

## REGULAR CITY COUNCIL MEETING

September 21, 2015

6:00 P.M.

Mayor Pro-Tem Wayne Gallegos 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 (few minutes tardy)  
Councilor David Carter  
Councilor Frank Ortega

**ABSENT:** Jay Ruybalid, City Manager

**CITY CLERK, CMC:** Leona Vigil

**REPORTER:** Clara Garcia, VC News Bulletin

**OTHERS:** Roseann Peralta, Finance Director

### PLEDGE OF ALLEGIANCE

Mayor Pro-Tem asked Chris Perea from Wilson & Co. to lead the Pledge of Allegiance.

### APPROVAL OF AGENDA

Mayor Pro-Tem Wayne Gallegos asked for approval of tonight's agenda. Councilor David Carter moved to approve the agenda. Mayor Pro-Tem Gallegos 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

### APPROVAL OF MINUTES

Mayor Pro-Tem Wayne Gallegos asked for an approval of the minutes dated August 31, 2015. Councilor Frank Ortega motioned to approve the minutes. Mayor Pro-Tem Gallegos asked for a second. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

Mayor Pro-Tem Gallegos asked for an approval of the minutes dated September 4, 2015. Councilor Frank Ortega motioned to approve the minutes. Mayor Pro-Tem Gallegos 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

Mayor Pro-Tem Wayne Gallegos asked for an approval of the minutes dated September 8, 2015. Councilor David Carter motioned to approve the minutes. Mayor Pro-Tem Gallegos 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

### **PUBLIC COMMENTS**

Mayor Pro-Tem Wayne Gallegos asked if there was anyone with public comments.

**Gloria Sanchez:** She is a volunteer with the City of Belen. She reported that last Friday was the 14<sup>th</sup> Annual 9/11 Celebration. She informed the Council that she will have to get another brick to present to the family for next year's memorial; Captain Matthew D. Roland, 27. She donated memorabilia posters from the celebration to the Belen Public Library.

There were no public comments at this time and Mayor Pro-Tem Gallegos closed this portion of the meeting.

### **DISCUSSION WITH POSSIBLE ACTION**

#### **APPROVAL OR DISAPPROVAL OF THE OUT OF STATE TRAVEL FOR RSVP DIRECTOR:**

##### **Bertha Flores**

Bertha Flores informed the Council that the Senior Corp Annual Conference will be held from October 18-21 in Houston Texas. Bertha reported that the money for the conference comes from Senior Core Funding and Long Term and Aging. The total cost for the conference, including lodging and airfare, is around \$2,500.00.

Mayor Jerah Cordova asked for a motion. Councilor Frank Ortega motioned to approve the out of state travel. Mayor Cordova asked for a second. Councilor Darleen Aragon 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 CAMINO DE LLANO CHANGE ORDER: Wilson & Co.**

Chris reported that there were some minor changes and redesign efforts to the Camino de Llano Pond Project. He emphasized that the Project will be at or below the contract amount. He mentioned that they had to redesign several items in the project because of existing utilities. Chris informed the Council that he is asking for \$19,076.00 to be approved for Wilson & Company due to the efforts and time that they had in redesigning. He estimates that the majority of the completion will be towards the end of October; with that, Chris Perea asked for consideration of approval.

Councilor Ortega asked Roseann where the additional money was coming from. Roseann answered that it is still within the grant and loan combination and was part of the contingency amount, in the original plan.

Councilor Frank Ortega asked if there was any danger of hitting any utilities when cleaning out the silt from these arroyos. Chris explained there is one water line that is in the pond, but it is 6 feet deep, so maintenance will not be an issue. John Best advised the Council that two depth markers will be placed as part of the contract. Councilor Ortega had concerns with the maintenance of the drains. John Best replied that the drains shouldn't build up with silt, because they placed a pipe between the ponds and the sediment will be gone by the water by then. Chris recommended that the City have a Preventive Maintenance Plan for the ponds to include cleaning out the drains. Steve Tomita stated that the maintenance program will be based upon observation, because it is a new pond.

Mayor Jerah Cordova asked for a motion. Councilor Frank Ortega motioned to approve the Change Order, with the recommendation from the Finance Director, for 19,076.00. 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

**APPROVAL OR DISAPPROVAL OF THE INCREASE IN SALARIES FOR POLICE OFFICERS:**

**Dan Robb, Police Chief**

Chief Dan Robb is proposing a \$1.25 salary increase per hour for officers. He explained that the purpose for the increase is to help with recruitment and retention of officers. Chief Robb reported that he has lost three officers to the County, because of pay. He added that his department is currently the lowest paid in the County and explained that this proposal will make the City more competitive. He also proposed to increase the clothing allowance from \$600.00 annually to \$700.00 annually. Chief Robb explained that the increases will be paid by not hiring an officer until July of next year and using that salary for the increase. He will sustain the increase in his budget.

Councilor Gallegos stressed that the benefits that the City pays are pretty good. He was glad that he as the Chief brought in to the Council's attention. He can see that the department is under pressure and losing officers. Councilor Gallegos asked if everything was ok with the union. Chief Robb answered that they negotiated with them and they were ok with his proposal. Councilor Ortega would like to see what we can do for the police chief also.

Mayor Jerah Cordova clarified that Chief Robb is asking for two increases; one for the salary and one for clothing allowance. Councilor Wayne Gallegos motioned to approve the increases. Mayor Cordova asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

Before Councilor Ortega made his vote, he wanted to go on record to state, "let's see what we can do for the Police Chief, also".

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

**APPROVAL OR DISAPPROVAL OF THE PORTION(S) OF EASTSIDE SCHOOL ROAD CLOSURE DURING THE SCHOOL YEAR: David Carter, Councilor**

Councilor Carter informed the Council that the MOU for the closure is similar with the one that's in place for Fourth Street. Councilor Carter informed the Council, because the City owns property on both sides of Eastside Road they are not actually closing it, they want to limit the traffic to one direction. The closures would take place during the drop off and pick up times during the school year, from the middle of August to the end of May.

Mayor Cordova went over the MOU, a copy of which is attached hereto and made an integral part of these minutes by reference. Councilor Gallegos stated that he would rather not have the issue for action on the first hearing and would like to have public input. Councilor Frank Ortega would like to see a public forum on the issue. Mayor Jerah Cordova stated that a Public Hearing will be held at the next meeting and action on the following meeting.

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

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

**APPROVAL OR DISAPPROVAL OF THE PANHANDLING ORDINANCE: Jerah Cordova, Mayor**  
Mayor Cordova asked Charles Rennick to go over his proposed changes; a copy of those changes are attached hereto and made an integral part of these minutes by reference. Charles Rennick stated that the main aspect of his changes is to differentiate between aggressive and ordinary panhandling. He explained that the ordinance, as written, kind of put the two together; he separated the two. The Council stressed that they do not want this to interfere with fundraising for children. Charles replied that it is intended not to, and with the changes he made it would not prohibit this. At this time the Council discussed having adult supervision when a child is fundraising. Mayor Cordova asked Charles if this was something he could cover in the ordinance. Charles gave a few suggestions and will work on the suggested changes. Councilor Carter would like to wait to vote on the ordinance until they receive a final form.

Mayor Jerah Cordova asked for a motion. Councilor David Carter motioned to table the issue. 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**

A copy of the City Manager's report is attached hereto and made an integral part of these minutes by reference.

Mayor Cordova asked Charles Rennick to give a quick update on the hospital issue. Charles reported that oral arguments for the Los Lunas vs. Valencia County and the City of Belen law suit were heard today at the Court of Appeals. The status of the case was that the city and county, in the district court, moved to dismiss the complaint by Los Lunas for various reasons primarily one of them being a lack of standing. The District court granted that motion, but Los Lunas appealed the motion. Court of Appeals agreed with Los Lunas and reversed the dismissal. The case now goes back on the district court docket. The basis for the ruling was focused exclusively on the aspect of great public importance. Los Lunas stated that if it is a matter of great public of importance, the court can hear it, even if they don't otherwise have standing. In this case, one of the basis for the law suit was a challenge to the residency of one of the County Commissioners. Mayor Cordova stated that an Executive Session will be scheduled at the next meeting for further discussion.

**COMMUNICATION FROM CITY COUNCIL**

**Councilor Frank Ortega:** He reported that he will be hunting on November 2, 2015 and will not be able to attend that Council Meeting.

**Councilor David Carter:** He attended the 9/11 Ceremony. He thanked Chief Garcia and Mrs. Sanchez of putting the event together.

**Councilor Wayne Gallegos:** He attended the 9/11 ceremony. He participated in the Library Board Meeting, where they reviewed their Bylaws. On the 14<sup>th</sup> he attended the Downtown Master Plan Meeting. He helped serve lunch to the seniors at the Ageless Living Center.

**Councilor Darleen Aragon:** She attended the 9/11 Ceremony, the tri-chamber luncheon, and the Belen Chamber of Commerce Meeting. She announced that Rio Abajo Days will take place this Saturday. She also attended the Hospital Hearing.

**Mayor Jerah Cordova:** He attended the 9/11 ceremony and the downtown master plan meeting. On the 15<sup>th</sup>, he met with the Greater Belen Economic Development Corporation; the corporation is officially defunct and no longer recognized as a non-profit. He attended the reception and dinner hosted by Mayor Berry; it was an event for all of the Mayors in the state of New Mexico. On the 18<sup>th</sup> there was an all day Mayor's conference in Albuquerque, there was about 108 mayors in attendance with lots of guests' speakers. He had a citizen's meeting; it seems the big issues were code enforcement issues, particularly in alley ways. He attended the Hospital Arguments this morning.

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

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

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