

**CITY COUNCIL MEETING**

**August 21, 2017**

**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, Deputy City Clerk.

**PRESENT:** Councilor David Carter  
Mayor Pro-Tem Frank F. Ortega  
Mayor Jerah Cordova  
Councilor Darlene Aragon  
Councilor Wayne Gallegos

**CITY MANAGER:** Leona Vigil

**DEPUTY 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 Ortega made a motion. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion.

Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Darleen Aragon	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 August 7, 2017 as presented. Councilor Gallegos made a motion. Mayor Cordova asked for a second. Councilor Aragon seconded the motion.

Roll Call Vote:

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

**PUBIC COMMENTS**

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

Phil Gregory: On September the 10, 2017, the First Baptist Church of Belen will be 100 years old, this started on September 10, 1917, we are asking for a proclamation from the Mayor and Council, we are having a service that Sunday, but we will also be celebrating on October 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, which will coincide with the Balloon Festival. We would like this proclamation done on the September 5<sup>th</sup> meeting.

There were no further public comments and this portion of the meeting was closed.

## PRESENTATIONS

### **A) 2017 BATTLE OF THE BADGES TROPHY PRESENTATION**

City of Belen Fire Chief Manny Garcia presented Belen Police Chief Conner with the 2017 Battle of the Badges Blood Drive Trophy for the Belen area. For the first time in 4 years, the Belen Police Department won with a count of 17 to 12 as part of the program that the United Blood Services does throughout the State of New Mexico.

### **B) CITIZEN COMMENDATION PRESENTATION TO LARRY HUBBARD**

Chief Scott Conner presented Mr. Larry Hubbard with a certificate for the citizen commendation award and pin for his efforts in assisting the Belen Police Department on Monday, July 31, 2017. The City of Belen Police Department appreciates Mr. Hubbard's heroic efforts in support of Officer Sullenger in the apprehension of an aggressive suspect.

## DISCUSSION

### **A) MOU BETWEEN THE CITY OF BELEN AND VALENCIA COUNTY REGARDING SERVICES TO BELEN INDUSTRIAL PARK**

Mr. Steve Tomita presented the MOU, this MOU is being drafted to present to the Valencia County Commission on Wednesday, August 23, 2017, in support of a zone change for Belen Industrial Park, for future use of this area for industrial purposes. The Council wanted to ensure that this new agreement would supersede any other past agreements that may have been made but have not been found. Councilor Gallegos stated that there are also concerns of water in the area for the purposes of its use, especially as it comes to filtered well water. Mr. Tomita stated that we are also being asked to provide oversight for the infrastructure to the site as it developed into the future, however, when installing this, we would need to ensure all County codes are followed. Mr. Tomita stated that in this MOU, the County is requiring that we provide Police and Fire services to this industrial park. Ms. Leona Vigil stated that the County currently provides fire and police service in this area, if we are going to take this over, we need to hear from these department first. Fire Chief Garcia acknowledged this request but cautioned us to proceed with this, the call time to this location would range in the twenty minute mark, which may have effects on the structures themselves, stating that we could just be secondary and not primary, which is what may occur given the response time to that location anyway, this would be a mutual-aid call in any circumstance. Police Chief Conner also expressed his concerns with this agreement, stating that Belen Police Officers are not all commissioned in Valencia County outside the municipality, given that the Sherriff grants/revokes this commission, and the fact that the Sheriff does change on a political level, this could prove difficult when policing the area and could cause difficulty as it pertains to the enforcement of the laws. Councilor Ortega wanted to ensure that no matter what agreement is made, we must ensure that our tax paying citizens are being taken care of first, before we are responding to other areas in any agreement. Ms. Leona Vigil stated that the current language in the MOU is unbinding by the way this is written, this is something we would like to keep that way to ensure we can assist but are not required for this.

### **B) T.I.F. ORDINANCE 2011-11**

Mr. Brian McBain presented the current TIF Ordinance 2011-11, there has been discussion on repealing or amending this ordinance, this is now being brought to the Council to ensure a discussion is taking place and a solid direction is given before any process it started for change. Mayor Cordova stated that he is interested in seeing one of two things happen with this TIF Ordinance, he would like to see a full repeal of it, or of an amendment in place that gives the Council more authority over expenditures by the Committee, something along the line of what the lodgers tax committee does, by bringing an annual budget to the City Council during budget discussion. Councilor Gallegos stated that the TIF was created because we as a City were behind in technology, we needed to enhance what we are doing but also to ensure that public can follow what is happening in the meetings, the needs for this are here, if this goes away people may be happy on their water bill, however, this money would then need to come from the general fund, and would take away form a service in another area, this ordinance can be amended but it currently makes no sense to repeal this now. Councilor Ortega stated that he can understand what Councilor Gallegos is saying, this is an important decision, we as tax payers pay this fee, and right now we are crime fighting, if we take this money out we will not have any technology for the cameras we

are putting up or the money for the technology needed in the Police Department itself, if we instead take this from the general fund, we will not have needed services available, we get about \$60,000 a year from this fund, total you have only collected \$200,000 and given that technology is expensive, this is not a lot, and that money would need to come from the general fund, which at this time cannot support the need, we need this to keep the City and the citizens safe in all aspects, we cannot go backwards in our technology, finance should have control of this funding. Roseann Peralta stated that on the finance side regarding the TIF, we collect the funds off the bill and they go into a separate fund on its own, which is about \$60,600 per year, those funds are used for purchases for the IT department with regard to the residents or public, the budget for this is approved in April when we have our budget hearings, Lawrence presented the budget for his department and also the budget for TIF fund, they have a priority list that is followed, this is what is used to create needs for the budget, public safety issues are always first, then the other needs are addressed as requested by staff for the general public, currently there are three items left on the current list. Mayor Cordova asked how this is presented in the budget, as he did not recall seeing big screen TV for the council chambers in the budget itself. Roseann Peralta stated that it was presented as a video wall within the budget. Councilor Ortega called a point of order and clarified that these items are brought before the Council in the budget hearings, he also asked if extra technicians in IT are covered. Roseann Peralta stated that this is spate from TIF, the TIF will not cover salaries for IT positions, which comes from the general fund itself, and if the TIF is pulled we would then have to cover the costs from the general fund which could then come from pulling funds from other departments. Mayor Cordova clarified that the TIF does not cover employee salaries, however Councilor Ortega stated that if the TIF was pulled, it would eventually effect employees because it would then pull from the general fund. Councilor Carter determined that the issue here is how money is spent, is the video wall a direct or indirect expenditure? Lawrence Kanishiro stated that this is a direct, because the public will have use of this wall whenever they come into or use the council room. Councilor Carter stated that the money from the TIF has been spent wisely on the police department and library technologies, looking at the committee makeup, there are 6 committee members, the question before us is not if the TIF is necessary or not, because more of us believe that it is, the question is who wants to control the money and the ordinance is pretty clear that the committee members determine how the money is to be spent, the committee members voted to put the wall up in full compliance of the ordinance, the Council wants to make sure that the money follows all compliance policies, as a Councilman, I want to be responsible for the oversight, not the day to day activities, if the committee agreed on this, then so be it, if the Council wants to change the ordinance, then we can amend this ordinance, the committee must always remember to work in the best interest of the citizens. Councilor Aragon stated that she thinks the Council is in agreement to not go backwards on the technology, we must move forward with our technology, and to remove the TIF would mean that we are going backwards, we should not micro-manage this process. Lawrence Kanishiro stated that all purchases are made for the public, if anyone was to entertain the thought of removing or changing the TIF, they would be doing the community a disservice, as elected officials you are up there to represent the public, you do not do things for any one individual or to hurt and individual, you must do this for the public. Mayor Cordova asked what the current price tag for what is sitting on the wall right now? Roseann Peralta stated that currently with installation, software, and training, the cost of the video wall is about \$50,000, this was budgeted at \$40,000 but we did go over which will take away from future TIF items. Mayor Cordova stated that if our concern here is public safety and we want to ensure that the public is well taken care of, a \$50,000 big screen does not do that for the public, I want to stand in stark disagreement with the Council because I think that this screen was a waste of money, it is excessive technology that the City of Belen did not need, and it does not take care of the public because I can guarantee you that the public would have been happy with a projector screen and instead, money for some security cameras around town, so the point of this is that we do not have a tight enough control over this money, there are a lot of members paying for this with their hard earned money, and they want to ensure that the government is spending it responsibly, this was not responsible, other solutions would have been less expensive and still given the public the chance to see the paperwork through transparency, which would have left money to truly take care of the public, I urge the Council to take a serious look at this ordinance, look at the financial controls related to this ordinance to make sure a mistake like this does not happen in the future. Councilor Carter stated that the main question is how the money is spent, the ordinance defines the makeup of the committee, but does not define their selection, if the Council or Mayor does not like the decisions of the committee, then revise the ordinance so the Council can determine who the members are, we should also appoint a citizen to this committee as well. Mayor Cordova stated that given the questions he receives about the TIF, he as the Mayor must justify what the TIF is being used for, just like public safety and the crime problem, with this screen I cannot effectively justify this, I would like to do what we do with

the Lodgers Tax, it is a model that we are used to and can use in this instance to ensure the money is being spent on needs, improving the level of transparency. Julie Sanchez stated that this has been vital to the citizens and can assure as a committee member, none of them take this lightly, we put a lot of effort and integrity into the decisions that we make, focusing on public safety, transparency and increased quality of life for the citizens of Belen. Councilor Ortega stated that we cannot blame the committee, we have a budget workshop and all this is brought before us, we approve this budget with the projects, so this is on the Mayor and the Council, we may want to look at ensuring that the committee is selected by the Mayor and approved by the Council, we also need to ensure that minutes are taken and reported to the Council, maybe our Deputy Clerk Brian can take the minutes and then send them to us so that we can see what is happening with the projects, there are other places of waste and this video wall was not a waste, the committee has done a good job. Municipal Judge Kathy Savilla wanted to ensure that the Council understood that the committee takes the considerations of what to spend the money on very seriously, we could instead provide minutes of what we are going to purchase, then if there are questions, we can address those questions, but the ordinance would need to be amended. Councilor Gallegos feels that the ordinance is being followed and the best thing that has taken place tonight is making sure a public member is on the committee and that some other amendments are made to how the committee handles the decision making process, but they have done a great job up to this point.

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL/DISAPPROVAL OF THE MOU WITH PRO-TEC FIRE SERVICES TO USE FCC RADIO FREQUENCIES FOR EMERGENCY PURPOSES.**

Chief Manny Garcia presented this MOU, this will support the current contract that is already in place for their services, this is done to ensure we have legal approval to talk to them if needed, so that the City Fire Department and Pro-Tec can communicate with each other, this MOU will follow the same term as the already agreed upon contract.

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

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

**APPROVAL/DISAPPROVAL FOR THE OUT OF STATE TRAVEL, PER DIEM COST ONLY, FOR TOMMY SANCHEZ IN IT, TO ATTEND THE MOTOROLA PUBLIC SAFETY CONFERENCE IN NEW ORLEANS, LA.**

Ms. Leona Vigil asked the Council for approval to send Tommy Sanchez in our IT department to New Orleans for the Motorola Conference, the trip itself will be paid for by VREC, however, we will need to cover his per diem cost for meals, this is for public safety and Tommy will be a representative of knowledge on the records management system.

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

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

**APPROVAL/DISAPPROVAL OF THE NOTICE OF AWARD FOR THE GREEN WASTE DISPOSAL CONTRACT.**

Ms. Roseann Peralta presented the information on the bids that were turned in for the Green Waste Disposal Project, currently, given the information and based on the bids, P & G Enterprises came in with the lower bid for \$89,500 plus tax, we are asking that this bid be approved by the Council and a Notice of Award be sent to P & G Enterprises so that we may present them with a service contract. Councilor Gallegos showed a video that he and Councilor Ortega had taken at Eagle Park, this showed how the chipper works so that after this project has been competed, we now have a system and the means to ensure that this issue will not come up in the future. Councilor Carter wanted to ensure that once the green

wastes is removed from the transfer station, he would like the chipper to be moved to the transfer station so that green waste can once again be handled at that location.

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

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

### **PUBLIC HEARING WITH POSSIBLE ACTION**

#### **APPROVAL/DISAPPROVAL OF A RESOLUTION TO GRANT A LIQUOR BOUNDARY WAIVER TO CIRCLE K.**

Mr. Steve Tomita presented this information to the Council, Mr. Tomita showed a map indicating that the boundary circle will go into the parking structure at the school offices, the school has stated that this parking lot is only used for the gathering of administrative staff during fire drills, under the current conditions, no students will be effected by this boundary overlap. Mr. Tomita also stated that the schools have met about this and currently have no objections to moving forward with this proposal, in fact they are happy with the economic development and the fact that this will help clean up the area in which this Circle K will be built. No other schools or churches will be affected by this waiver, and the Planning and Zoning Department has not received any letters of objection.

Mr. Rick Hughes of Circle K and Ms. Sofia Hernandez of Land Development Consultants sated that they appreciate the opportunity to work with the Council and look forward to bringing this new Circle k building to Belen. Councilor Carter stated that this was discussed at a full school board meeting, and while no action was taken, it did appear that the Belen School Board had no objections to this matter.

Mayor Cordova opened the public hearing and asked if there was anyone in the audience who would like to speak for or against this proposal, there being none, Mayor Cordova closed the public hearing and opened up the floor to any Councilor comments or questions.

Councilor Gallegos stated that on the map it looks like there will be cleaning up that area, taking out some old homes and the north side of the trailer park, however, he is concerned about a Bosque drain that is in the area, and wanted to make sure that they are aware of that. Mr. Tomita stated that we are working with that right now to ensure that the drain maintains its integrity and flow.

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

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

*\*Listed as Resolution Number 2017-23\**

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

Ms. Leona Vigil: Roof at City Hall will be getting repaired fully, will be going through CES at a cost of about \$75,000. Brian will be preparing that question that will go on the ballot in March regarding the I-25 interchange, he is working with the County Clerk to word this in the Voting Resolution. Fifth Street branches will be getting trimmed this week, as per the complaint we received, bring them to about 6 feet high. Playground equipment will be removed from south end of the business center, and if it meets compliance standards, it will be relocated to Jose Gallegos Park. Dale will be pushing forward on the Sewer Ordinance, the concern is if someone does not pay the sewer bill in that area, how do we turn this off? Manholes on Reinken will be lifted at a cost of \$54,000, we will be using the Public Works Emergency fund for sewer to fund this. The Library has solicited some builds for a café to open, Brian and Julie are working on the lease

agreement and the tenant will be paying \$150 per month. The County Fair parade takes off this weekend with parade on Saturday. Issues with IT, the Police Department server has failed, Lawrence has sent that server out for repair, however, there is no time limit, but the Chief has advised that all lapel videos are full and cannot be downloaded, we are working on a solution for this issue which may require putting the videos on our server. Final 9/11 ceremony meeting will take place on Tuesday. Julie received a donation of 30,000 kids' books from Albuquerque Public School, which she will be going to pick up with the help of the Police Department vehicle, she is replacing the A/C unit at the Library and has received display cases for the Harvey House, and found an original Harvey House Coffee Pot which Main Street purchased for them. Julie has asked that we run water service to the doodle bug for the watering of any vegetation that gets planted. Lawrence has installed a video and audio camera above the fuel station at the Airport. The DC Sewer Line is at 7,000 feet of line has been installed. The Fire Hydrant this week will be replaced on 10<sup>th</sup> and Castillo. Brenda is working on getting the Tennis Courts fixed. Steve informed us that the Rail Runner is doing a promotion in which you can ride for \$1 on the first and fourth weekend of each month. RFP for Solid Waste deadline has passed, we received two proposals, and we are currently putting a committee together to evaluate them and award the contract. Roseann has also put out an Airport Engineer RFP which is due on 9/7/2017. The auditors are done for now and will be back in September, and the ICIP meeting will be held on 8/22/17 at 9am in the Council Chambers. The contractor has contacted the News Bulletin to put a sign in the construction area for main entrance confusion.

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

Councilor Gallegos: The Library Board has put input in the creation of the Café, we do have a Dr. on that Board who asked that we offer healthy snack and food options. On the 8<sup>th</sup> the auditors were here for the entrance meeting, I did push for a look at the other industrial park that we had as a City and our trade, I wanted them to make sure that we handled this process the right way, we also need to ensure we are doing PERA payments correctly. I attended an aging conference on the 16<sup>th</sup> through the 18<sup>th</sup>. Got done with the fiestas, it was a lot of work but this is a great event for the community as well as many others from all areas of the states and country.

Councilor Carter: Also attended the entrance conference with the auditors, kids are back in school so please be careful around those school zones, they started on the 10<sup>th</sup>. I met with representatives from the Food Pantry on the 16<sup>th</sup>, and this looks like this is a go to relocate temporarily to the old transportation building with the schools. The Recreation Committee also had a meeting on the 16<sup>th</sup>, got everyone on the same page about what is happening at Vivian Fields, it is a go at any time, ready to start construction. Meet with the Economic Development Committee, the conversation involved a lot around the crime in the City, we will be looking at the Chief for more information the next time we meet.

Councilor Aragon: Will be inviting the Chief and Leona to some of the future Economic Development meetings, we are trying to ensure the crime is taken care of because this is a main factor in development, the schools also play a part in this. The Belen fiestas was a lot of fun this weekend, seemed very well attended, given my profession, it appears that many people are looking to Belen to live, however, we do not have a lot of property to sell, there are only 29 properties available, if you put a house on the market, you have a lot of offers, but people want to come move here.

Councilor Ortega: Attended a supervisors meeting, and I did learn a lot from the staff. The weeds at the house on 125 Aragon look great, the crew did a great job cleaning them up, they also did great on Delgado. We have a request for another bin at the recycling center, they are getting a lot, which will bring it up to 3, he is taking initiative to get this done and is taking pride in his work.

Mayor Cordova: Attended a meeting on the 8<sup>th</sup>, regarding some issues at the Airport with a property in question that may or may not be our, which we are working on resolving, we are expanding business at the Airport itself, they will be announcing this soon. Fiestas was great this weekend, many people attended which was exciting to see. Last night's presentation on the excavation of Plaza Vieja, they have done some radar and will be back in July to start their preliminary excavation, right now they are looking for funding to start.

### **EXECUTIVE SESSION**

**APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF LIMITED PERSONNEL MATTERS IN REFERENCE TO THE POLICE DEPARTMENT 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 Ortega seconded the motion. Roll Call Vote:

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

*\*The Council entered into Closed Session at 8:15 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 Aragon seconded the motion. Roll Call Vote:

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

*\*The Council returned to Open Session at 9:20 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 Gallegos made the motion. Mayor Cordova asked for a second. Councilor Carter seconded the motion. Roll Call Vote:

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

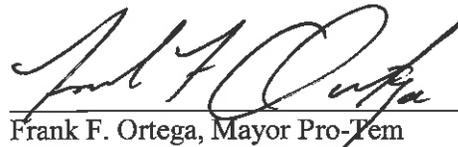
**ADJOURNMENT:**

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

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



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Brian McBain, Deputy City Clerk

  
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Frank F. Ortega, Mayor Pro-Tem