

**REGULAR CITY COUNCIL MEETING**  
**September 18, 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

**NOT PRESENT:** Leona Vigil, City Manager

**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 September 5, 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

Mayor Cordova asked for a motion to approve the minutes dated September 12, 2017 as presented. Councilor Aragon 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

**PUBIC COMMENTS**

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

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

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL/DISAPPROVAL OF THE NOTICE OF AWARD FOR THE FIRE STATION 1 CONTRACT**

John Pate with Molzen-Corbin presented the information on the bids received on September 12, 2017 for the Fire Station 1 construction project. 5 bids were received, all bids were read for the record. Mr. Pate determined that all bids were acceptable, however, AIC was the apparent lowest bidder for this project and David Shaffer with AIC was present for any questions. Mr. Pate advised there is a strong possibility that there may be a protest to this bid due to an issue with the Fire Station doors and with this information the Council has three options. One, you can reject all bids and start the process all over again, second, the Council can award and select the bid tonight, and third, the Council can postpone the selection to see if the protest is filed by the deadline. Councilor Carter asked if AIC was reputable and if Molzen-Corbin has worked with them in the past. Mr. Pate state that they have worked with them before and did not have any issues, he also stated that the GRT will revert to Belen at the determined rate. Councilor Ortega asked that if we threw them all out, how long would this delay the process. Mr. Pate said they would repackage the drawing, and the delay would be another 2 months with the bid process. Councilor Ortega asked what the validity of the protest is. Mr. Pate said it appears that the protest will focus on the validity of the lowest bid concerning some German made doors, AIC put a DWFS number on the subcontractor for the door installation and it seems that this may be the cause, however, this would have to be advised by the protester themselves. Councilor Ortega said stated that we have waiting long enough and we are obligates to get this done for the taxpayers, if a protest is to be filed, then let it happen. Councilor Gallegos also stated that he was concerned with all the natural disasters happening around the world, prices for material may go up and if we delay this, that issue may arise.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve AIC as the contractor to build Fire Station 1. 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

**PUBLIC HEARING WITH POSSIBLE ACTION**

**APPROVAL/DISAPPROVAL OF A ZONE CHANGE REQUEST FROM A-R TO C-1, PROPERTY LOCATED AT 701 S. MESA RD.**

Steve Tomita presented the information on the zone change, stating that the Planning and Zoning Committee has recommended approval with a stipulation of fencing, this has been determined as a warranted use per the location. Fencing is the major issue, mostly the type of fencing that should be installed to protect the neighboring property's privacy. The property will be used for the manufacturing of dentures and products alike, there will be no patients seen at this location, just product. Dr. Roland Sanchez then addressed the Council, saying that they purchased this property so that they can bring their manufacturing office from Los Lunas, locally into Belen, close to their practice. Valarie Sanchez also spoke, saying that he reason this sight was chosen, was due to its close proximity to the interstate, which will allow them to service their customers with greater efficiency, this will be a small business with around 3 employees, operating Monday through Friday, 8am to 5pm, with the exception of some emergencies. Councilor Gallegos stated that he was under the assumption that there were no issues with this zone change. Mr. Tomita stated that the only issue is with one of the neighbors who wants a fence put in before the zone change can be implemented. Councilor Gallegos stated that this should have been addressed and agreed upon in the Planning and Zoning Commission meeting, prior to bringing this to the Council. Councilor Ortega also said that the only thing the Council should be concerned with is the final approval of the zone change itself and should not get involved with any fencing issues or disputes. Councilor Gallegos stated that it is important that this gets one right and that both parties should really work together to get this resolved. Councilor Carter agreed with Councilor Ortega, stating that we spend a lot of time bringing in outside commercial business, however, we do not give enough time to local business looking to expand, and that is why this type of zone change is so important.

Mayor Cordova opened the public hearing and asked if there was anyone who would like to address the Council concerning this zone change.

Ms. Helen Torrez stated that she was happy to see business happening in Belen, however, she wants to ensure that her privacy is maintained, she really enjoys her backyard and wants to ensure no employees are looking over into her property. She has requested that a block fence be built to ensure that privacy is maintained and noise is reduced.

The Council then asked for the parties to talk and agree on a fence that will work for both parties so that this zone change can be implemented.

Dr. Sanchez stated that he was fine with putting a 6 ft. fence in his property and covering the cost for this. Ms. Torrez stated that she would rather have a block fence but would settle with pro-panel, and some shrubbery that will not blow into her yard. Dr. Sanchez agreed that he would install a 6 ft. pro-panel fence with shrubbery, Ms. Torrez agreed to this stipulation.

Ms. Silvia Sanchez then spoke, stating that she does not like that the Council can make people plant shrubs in their property, she feels that this should be up to the property owner, she also stated that the City does not ask the citizens what should be planted in City areas, therefore this should not be placed on the citizens themselves. She also stated that the City is doing a great job with the weeds and clean up around the City.

Mayor Cordova asked if there was any further discussion from the audience, there being no other discussion, Mayor Cordova closed the public hearing and opened up the floor to any Councilor comments or questions.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve with the agreed special conditions.

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

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

*(Noted as Ordinance 2017-08)*

**APPROVAL/DISAPPROVAL OF A ZONE CHANGE REQUEST FROM R-1 TO R-2, PROPERTY LOCATED AT 310 & 312 W. CHAVEZ AVE.**

Steve Tomita presented this information to the Council, describing this as a non-conforming use, which is something that we will be seeing more frequently as it is now required by banks, that in order to get financing, the property must be zoned accordingly to do any reconstruction or restorations. Ms. Judy Jew advised that many properties in the area have the same issue, and she is just trying to clean up the property and make improvements to the area.

Mayor Cordova opened the public hearing and asked if there was anyone who would like to address the Council concerning this zone change.

Mr. Joe Siaz stated that he was in full support of this change and is happy that the owner is looking to improve this property.

Mayor Cordova asked if there was any further discussion from the audience, there being no other discussion, Mayor Cordova closed the public hearing and opened up the floor to any Councilor comments or questions.

Mayor Cordova asked for a motion. Councilor Aragon made a motion to approve. 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

*(Noted as Ordinance 2017-09)*

**APPROVAL/DISAPPROVAL OF A ZONE CHANGE REQUEST FROM R-1 TO C-2, PROPERTY IS DESCRIBED AS 12.48 ACRES LOCATED ON THE SOUTH SIDE OF THE BELEN HIGH SCHOOL ON CHRISTOPHER RD.**

Steve Tomita described this zone change request, stating that this is being done to match the rest of the area, because when this was completed before, this small strip was not changes, therefore, it is being requested for change so that this property can match the area.

Mayor Cordova opened the public hearing and asked if there was anyone who would like to address the Council concerning this zone change.

No public members spoke for or against this zone change.

There being no other discussion, Mayor Cordova closed the public hearing and opened up the floor to any Councilor comments or questions.

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

*(Noted as Ordinance 2017-10)*

**PUBLIC HEARING AND INPUT ONLY FOR THE INTENT TO ADOPT AN ORDINANCE REFERENCING THE PNM FRANCHISE AGREEMENT.**

Brian McBain presented this PNM Franchise Agreement to the Council, which has already been approved by Council and signed off on by PNM. Councilor Carter asked if there as stipulation in the agreement which we could change the GRT percentage over the years. Mr. McBain stated that this is a 25 year agreement with a 3% GRT paid from PNM annually.

Mayor Cordova opened the public hearing and asked if there was anyone who would like to address the Council concerning this zone change.

Mr. Steve Ethridge asked what the purpose of a franchise agreement really is. Mayor Cordova stated that the agreement allows stipulations for a utility company, we give them access to our alleyways and public easements, and in return they pay us a fee for this. Councilor Gallegos stated that part of this money can go back into cleaning those alleyways and easements which we do lend out for this service. Mr. Ethridge asked what the 3% came from. Mayor Cordova said it was from the fees that the customers pay through GRT.

Steve Tomita also stated that the importance of this agreement is the fact that it is non-exclusive, which means other utility companies can come into the City with services if they choose to do so.

Mayor Cordova asked if there was any further discussion from the audience, there being no other discussion, Mayor Cordova closed the public hearing and opened up the floor to any Councilor comments or questions.

There was no further comment and no action was taken

**DISCUSSION**

**A) INTERCHANGE ELECTION QUESTION**

Councilor Carter stated that he was concerned about this election question, he wants to ensure that this question is worded very carefully, but also wants to ensure that we are not binding the City to funding this projected interchange. Mayor Cordova stated that this came up at a workshop, and wanted to put this on the ballot to see if this is something the City should even pursue in the future, this was done because the Council itself was not

interested in binding us financially to this project at this time. Councilor Carter was more concerned with the financing of this venture, a GO Bond would mean that the taxpayers would see an increase and we then might have to allocate more GRT to this project, which he stated he was in full opposition of because we are just getting our head above water and we have many other projects happening within the City currently. Mayor Cordova stated that the election question would not obligate the City in any way, this would just ask the public if they would even support something like that in the future, the City could then from there pursue financial options from that. Councilor Carter just wanted to ensure this is worded correctly. Mayor Cordova stated that this would be done in the election resolution and the Council would have a chance to review this question before being placed on the ballot itself. Councilor Carter stated that he was concerned about using municipal funds for a piece of highway that is controlled federally, and is under the administration of the NMDOT, this should be funded by the feds themselves. Mayor Cordova also stated that we are exploring the chance of getting a TIGER grant for this project also. Councilor Gallegos stated that he talked to Michelle with Senator Udall's office, pitching this idea on behalf of the Mayor, and this is where the possibility of a TIGER grant was discovered, so we will work with them to gain information for this at a later time, finding funding for this 5 to 6 million dollar project, finding a better way instead of putting this on our citizens. Councilor Ortega agreed and wanted to ensure that we are not putting a burden on the citizens but also ensuring we are not putting ourselves in a financial bind in which we cannot pay our employees, we should wait on this to see what we make from the new businesses coming in. Councilor Carter would like to see some real numbers to ensure we are making sound financial decisions.

#### **B) TIF ORDINANCE CHANGE**

Brian McBain presented the amended TIF Ordinance, based on the changes suggested by the Council at the last workshop, the Council would now be presented with a 5 year project list annually, so that they would be aware of any major projects happening which would be covered by the TIF fund, we will also be adding a public member to the standing IT Committee, which will be selected by the Mayor and approved by the Council. Councilor Carter was concerned with the wording of the ordinance and did not want all purchases to be reviewed, especially if a mouse for a computer is needed, and this type of purchase should not have to be reviewed, he also wanted to make sure that this 5 year plan was flexible and could be moved around. Mr. McBain stated that this plan would be revisable because this would not be something that would be concrete but instead would be more of a safeguard to ensure the Council was aware of any major costs or projects. Mayor Cordova suggested that we put a stipulation in the ordinance, where purchases over \$10,000 would then need to be approved by the Council. The Council agreed to this change and moved to proceed with these changes to public hearing scheduled for October 2<sup>nd</sup>. Councilor Ortega also wanted to ensure that a list was kept on the inventory of all our current IT equipment as well as any other items that are purchased, this would also be implemented in our asset management plan, but needs to be a requirement of the IT department to track all IT equipment.

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

Leona Vigil was not present at this meeting, so no report was given. Brian McBain, Deputy Clerk, stated that we are working on ordinance changes and also moving projects forward at this time. Mayor Cordova also stated that Leona had sent out some information on City projects, to the Council, with updates. Councilor Ortega said they did repair the fire hydrants on 10<sup>th</sup> street by the church, so now we just need to paint the caps to ensure they are shown to the citizens after they do the pressure test. Councilor Gallegos said that is a good point, if we did a flow test, we should paint the caps and not have to hire someone to do this.

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

Councilor Aragon: We had our TIF Meeting, did my proclamation at the Baptist Church. I have saved so far, with Reggie, Anthony and the Prairie Dog Pals, 21 prairie dogs, they are taken to an undisclosed location and saved. Corazon de Belen, I went to help water, a lot of stuff was growing and it was dry, but somebody cut up the water hose and stole the part that attaches to the water line. Mayor Cordova stated that he had a hose he did not need and will drop it off at the location for use.

Councilor Gallegos: On the 5<sup>th</sup> met with Valencia and DOT over some issues on some roads, discussing our concerns on closures and it affects us. Councilor Ortega and myself met with Michelle representing Senator Udall, we brought up our top 5 projects from our ICIP, looking what they can take care of for us, there may not be enough money out there but there are resources, I also pitched for the Los Chavez residents on a USDA grant to tie into the new sewer lines we are

installing. We did attend a lot of funerals and the Mayor's Grandfather was one of them, so we are very sorry for your loss. We followed up with the sewer ordinance and since we are extending outside the city limits, we are needing to make adjustments, so we are finishing this up now. On the 11<sup>th</sup> we had Senior Day at the fair and we worked with Belen Schools and Valencia County to make sure they got to the fair, we attended the 9/11 Memorial and went to the fair after. On the 12<sup>th</sup> the Fire Station bids were turned in. TIF workshop was great and we have come a long way on that.

Councilor Carter: I went to the 9/11 celebration, and it was very dignified, went great and Chief Garcia and Gloria Sanchez need to be commended on putting together that event, and all the others that helped as well. I am working on Follow the Star, moving the venue up to the High School. Food Pantry, they are driving me nuts but we are going to get it all taken care of and working through it now, moving to old transportation building. I attended the State Fair, it was nice, I did not buy any hay for the ponies. Also, I have been working on the health fair which is going to be part of the Rio Abajo celebration, helped on the street and they will also be over there on the site at the business center. I also had burritos from the Police Department, they were very good, and my staff really appreciated it.

Councilor Ortega: I am glad that the Police Chief is here, we have a request to do an Active Shooter Training at the Belen Meadows (Genesis), and the contact is Alfred Armijo. We also got some questions on our Emergency Operations Center, with all the flooding going on, they would like to know where evacuations would take place and take care of patients, Brian can you relate that to the Fire Chief and have him contact me on this. I attended an MLK meeting, the MLK Commission won't give us grant money until we spend money on this first, so we are asking the city to back us up with \$1500, once the grant would be approved, we could then pay the city back. On 10/28, RSVP will be having a health fair at the business center, they will have a lot of services for all. We are waiting on the bids to come in for our Veteran Memorial, they are scheduled to come in on 9/21, and we did have a couple that showed up to the pre-bid meeting.

Mayor Cordova: Attended the 9/11 ceremony and our TIF workshop. Once thing that I do want to mention is on the 12<sup>th</sup> I did have a meeting with the Medical Care Advocates of Valencia County about the hospital issue, they are continuing to work all angles, there wasn't much hope in the conversation but right now they are looking to meet with the Village of Los Lunas, to let them know they need to drop the suit, and give them options on how to accomplish that, I told them great, let's see, but we are coming up on a hearing for this in October, so we should know more about the issue after that hearing. The County Commission has allowed the Recycling and Transfer station agreements to expire, based on their action to sign a contract for services, we did reach out to the County Manager offering to look at a new agreement, but they declined, we will be cutting off services to county residents on December 1<sup>st</sup>. We are now working on an amended ordinance for solid waste, we do have time for a Workshop if the Council desires and this is also something that we will be discussing at the next meeting, we will send copies of these changes to the Council. We would also like to extend our condolences to the family & friends of Commissioner Billy Ray Martinez, as well as our condolences to Valencia County.

**ADJOURNMENT:**

Mayor Cordova asked for a motion to adjourn tonight's Regular Council Meeting. Councilor Gallegos made a motion to adjourn. 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



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Jerah Cordova, Mayor



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Brian McBain, Deputy City Clerk