday. Councilor Carter mentioned bringing the ordinance back after the language was fixed.

Councilor Wayne Gallegos stated that if we stick with state statutes we are regulated. He added that the City can be more stringent.

Mayor Cordova asked for clarification as to why we are adding the word competent to 6.3. Chief Garcia answered that some adults have alcohol in their system, and they are not competent.

Mayor Jerah Cordova asked if there were any public comments for or against the issue.

**Steve Ethridge, Citizen.** He asked Chief Garcia how many fires were caused by fireworks last year. Chief Garcia will get him that information. Steve stated that there has been a lot of rain lately, and asked if there is ever going to be a year where the City is not going to clamp down on things. Chief Garcia answered that they receive weather briefing from the Weather Service that know the weather. "If it's that bad of a drought, the governor has the authority to ban fireworks." Mr. Ethridge stressed it's the Fourth of July. Councilor Gallegos reminded everyone that there are different ordinances in each municipality. "But you have to remember, where

you purchase those fireworks is where you can ignite them.” He stated if the fireworks are purchased within the City of Belen they are legal in Belen. If you buy them in Moriarty light them in Moriarty.

Chief Garcia asked Councilor Carter in reference to 6.8; can we just propose what is provided to you now and come back and renew the language including the other holidays that are referenced in the ordinance. Councilor Carter still has concerns with not being able to discharge fireworks year round. Councilor Wayne Gallegos answered that that is regulated by the State. Councilor Carter then asked how Moriarty gets away with it. Councilor Frank Ortega answered their city ordinance. Councilor Carter asked again what does the State say about discharging fireworks years round. Councilor Aragon asked isn't it a moot point because we don't sell fireworks here all year round. Councilor Carter said it could happen. In reading a portion of the state statute, Chief Garcia noticed that the 16<sup>th</sup> of September is included in their list of holidays. Chief Garcia will add that to the ordinance.

There were no more public comments, and the public hearing was closed.

**DISCUSSION WITH POSSIBLE ACTION**  
**APPROVAL OR DISAPPROVAL OF THE AMENDMENTS TO THE CITY'S FIREWORKS**  
**ORDINANCE: Manny Garcia, Fire Chief**

Mayor Jerah Cordova asked if there was any further discussion on this issue. There was no further discussion, and Mayor Cordova asked for a motion. Councilor Wayne Gallegos motioned to approve. Councilor Frank Ortega seconds the motion. Councilor Carter reminded Councilor Gallegos with the changes. Councilor Gallegos added to his motion, “with the changes”. Mayor Cordova stated that there is a motion to approve the ordinance with the changes as discusses, and we have a second from Councilor Ortega. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE BID AWARD FOR THE CROSSWIND RUNWAY: Mike Provine, Molzen & Corbin**

Mike Provine reported that bids were opened for the Crosswind Runway 1331 Construction Project. Two bids were received for the project. Mountain States Constructors Inc. out of Albuquerque was the apparent lowest bidder. He reported that there was a base bid and an alternate bid. The alternate includes paving the rest of the parallel taxi way. Mike stated that the bids were slightly higher than anticipated and they are not able to recommend the added alternate. They do recommend awarding contingent on receiving the state aviation department grant. The base bid from Mountain States Constructors Inc. is 4,966,014.35, excluding gross receipts tax.

Mike mentioned that the next item on the Agenda is to consider a State Aviation Grant. They are prepared to offer 90% of funding on this project, and the City would provide a 10% match. Mike reiterated that their recommendation to the City is to approve the award contingent State Aviation offering a grant.

Councilor Ortega asked for a recommendation from the City Manager. Jay stated that he is fully in support of this.

Councilor Carter asked how long the bids are good for. Mike answered 30 days as per the contract. He added that if needed we could request additional time from the bidder. He mentioned that State Aviation is interested in getting the grant application in by June 30<sup>th</sup>. Mike informed the Council that they can get the grant application in tomorrow. State Aviation will take two weeks or so to turn the application around.

Mayor Jerah Cordova asked for a motion. Councilor Gallegos moved approval contingent upon the State Aviation Grant. Mayor Jerah Cordova asked for a second. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE STATE GRANT APPLICATION RESOLUTION AND SIGNATURE AUTHORITY FOR THE CROSSWIND RUNWAY: Robert Uecker, Airport Manager**  
Mike Provine reported that the resolution will allow the Mayor to sign the application to the State Aviation Division and accept the grant offer. He informed the Council that the State Aviation grant application is based off the total cost 532,000 which is based off the construction amount. There are some engineering costs that go into that so the City match is 553,000; which is 10% of the project costs.

Mayor Jerah Cordova asked for a motion. Councilor Wayne Gallegos made a motion to authorize the Resolution. 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 Darleen Aragon	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried

**APPROVAL OR DISAPPROVAL OF THE NMFA COMPREHENSIVE PLAN GRANT RESOLUTION: Steve Tomita, P & Z Director**  
Steve informed the council that this is a resolution authorizing the City to submit an application for a \$50,000 Plan Grant to New Mexico Finance Authority to update the City's Comprehensive Plan. He will not have a match amount until the application and financials are reviewed. Councilor Aragon asked what the approximate amount of the match would be. Steve answered \$5,000 (10%).

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

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

**INFORMATIONAL ITEMS**  
**CITY MANAGER'S REPORT**

Jay Ruybalid went over a copy of his report. A copy of his report is attached hereto and made an integral part of these minutes by reference. He added that the Community Center substantial completion inspection was this afternoon. 135 bags of trash were picked up at three of our exits, through the jail program. The painting on the Eagle Tank is almost complete. The Aragon Tank is substantially done. He is trying to get a timeline on the

removal of the round-a-bout on Christopher Road. East Ross is moving along and after that they will work on Martha Jean and Impala.

## **COMMUNICATION FROM CITY COUNCIL**

**Councilor Darleen Aragon:** She attended the “Coffee with Chief” event. She heard from people, and it was rather positive. She said there was about 15-20 people in attendance. She participated in the golf tournament with the Greater Belen Chamber of Commerce on May 8<sup>th</sup>. She attended a Rio Communities Meeting. She mentioned that the people are really tough on their Council. She met with Rio Metro at the Transportation Center in Los Lunas; Belen had the biggest showing of people there. She asked if they had to go to the Council to get a grant approved over a certain amount through New Mexico MainStreet. She asked what the amount was. Mayor Cordova answered in the past they used to bring everything to the Council. He explained because if at some point the City was going to be involved in the process or city property was involved in some way, the Council was fully aware. Councilor Gallegos stated that he and Jay came up with plan within the last month. Jay stated that he added a paragraph to the City Services Policy that was passed about three months ago, but it is not ready for presentation tonight. Michael Sanchez from Hub Furniture has said that the City has plugged up one of the drains on Main Street and it’s flooding in the front. She concurred that it is flooding in the front.

**Councilor Wayne Gallegos:** He stated, on that issue, it’s a State road and the State has done a lot to help that business by milling some of the sidewalk and curb. He stated that we need to take a look throughout the whole City for these low spots that need to be addressed. He met with Jay to discuss administration policy. He thinks it’s only right for Mayor and Council to know what is going on. He thinks some things can be approved if there is a limit. He met with some people from South Third they had concerns with the police. There was an incident in that area and they discussed more patrol. He met with Mike Moreno and they discussed B Space. He mentioned that B-Space is being squeezed out of the building on Becker. He and Mike Moreno are looking at another City building on South Main that is already vacant. Mike is willing to relocate and get more business involved in that area. On the 5<sup>th</sup> they had budget approval for the Belen Senior Center. There is a grant for repaving behind the Senior Center where they store the busses for the center. Belen will be the fiscal agent for the grant. A Mother’s Day Breakfast was held for the Belen Seniors. On the 14<sup>th</sup> he attended the Older American Advisory, they are moving along with issues and Capital Outlay.

**Councilor David Carter:** On the 5<sup>th</sup> he met with Jennifer Brown, Belen School Acting-Superintendent, Jay and Brenda to discuss Film & Flight and increasing the participation by participating each-others event. They brought up trying to incorporate the National Food Festival with the Belen’s Film and Flight Event. They are working on the 3<sup>rd</sup> Annual Follow the Star Event that will be held at the Eagle Park. He mentioned the quick response he received when he reported a pot hole by the Family School. He is hoping all callers receive this treatment. He asked Jay to obtain a list of properties that were demolished by the City, and what stage we are in to recoup the costs. He announced Belen High School Graduation is tomorrow.

**Councilor Frank Ortega:** He met with some constituents to schedule a clean-up at the Carter Park Property. He asked for an update on the property located at 105 East Aragon. Jay answered that he has not received any word. He mentioned that there is talk amongst constituents that funding will be taken away from the railrunner; he stressed that he would like everyone to stay on top of that. He had a great time serving and cooking at the Senior’s Mother’s Day Breakfast. He mentioned that they saw the Mayor of Rio Communities and Rio Communities Councilors fixing potholes in their city. He went to check on the projects going on at East Ross and Jose Gallegos Park. He reported that the Main Street Overpass is moving along. He went to go see the new water tank; they are starting to paint the eagle. The Holding Ponds are moving along quite well also. He met with constituents regarding pot holes on Wisconsin. Jay answered that will take care of that road. He met with the Fiesta Committee; Father Schultz is moving to Albuquerque. A Proclamation will be read on May 31<sup>st</sup> at a brunch from 11:00 AM to 2:00 PM at the new Parish Hall. Now that it has been raining, he met with people on drainage issues.

**Mayor Jerah Cordova:** He was in Baltimore for the last 4 weeks for his other job. He thanked Mayor Pro Tem for keeping the City running.

**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