

BELEN CITY COUNCIL MEETING

June 17, 2019

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 Brian McBain, City Clerk.

PRESENT: Councilor Frank F. Ortega
Mayor Pro-Tem David Carter
Mayor Jerah R. Cordova
Councilor Ronnie Torres
Councilor Wayne Gallegos

CITY MANAGER: Leona Vigil

CITY CLERK: Brian McBain

REPORTER: Clara Garcia, VC News Bulletin

OTHERS: See attached Sign-in Sheet

PLEDGE OF ALLEGIANCE

Mayor Cordova led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Cordova asked for a motion to approve the agenda. Councilor Frank F. Ortega asked for modification to move 9) F regarding the Belen Visitor Center to be the first for Discussion with possible action. Councilor Ortega made a motion. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion.

Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	
Councilor David Carter	Yes	Motion Carried

APPROVAL OF MINUTES

Mayor Cordova asked for a motion to approve the minutes dated June 3, 2019 as presented. Councilor Ortega made a motion. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion.

Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	
Councilor David Carter	Yes	Motion Carried

PUBIC COMMENTS

Mayor Cordova asked if there was anyone with a public comment. Mayor Cordova advised that he would like to take anybody with comments with Veterans Memorial.

Danny Bernal Jr: Artist and resident of Belen. He is here on behalf Veterans Memorial, Visitor Center and of article about the 2 of them "Citizens expressing concern" about the naming of the Veterans Memorial and Visitor Center. From the citizens that there are legitimate questions concerning the processes of naming structures after a person. How is it possible a government owned building can be named after someone after the approval of the City Council? He went on to

express that there is an order within the government that should be followed and was not obeyed. Instead of addressing this problem the Council attacked those who questioned them. This is the second time the council has insulted citizens because they were questioned. He found the comments rude and hypocritical, a concerned citizen is not a dictator nor a bully. He asked the Council consider a “generic name” for the Memorial Center.

Cecilia Aragon: Project Manager for the Veteran’s mural. Gave honor to Councilman Ortega and Councilman Gallegos for the efforts they have put into this memorial. She feels it’s only right that Councilman Ortega name it after his nephew. She feels that there is a generic name already, The Veteran’s Memorial will be “The Veteran’s Memorial of Belen”. She feels to remove name that this will be disrespectful. She feels that when the City moves forward on a project that there’s always 3 steps backwards due to those who always complain or cause issues of what’s being done. We should be proud of what we do together.

Richard Long: Expressed how he knew Henry Byrd III as a young boy and saw his success in school, served his country and went out and gave his life in Iraq. He feels it’s fitting to keep name as is.

Jerry Moya: Teacher and Coach at Belen High School. He knew Henry Byrd III during those years, he also knew served together with him. He was very distraught hearing that some people felt the name should be removed and felt that it would be a great disrespect! He feels the name should be honored and stay as is.

Gloria Sanchez: Volunteer with the City of Belen, and representing her husband Fernades Garley Sanchez, mostly known as “Sonny”. Offered condolences to family of Henry Byrd III. She advised there is a brick with his name at the “Freedom Wall”. Suggested that maybe the family can consider other options to honor Henry Byrd III i.e. scholarships, or other projects and feels they would get a lot of support through that. After much thought she still feels it is unfair to name a veteran’s visitor center after an individual veteran because it denigrates and belittles the validity of other veterans who have sacrificed and given their lives for our freedom.

Rick Carbajal: One who has a rich familiar history of military service to our country. He expressed his family’s military and he has served and is now retired with National Guard. He feels “in no way” that as a veteran does not feel less important. Expressed and appreciated how Councilman Ortega and Councilman Gallegos for initiating this memorial and to honor Henry Byrd III. He feels that veterans are pleased that by creating this memorial it has brought a positive effect for the City of Belen to recognize our veterans.

Abencio Sisneros: A Veteran of the Iraq war and is very proud of Henry Byrd III. He feels this is honoring “all” Veterans and encourages everyone to go look at it and enjoy it.

Erica Trujillo: Sister of Henry Byrd III. She wanted to let everyone know she did not know this memorial was going to be named after Henry Byrd III. She feels that it would be disrespectful to remove his name.

Henry Byrd: Father of Henry Byrd III, he gave honor to all of his family that has served in the Military. He expressed how difficult it was for his son all his life. He feels that he should be honored and to not take this away from him.

Christina Ulibarri: Offers her condolences to all Veteran’s. She feels that this was inappropriate for Mr. Ortega to go ahead and make this decision before going to council for approval. She feels this should not be done by one person. She feels this is wrong period.

Robert Vallejos: Expressed his life long relationship with Henry Byrd III. He feels it to be disrespectful to remove name at this point.

Margaret Baca Free: Stepmother of Henry Byrd III. She is very proud of what all the councilman has done and put into this memorial. She expressed all his struggles as a young man, and shared his endurance to be successful and finally be able to serve his country. She expressed her appreciation towards all veterans who have served our country. She feels that no one has done anything wrong in naming this memorial after Henry Byrd III.

Frank Ortega Jr: Expressed how he does not feel belittled by the naming of Memorial after Henry Byrd III. He feels it is a small token of our appreciation. He told of how he served as well as Henry Byrd III and was inspired by him. As a Veteran he is inspired that a City Councilman chose to do this and feel proud to honor him.

Mayor Cordova asked for any further comments, paused no responses.

PRESENTATIONS

A) Pilot Street Light program; Stephanie Toland

Stephanie Toland, Account Manager, along with David W., Area Manager, Rob Polleck, Special Projects Manager.

She has an over-head presentation by CiteLum US, Inc. regarding the LED upgrade for street lights. They have recently done an upgrade for the City of Albuquerque, as well as small businesses. Their reasoning for wanting to do an upgrade for the City of Belen to save more money and do more thing for residents and their city.

Presentation included how the use of LED lighting within the City would benefit to save energy, special design, corner, park etc. They propose a Pilot Project to put up a string of 6 lights for 28 days. This would have to be City owned lights not PNM. This would allow the City to see the difference and how this can be more efficient for the City.

CiteLum US, Inc. will come back with a feasibility study to present to the City of Belen. At that time the Council will consider and/or approve a Pilot Project. Also identify the light poles to see who owns the poles PNM, City Poles, as well as DOT poles. This will need to be done first in order to determine where the pilot project can be set up within the City.

DISCUSSION

A) Technology Infrastructure Fee Ordinance Amendment to reflect the Fiscal Year 19/20 Budget; Johnie Johnson and IT Committee.

Johnie Johnson spoke regarding the ordinance 2013-02. Mike Moreno spoke as citizen for the City of Belen as well and expressed the concerns along with Johnie Johnson, and Kathleen Pickering.

The Council recommends that the Ordinance Amendment be looked at further for clarification. No further action taken.

B) Amendment to the Vacant Buildings Ordinance 2013-02 to reflect Annual Registration Fee's; Leona Vigil

Leona Vigil, City Manager presented the concerns of vacant buildings within the City of Building. This ordinance currently requires vacant building owners pay and annual fee of \$25.00. This cost does not cover the extra costs involved to tend to these vacant buildings with law enforcement, graffiti team, code enforcement, etc. Leona Vigil is proposing to amend this annual fee to \$0.05 per square foot vs a dollar annual fee.

Council agrees that we should get input from the public/business owners to present this fee change. This will allow business owners to provide their opinions whether good or bad.

Leona Vigil will work on getting a public hearing processed. Council Ortega suggested to propose this to the Chamber as well.

Leona Vigil will work numbers to see how much has been spent to maintain these buildings to show how much is actually being spent by the City.

DISCUSSION WITH POSSIBLE ACTION

APPROVAL/DISAPPROVAL OF RESOLUTION TO CONFIRM THE NAMING OF THE BELEN VISITOR CENTER; FRANK ORTEGA

Councilor Frank Ortega expressed the reasoning behind him wanting to name the Visitor Center after Henry Byrd III. He explained that he chose Henry Byrd III thinking of him as a student only, with no malice, or ill intent. He also expressed the overwhelming pouring out of support from businesses helping out to make this Visitor Center successful. This includes very low costs, along with donations as well. Councilor Frank Ortega did not intend for this to cause a big riff with all the controversy over the naming of this Visitors Center. This was done for the love of the City to do the best job we can with what we have.

Attorney for the City of Belen, Jun Roh he presented the law regarding the naming of this center. He advised that there is not ordinance for name of a building for the City of Belen. He feels that the Supreme Court will believe that there is any due process issue in this matter, and no violation of this process. Maybe a new ordinance could be processed going forward if the City wishes to do so.

Councilor Ortega called out Point of Order....Mayor asked if Gloria had question, advised to limit the commentary. There were attempted comments from the public not related to the Attorney asking if there were direct questions towards him.

The Mayor advised that public comments were over and stopped.

The Attorney advised the public (Gloria) there was no ordinance.

Councilor Torres after thoroughly looking through laws there are no ordinances for naming of a building. He would hope that no name would of any building be removed.

Councilor Gallegos suggested that an ordinance be put in place regarding naming of public buildings etc.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve. Mayor Cordova asked for a second.

Councilor Carter seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Ronnie Torres	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF A RESOLUTION TO SUBMIT ARMSTRONG’S TASK ORDER C TO COMPLETE THE PRELIMINARY ENGINEERING REPORT CONTINGENT UPON RECEIVING THE FEDERAL AVIATION ADMINISTRATION GRANT OFFER.

John Thompson presented the Resolution.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to approve. Mayor Cordova asked for a second.

Councilor Torres seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Ronnie Torres	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF A RESOLUTION TO SUMIT ARMSTRONG’S TASK ORER C TO COMPLETE THE PRELIMINARY ENGINEERING REPORT CONTINGENT UPON RECEIVING THE FEDERAL AVIATION ADMINISTRATION GRANT OFFER.

John Thompson presented the Resolution. This is the contract, this is a Task Order C.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to approve. Mayor Cordova asked for a second. Councilor Carter seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Ronnie Torres	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF DISAPPROVAL TO TRANSFER A 1999 SUBURBAN FROM THE CITY OF BELEN TO THE CITY OF RIO COMMUNITIES.

Leona Vigil, presented the transfer of 1999 Suburban to Rio Communities. Gordon Reeves, Code Enforcement Officer for Rio Communities. He advised that this vehicle will be utilized through their Public Works Division, they will take it as is as of July 1, 2019.

Mayor Cordova asked for a motion. Councilor Torres made a motion to approve. Mayor Cordova asked for a second. Councilor Carter seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Ronnie Torres	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF A RESOLUTION APPROVING THE CONDEMNATION OF TWO DWELLINGS LOCATED AT 612 S. MAIN STREET.

Leona Vigil, presented this Resolution for tracks 205 and 206a2 the 2 mobile home buildings that are sitting on the lot on South Main. The City has followed all process for notifications, the structures are beyond repair, we are now asking to move forward and do everything according to State Law with condemning those buildings.

Mayor Cordova asked for a motion. Councilor Carter made a motion to approve. Mayor Cordova asked for a second. Councilor Ortega seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Ronnie Torres	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF A RESOLUTION APPROVING THE EXTENSION FOR THE USE OF CO-OP MONIES.

Leona Vigil presented the extension. We did get approved for the Co-Op 17/18 monies \$112,000. This will be used for the paving project. They are asking for the 6-month extension.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve. Mayor Cordova asked for a second. Councilor Torres seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Ronnie Torres	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF THE RESOLUION FOR THE YEAR END BUDGET ADJUSTMENTS.

Roseann Peralta the Resolution for year-end budget adjustments. This is first half of year end budget adjustments.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to approve. Mayor Cordova asked for a second. Councilor Ortega seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Ronnie Torres	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF THE CITY'S FINANCIAL POLICIES AND PROCEDURES.

Leona Vigil presented the City's Financial Policies and Procedures. These Policies and Procedures to put some controls in place. Recommendation by our contracted Auditors advised to have a tight Financial Policies and Procedures. We had one in place but not specific to Belen. Auditors did take a look at it and was pleased with outcome. A Resolution was not provided at this time, she wants it to indicate that it will supersede any other policies and procedures. Councilor Carter asked what is the plan to keep these procedures action and consistently in place. Response: They will have a signed sheet, review annually.

Approval will be made now subject to a resolution for next meeting.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to approve. Mayor Cordova asked for a second. Councilor Torres seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Ronnie Torres	Yes	Motion Carried

CITY MANAGER'S REPORT

Leona Vigil stated there is nothing to report.

Wayne Gallegos asked to keep us on time with all the projects the importance of changes we've had. Try to stay on track instead of asking for extensions. Planning on 1.7 million the pond. Frank Ortega asked where we were at the bricks? Leona advised \$2,300.00.

Mayor Cordova asked

COMMUNICATIONS FROM THE CITY COUNCIL

Councilor Gallegos stated Father's day breakfast was a great success.

Councilor Ronnie Torres stated the Bugg Light Opening, Friday 6/21/19, 5-8pm.

Mayor Cordova stated, Saturday Hot New Mex Ribbon at 10 am

EXECUTIVE SESSION

APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF LIMITED PERSONNEL MATTER REGARDING THE BELEN POLICE DEPARTMENT AS ALLOWED PER THE OPEN MEETINGS ACT 10-15-1 (H-2)

Mayor Cordova asked for a motion. Councilor Carter made a motion to enter into Executive Session. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor David Carter	Yes	
Councilor Wayne Gallegos	Yes	
Councilor Ronnie Torres	Yes	Motion Carried

The Council entered into Closed Session at 8:45pm

Mayor Cordova asked for a motion. Councilor Ortega made a motion to re-enter into Open Session. Mayor Cordova asked for a second. Councilor Carter seconded the motion. Roll Call Vote:

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes
Councilor David Carter Yes Motion Carried

****The Council returned to Open Session at 10:00pm****

Mayor Cordova asked for a motion to advise that the matters discussed in the closed meeting were limited only to those specified in the motion for closure, and no actions were taken. Councilor Ortega made the motion. Mayor Cordova asked for a second. Councilor Carter seconded the motion. Roll Call Vote:

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes
Councilor David Carter Yes Motion Carried

EXECUTIVE SESSION ACTION ITEM(S)

No Action taken.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve. Mayor Cordova asked for a second. Councilor Carter seconded the motion. Roll Call Vote:

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes
Councilor David Carter Yes Motion Carried

ADJOURNMENT:

Mayor Cordova asked for a motion to adjourn tonight's Regular Council Meeting. Councilor Carter made a motion to adjourn. Councilor Ortega seconded the motion. Roll Call Vote:

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes
Councilor David Carter Yes Motion Carried

Jerah Cordova, Mayor

Amanda Tenorio, City Clerk/Treasurer