

**BELEN CITY COUNCIL REGULAR MEETING**

**October 01, 2018**

**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 adding Executive Session to Discuss Limited Personnel Matters Concerning the Investigation of the Police Chief as allowed per the Open Meeting Act 10-15-1 (H2) as Item 11 and Moving Adjournment to Item 12. Councilor Gallegos made a motion to approve this agenda with changes. Mayor Cordova asked for a second. Councilor Torres 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 September 17, 2018 as presented. Councilor Torres made a motion. Mayor Cordova asked for a second. Councilor Ortega seconded the motion.

Roll Call Vote:

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

**PUBIC COMMENTS**

Mayor Cordova asked if there was anyone with a public comment.

Brian Heap: I am currently the President of Sky Dive NM, we have 40 members that run this, we have 7 Board of Directors, we do about 200 first jump students per year. We have been a part of Belen since the 1980's, our lease is under review tonight, in 2010 our old hanger was torn down and condemned, at that time the City did not have the money to relocate us, so we did this on our own dime, we spent about \$26,000 running utilities and doing the dirt work for this new location, in return Robert Uker and the Airport Commission agreed to a 20 year lease. This year that credit could not be found, the documentation was no longer available, so our question is what happened to this credit for all the work we did,

we support the Airport and the City of Belen, and we are getting nothing in return, it is unfortunate that we cannot find that signed paperwork, but our lease is up for review tonight and the final draft was received at 4pm today, we ask that we would get more time for our attorneys to look at this before approval. We would like to see that money we put in returned to us in some fashion. Councilor Carter asked if Mr. Heap is requesting that we table this until the next meeting. Mr. Heap advised that yes, he would appreciate this, giving us more time for review and looking into the credit a bit more. Councilor Gallegos would like to take a look at it first on the agenda, so we want to ensure this is heard tonight, then we can make a decision after.

There being no other public comments, this portion of the meeting was closed.

## **PRESENTATIONS**

### **A) CELEBRATE BELEN PRESENTATION**

Mr. Greg Macpherson advised the Council that follow the star will not be happening this year, instead we would like Council feedback on hosting community events that can help benefit the community, we would like to move forward with this into the future, this event would be called “The Day of Hope”, different organizations could get involved to give back to the community that need their services. Councilor Gallegos advised that we could build this into our Spring and Fall clean-ups, this would allow for greater community involvement and may work logistically. Councilor Ortega advised that maybe we can use this effort to help those affected by the flooding, since we cannot enter as a City into private property maybe volunteers can help and we can assist with street/curb clean up, Councilor Carter advised that this would be a great idea in helping the community. Councilor Ortega advised that this organization work with the City Manager to coordinate this, meet together and move this forward, creating a timeline and date with Ms. Vigil.

### **B) PROCLAMATION DECLARING THE MONTH OF OCTOBER 2018 AS “MANUFACTURING MONTH”**

Mayor Cordova read the proclamation for the record.

### **C) 2018 FIRE PREVENTION WEEK PROCLAMATION**

Mayor Cordova read the proclamation for the record. Chief Manny Garcia spoke about the importance of this annual tradition to ensure citizens are aware of fire safety, he also presented the Council with gifts.

### **D) FINANCE DEPARTMENT UPDATE**

Ms. Roseann Peralta presented her department update to the Council, she advised that her staff is working hard to ensure the finances are accounted for, we have just completed our audit process which will be presented to the Council once approved by the State Auditor, and I am working on my certification as a public official which is now complete. Elena is working hard with monthly reoccurring charges to ensure we are not spending money where it is not needed, she is also working to attend W-9 training to ensure we are compliant, Rhianna is working on our fixed assets within our Caselle system, she has also obtain her CPO to assist me with procurement of services. Councilor Gallegos advised that in the future, when they bring numbers to the Council, there are more details present to ensure the Council is specifically aware of where we are at during the fiscal year.

## **DISCUSSION WITH POSSIBLE ACTION**

### **APPROVAL/DISAPPROVAL OF THE LIBRARY CAFÉ LEASE**

Ms. Kathy Pickering presented this lease renewal to the Council, advising that the Café has been in the Library for a year already and will serve well as it continues, we have added a due date for rent that will include utilities based on the past years utility usage. Councilor Carter wanted to ensure that there was a termination clause in the contract to ensure both parties are protected. Ms. Pickering advised that this is present in the contract, also Councilor Gallegos advised that he is happy that the utility payments have been worked out to ensure the both parties are compliant with the agreement.

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

**APPROVAL/DISAPPROVAL OF THE LEASE AGREEMENT AMENDMENTS FOR THE BELEN ART LEAGUE**

Mr. Brian McBain presented this amended lease advising that we have just reworded the lease payment portion ensuring that in-kind is used for the various projects in the city that the Art League will be completing not specifying the details but making an amount that must be met annually, we have also added a small alleyway for them to use as an outdoor art venue for events, if they leave in the future, they will return the alleyway to its original state. Councilor Ortega advised that they are already meeting these requirements by working on a painting for the VA Memorial Information Center. Councilor Gallegos asked if this addition would affect their lease payment. Mr. McBain advised that their square footage is charged for the building, we have just allowed them to use what is already within the property line itself. Mayor Cordova asked if there is anything in the contract that would keep the Art League from planting permanent fixtures should we need to open the alleyway back up, Mr. McBain advised that they need City approval to move forward with changes, and they must return this to how it was before should this need to be opened.

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

**APPROVAL/DISAPPROVAL OF THE SKY DIVE NM LEASE**

Mr. John Thompson presented this lease to the Council and advised that this is a 20 year lease but will be reviewed every 5 years, which will be \$525 per year for this hanger space. Mr. Brian McBain also advised that a clause was added to the contract presented that allowed for either party may terminate this lease with 30 day notice. Ms. Leona Vigil advised that permission was granted to take out vegetation in the landing area which will need to be re-seeded, the credit issue has been investigated and cannot be found in our minutes or lease records. Councilor Carter advised that either way, if we are going to take care of these lines, we will need to pay for them and take possession of the lines for service. Ms. Vigil advised that there is a 2011 lease but it was not signed and we cannot find that it was approved by the Council. Councilor Gallegos advised that we need to move on and proceed with the new lease, and we can then define the utility lines later, but more information is needed to proceed on these issues as it appears that they already pay for utility services. Mayor Cordova advised that these are two separate issues, one is the currently needed lease and the other is the utility lines credit, this may need to go to legal to determine how we can move forward.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to table until further information can be found concerning the 2011 lease and possible credit for utility lines. 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

**DISCUSSION**

**A) EXCESS GRT REVENUE PLACEMENT**

Mayor Jerah Cordova advised that this was placed on the agenda to discuss the excess GRT that is now coming in, he wants to ensure that the reserve is funded first but we could then funnel the extra money based on a percentage to fund certain needs of the City, I am just basically opening up the discussion of this to the Council on how we will move forward, we can reduce requests to management but also find a way to fund the needed projects in the City. Councilor Carter advised that we should build up our reserves and see how this plays out into the future, because we may be looking at the GRT's to stabilize or reduce from their current overages, we have

had the flooding issue we have needed to fund so we should instead build our reserves first, then on these projects we should just wait until we start budgeting for next year within four months, we can get a better picture then of how we can proceed with this money, he also advised that the \$40,000 which was collected from the Aragon property sale, can be divided up among the Council to help fund their various projects. Councilor Ortega advised that he would like this so he could do work on the VA Memorial Visitors Center, and would ask the Council to give him their portion of this so that he can start the work, which he would return if there was any excess after completion. Councilor Gallegos pledged his portion to Councilor Ortega to assist in his VA Memorial Visitors Center. Mayor Cordova advised that it appears the Council wants to see how the GRT's play out in the next budget, and allow for the current excess to fund the reserve, we will then divide the \$40,000 of the Aragon property sale to the Governing Body to help fund their specific interests and project requests.

### **CITY MANAGER'S REPORT**

Leona Vigil stated: I was in school all last week but I told the staff the most important thing I brought back from it was that we lack a lot of policy and procedures, so I have let the directors know that we need department policies and procedures for all departments now, it is time that we create these. On 10/10/18 at 10 am, we will be having the new Fire Station Ribbon Cutting Ceremony, on Thursday Kathy is hosting a movie night and popcorn, all proceeds will go to the Employee Appreciation Luncheon, and Bertha will start accepting applications for Thanksgiving baskets on Wednesday.

### **COMMUNICATIONS FROM THE CITY COUNCIL**

Councilor Ortega passed on his time to speak.

Councilor Torres stated: Want to compliment Bertha on the Health Fair for RSVP it was great, I would like to welcome Chief Ruff from the Airport, thank you for the great event, thank you to the Chamber of Commerce for the Rio Abajo days, the City also did a great job on the set up and clean-up of the area. Norman Bugg from the original Bugg lights has passed away, he was a wonderful man and we hope to honor him for this year's event.

Councilor Gallegos stated: It is great to see two Fire Chiefs in the audience for Belen tonight, the ARFF is going great, and it is nice to see two units working together. Thank you for the dinner at the Airport it was very nice, the Health Fair and Rio Abajo was great, celebrating 100 years of incorporation was great and the staff did a great job.

Councilor Carter stated: The Rio Abajo days were great, I worked the Health Fair for the schools and that was a great event also, the Car Show was also a great event.

Mayor Cordova stated: I was out on travel for most of September, so thank you Councilor Carter for stepping in for me as needed, Rio Abajo was a really awesome event, really nice to celebrate 100 years of City government.

### **EXECUTIVE SESSION**

#### **APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF LIMITED PERSONNEL MATTERS CONCERNING THE BELEN POLICE CHIEF AS ALLOWED PER THE OPEN MEETINGS ACT 10-15-1 (H-2)**

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to enter into Executive 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 entered into Closed Session at 7:37 pm\****

Mayor Cordova asked for a motion. Councilor Ortega made a motion to re-enter into Open Session. Mayor Cordova asked for a second. Councilor Torres 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 8:06 pm\****

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 Torres 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 Ortega made a motion to adjourn. 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



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Jerah Cordova, Mayor



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Brian McBain, MPA, City Clerk/Treasurer