

**REGULAR CITY COUNCIL MEETING**

**May 19, 2014**

**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 Leona Vigil, City Clerk.

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

**ACTING CITY MANAGER:**  
**CITY CLERK, CMC:** Leona Vigil

**CITY STAFF:** See Attached Sign-In Sheet

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

**OTHERS:** See Attached sign-In sheet

**PLEDGE OF ALLEGIANCE:**  
Mayor Jerah Cordova led the Pledge of Allegiance.

**APPROVAL OF AGENDA**  
Mayor Cordova asked for a motion to approve the agenda. Councilor David Carter motioned the approval. Mayor Cordova asked for a second. Councilor Wayne Gallegos seconds the agenda. Roll Call Vote:

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

**APPROVAL OF MINUTES**  
**APPROVAL OF MINUTES OF APRIL 29, 2014: Jerah Cordova, Mayor**  
Mayor Cordova asked for a motion to approve the minutes dated April 29, 2014. Councilor Frank Ortega reported an error on page 3 of the minutes “*Wayne Gallegos made the motion, not Wayne Ortega*”. Councilor Frank Ortega motioned to accept the minutes with the correction. Mayor Cordova asks for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

**APPROVAL OF MINUTES OF MAY 5, 2014: Jerah Cordova, Mayor**  
Mayor Cordova asked for a motion to approve the minutes dated May 5, 2014. Councilor Wayne Gallegos motioned to accept the minutes. Mayor Cordova asks for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Darleen Aragon	Yes	

Councilor David Carter Yes  
Councilor Frank Ortega Yes Motion carried

**PUBLIC COMMENTS**

**Marcia Amaro:** Utility Billing Supervisor, stressed that all work orders need to be sent in via email, because that is not being done. She explained that although the Street Supervisor has been very busy there are no maintenance orders on file. She was also concerned about payment arrangements. She explained that customers can make payment arrangements up to four times a year. The customer must have a zero balance for three months in order to make the next arrangement. She emphasized that customers need to see her first before going to see the City Manager or the Mayor and Council. She informed the Council that reminder calls go out two days before shut offs occur. She reported that all landlords get copies of their tenant’s bill; this will keep the landlord informed. Marcia reminded the Council that a committee was formed to work on the utilities ordinance. The fees were based on an Engineering Report that took into consideration repairs for our infrastructure. She stated that the Water Department has faced all the hardship during these changes and they get yelled out many times. She reminded the Council that all City employees had to take off two furlough days off a month because City services were given out for free and policies were not being followed correctly. Councilor Carter stated that he is not sure what the issues were exactly; he asked Marcia to put something into a format that explains each issue.

**Chuck Woodward:** Street Supervisor, wanted to reiterate what Marcia mentioned about work orders. He stressed that there needs to be work orders for paper trail. They have been working by verbal demands, but they need to be put into work orders. He also stated that there needs to be more detail on the work order as to what needs to be done. Chuck stressed that employees are working hard, and they need to be told they are doing a good job.

**PRESENTATIONS**

**LIBRARY DEPARTMENT UPDATE: Deborah Graham, Librarian**

Debbie Graham went over her presentation; a copy of which is attached hereto and made an integral part of these minutes by reference.

**EMS WEEK PROCLAMATION: Jerah Cordova, Mayor**

Mayor Cordova read and presented the EMS Week Proclamation to the Fire Department; a copy if attached hereto and made an integral part of these minutes by reference.

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL OR DISAPPROVAL OF THE CITY CLERK NOMINEE: Jerah Cordova, Mayor**

Mayor Jerah Cordova nominated Leona Vigil to serve as City Clerk for the City of Belen.

Councilor Frank Ortega motioned to approve. Mayor Cordova asked for a second. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE ACTING CITY MANAGER CONTRACT: Jerah Cordova Mayor**

Councilor Frank Ortega pointed out that the State Statute limits temporary appoints until the next Council Meeting. Councilor Frank Ortega motion to table. Councilor Carter stated before we table, he thinks we can approve this for a two week period until the next Council Meeting, pending clarification from our City Attorney. Councilor Frank Ortega withdrew his motion.

Mayor Cordova asked for a new motion. Councilor David Carter moved that we approve the appointment of the Acting City Manager for a two week term pending clarification. Councilor Wayne Gallegos second the motion.

Margarita Sanchez interrupted the action. She stated that she emailed the Mayor, and she does not quite understand what he emailed her back in the answer. She said when she voted for him, she thought things were going to more or less stay the same, because we have a traditional community here. She had asked the Mayor what was going on with the City Manager position, because here interactions with Lucy Baca were fair and gave her information she needed. "She is what she would consider a great City Manager" She then asked the Mayor why we are switching this around.

Councilor Carter repeated his motion. He moved to approve the Acting City Manager Contract for two weeks until the next Council Meeting pending clarification for the City's Legal Council. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE OUT OF STATE TRAVEL FOR JUDGE KATHY SAVILLA: Kathy Savilla, Judge**

Jude Kathy Savilla informed the Council that she would like to attend the National Judicial College in July in Reno Nevada. She was granted a scholarship through the New Mexico Municipal Judges Association and the travel is 100% reimbursable. The City has to pay it, and the association will reimburse. Attached hereto are handouts of the travel information. Roseann Peralta, Finance Specialist explained to the Council, that the Judge is before them tonight, because all out of state travel needs to be approved. She informed the Council that the Judge has enough money in her fund because of the change of employees she has had. She will have to do an adjustment to the travel line, but she stated if everything can get paid soon, we can hopefully get the reimbursement by July 1.

Mayor Cordova asked to entertain a motion. Councilor Wayne Gallegos motioned to approve the out of state travel for Judge Kathy Savilla. Mayor Cordova asked for a second. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE SHILOH AVIATION LEASE: Robert Uecker, Airport Manager**

Robert Uecker informed the Council that tonight he brings before the Council an updated lease for Shiloh Aviation. A copy of the lease is attached hereto and made an integral part of these minutes by reference. Mayor Cordova asked if the rental amount in the lease standard. Robert answered yes, "It's not the current

standard” but we went back and used the standard that is more applicable to their lease. Mayor Cordova asked about the term in the lease. Robert explained that the term is lengthy because the Lessee has a large investment and they will want to recover that during the terms of the lease.

Mayor Cordova asked to entertain a motion. Councilor Frank Ortega made a motion to approve. Mayor Cordova asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE “CAMINO DEL LLANO FINAL RIGHT-OF-WAY MAPS AND CONSTRUCTION MANAGEMENT SERVICES”:** **Mario Juarez-Infante**

James Lopez joined Mario Juarez-Infante tonight. Mario explained that tonight in the Agenda we have the Camino del Llano Ponds Task Order, but he would like to brief the Council on the Christopher Rd Phase II project as well. There are three funding sources for Camino del Llano; Clean Water State Revolving Loan Fund of 1.1 million that has been approved; a loan/grant combination. In 2013 the City received 425,000 in Capital Outlay. The FEMA funding, the Mitigation Application is due the 23<sup>rd</sup> of May. Mario explained that the ponds will work together, and as water rises they will be holding back 15 acre feet of water; the ponds are approximately 5 ft deep. They submitted a Task Order to move forward with the final bid document preparation. The Task Order identifies three services, the final land transfer ROW map preparation and recording, the preconstruction activities, construction management. The cost presented today will be paid by the funding which was mentioned earlier. If the Council approves this, we are looking at June 13<sup>th</sup> for the preparation of the bid documents on the 29<sup>th</sup> advertise and opening bids on the 17<sup>th</sup> and bring it to the Council on the 21<sup>st</sup>. Tentative date for Notice to Proceed in on 8/4, and then a 90 day construction window.

James Lopez informed the Council that last week he held the 65 % preliminary design review and on May 15<sup>th</sup> they all met again to discuss concerns they had. First concern is to remove the raised reduced roadway sections and eliminate the raised islands and add a striped median and a center striped median. They will also remove the estate curb and replace it with standard curb and gutter. They will upgrade some of the drainage infrastructure and replace those with low maintenance concrete box culverts. They will add riprap protection to the existing and proposed drainage structure to prevent erosion to the roadway. They also discussed extending the water and sewer lines to the four vacant properties to the North to prevent any roadway cuts in the future. They discussed placing slurry silt. They also eliminated the landscape that was provided in Phase I. They are planning to turn around the 95% drawings this Friday and give the City one week to review, which will take us to May 30<sup>th</sup>, and a 100% design package on June 6<sup>th</sup>. On the 27<sup>th</sup> of June the project will go out for bidding, closing out construction on November 28<sup>th</sup>. They have to close out one of the funding agreements by December 31<sup>st</sup> of 2014.

Councilor Carter went back to the task at hand, and to clarify that the contract is proposed at \$80,000 and Some change to manage the project from start to finish. Mario replied, including the existing ROW maps that were prepared, which was 18,000 of that. A cost break-down is attached hereto and made an integral part of these minutes by reference.

Councilor Gallegos asked Mario if there is a due date on the FEMA application. Mario replied that the application is due this month. Councilor Gallegos asked if the City’s Mitigation Plan has been accepted, or are we waiting for the County. Chief Manny Garcia replied that the revision of the current Mitigation Plan that he and Councilor Wayne Gallegos did is under review at the State. Chief Garcia clarified that the City’s Plan will be used towards the application. Councilor asked if the 80,000 included the match. Mario answered that was correct. Councilor Frank Ortega asked Mario if the pond was going to be far enough away from Eagle Tank.

Mario replied that the regulations call for 32 horizontal feet. Mario received a called from NMED and explained to them that the pond is in regulation will the horizontal set back, but that this was a detention facility not a retention facility. “De” meaning that is drains out within in 96 hours by State Law.

Mayor Cordova asked to entertain a motion. Councilor Wayne Gallegos made a motion to approve. Mayor Cordova asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE CORAZON DE BELEN PARK IMPROVEMENT EXPENSE: Dubra Kurnes-Padilla**

Dubra Kurnes-Padilla came before the Council to ask if the City would provide the remaining \$790.00 she needs to put fencing up at El Corazon de Belen Park. Councilor Ortega asked Roseann where the money would come from. Roseann answered from general fund from either the Street or Parks Department. Councilor Carter stressed his concerns with giving the money to Corazon de Belen Park, because others will come and accept the same. Mayor Cordova explained that it is a City Park and the City needs to invest in its Parks.

Mayor Cordova asked to entertain a motion. Councilor Darleen Aragon made a motion to approve. Mayor Cordova asked for a second. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

**DISCUSSION**

**THEY CITY’S CURRENT SIGN ORDINANCE: Frank Ortega, Councilor**

Councilor Frank Ortega mentioned that there has been an issue with the City’s Sign Ordinance regarding Election Signs. Currently our Ordinance states that Political Signs can go up thirty (30) days before an Election, but it does not define which election. He believes the ordinance should state that signs can go up 30 days before the actual Election Day. He mentioned that we would include County and State Elections, for primary and general. Councilor Gallegos asked Leona when the County Elections take place. She clarified that the Primary is the first Tuesday in June, and the General is the first Tuesday of November. Councilor Carter asked when School Board Elections are held. Mayor Cordova answered February. Leona stated that there is also an Election for the Middle Rio Grande Conservancy. Councilor Wayne Gallegos suggested defining Election Day. Mayor Cordova stressed that individuals running as an incumbant are seeking name recognition and it is important to be able to place their signs early enough so that the voters know who is running for office. The City needs to make sure it allows its candidates to communicate their name by sign. He urged the Council to consider Absentee and Early Voting as an integral part of the Elections; at the very least a candidate should be allowed to place a sign when Absentee Voting starts. Mayor Cordova suggested stating that signs may be put up on the first day that a vote can be cast for a particular Election. Steve Tomita indicated that may be a problem because some Elections do not have Absentee Voting; therefore the sign would not be able to go up until the actual Voting Day. Margarita Sanchez stressed that putting a time limit on signs going up is limiting candidates that don’t have a lot of campaign money.

**FIRE INSPECTIONS: Manny Garcia, Fire Chief**

Chief Manny Garcia entertained the idea of the Fire Department initiating Fire Inspections for business in town. Chief Garcia stated that performing the inspections may reduce insurance fire rates for the City. He would like to have permission to begin Fire Inspections. The plan is to start July 1, 2014 with the buildings that are occupied the most, being mercantile business and assembly structures to be inspected within the first six months. The other occupancies can be inspected January through June. Chief Garcia explained that the Fee Structure was developed from different Fire Departments throughout the State, and was cut in half. He stated that we cannot charge the fee this year, and start charging in 2015. Councilor Carter asked Chief Garcia if he issues citations; Chief Garcia replied that they do. Councilor Carter asked if there was a fine scheduled attached to the citations. Chief Garcia replied, when there is a major violation, the goal is to get it corrected. He emphasized that the purpose of the inspections is get violations corrected. Councilor Gallegos asked if inspections were being completed at all. Chief Garcia answered only the new business in town or the ones that need annual inspections.

### **PROPOSED GENERAL OBLIGATION BOND: Jerah Cordova, Mayor**

Mayor Cordova reminded the Council that the prior Council had discussed the possibility of putting forward a General Obligation Bond through for an Election. Leona Vigil informed the Council that she was assigned with the task of checking with the County Clerk to see if the City could place a GO Bond Question on their ballot for the upcoming General Election. She advised that Peggy Carabajal asked her Attorneys, and he said that it was fine. He informed her that the City would have to pass a Resolution, advertise the Resolution 4 times, and the deadline would be September 2, 2014 to requested formal permission from the County. Leona also advised the Council that John Archuleta from George Baum and Company would come meet with the Council once the Council gets a project together and get him a cost for the project. Leona asked the Clerk from Alamogordo to send her a GO Bond Resolution sample. Councilor Carter asked Leona what the bond amount would be. She answered 4,996,149. Leona also informed the Council that the bond would be collected through property tax, and would cost the home owner 2.50 per 1,000 assessed valuation of their property. She got the information off of John Archuleta's presentation. Councilor stressed that we will have to give the citizens as much information as we can. It was decided that the Council would pick out a project from the City's ICIP list that will be formed in a Workshop on June 20, 2014. Margarita Sanchez asked the Council if they would let the public know what is being proposed and why is it being proposed, possibly through the water bills.

### **INFORMATIONAL ITEMS**

#### ***City Manager's Report***

Leona Vigil reminded the Council that NMML is holding the MOLI Institute on July 11-13. She had a meeting with Cyprus Wellness, they are a business wanting to sell life insurance to the City's employees, and will be meeting with employees soon. She reported that there were several changes to the Christopher Road Plans. The City Manager Job Posting has been published once again; the posting indicates that the posting is open until filled. She has sent all the requested records to the City Attorney for Noblin and Waste Management. The National Guard will be using the Eagle Park in September for over-night training. Robert Uecker received an estimate to remove the solar dishes from the parking lot, the estimate is \$2,500.00. The patch work on Torres and Main will cost approximately \$4,000.00. The All American Celebration will be held on July 3, 2014. The diving tank inspection will take place on May 23<sup>rd</sup>; the company doing the service will provide the City with a DVD and hard copy of the corrosion testing with recommendations for any repair or maintenance. NMDOT has approved, and will provide oversight and full payment for the Road Safety Audit regarding Delgado Rd. She received an MOU from Valencia County that they will provide \$3,000.00 for the City's Recreation Program. A Special Meeting will take place on the 21<sup>st</sup> to approve the preliminary budget which needs to be submitted by the 30<sup>th</sup>. The ICIP Workshop will be held in June; she asked for some possible dates; June 20, 2014 at 1:30 PM was the date they agreed on.

#### ***City Council's Report***

**Councilor Aragon:** She toured the Alexander Airport with Robert Uecker. She met with Steve Tomita and David Carter on Economic Development. She attended the Chamber of Commerce Tim Lardner Golf

Tournament; there were a lot of people and a lot of fun. She met with Frank Shupp from Ameris. She participated in Budget Workshops. On May 14<sup>th</sup>, she attended the Transportation Meeting; what made it interesting to her was because they discussed how much we could possibly grow. She met with Molzen Corbin; the meeting was very informational. On the 17<sup>th</sup> she attended the Ribbon Cutting at First Choice and the Belen Meadow Luau. She also attended the Harvey House Camino Rael Art Show; there were even people there from Europe.

**Councilor Carter:** On the 8<sup>th</sup> he met with Ameris along with the developers and the operators. He too attended the Budget Workshop. On 5/12 he participated in City Manager Interviews. On May 13, he and the School Superintendant toured Sisneros Bros and Cemco; they are looking into implementing more programs for the Schools. On May 14, he attended the Celebrate Belen Meeting along with Chamber, and they will be planning a Business Expo for October. On May 14, he attended the Recreation Meeting; Little League is in full swing, Soccer is registering shortly and YAFL is registering. On May 15, he met with the Committee Members from "Follow the Star". Infinity graduation was held and graduated 13 graduates. Belen High Graduation is tomorrow night.

**Councilor Ortega:** On the 14<sup>th</sup> of May he met with Wilson & Co and did a walk-through. On that same day, he and the Interim City Manager drove around parts of the City; they drove around City owned properties to check for compliance on the weed ordinance. He asked the Interim City Manager to put a work order to clean up 125 East Aragon. He reported that Jose Gallegos Park is in bad shape, and there are many safety issues at that location. Mayor Cordova informed the Council that Mary Lucy Baca is putting together a Safety Comprehension Plan of the City Parks. He suggested selling the City owned homes and using that money towards City parks and roads. Councilor Ortega also reported a missing gate on Tenth and Ross. Mayor Cordova informed Councilor Ortega that when the Aragon Overpass was built, the State put in place a number of restrictions on what can be done with the properties. The City is required to place a park at the Carter Property and the City is not allowed to sell the Jaramillo House; they must preserve it. Councilor Ortega informed the Council that there is a cut down tree on the Carter Property that is ready to fall down. He met MRCOG for transportation needs and filled out surveys. On the 14<sup>th</sup> he met with constituents referencing shutting off waters. He met with Wilson and Co. to discuss issues on some proposed plans. On May 16<sup>th</sup>, First Choice held a grand opening, he stated the the building is beautiful. He attended the Belen Meadows BBQ "Meet your Seniors and Families Event". He pointed out that there is a lot of work in the City that we have to do, and we have to work together on this.

**Councilor Gallegos:** the Agency on Aging was in the area with the Senior Program from May 6-8, the exit meeting was held today and had an assessment; some of the findings were very minor. On the 8<sup>th</sup> he attended the meeting on Economic Development. On the 9<sup>th</sup> he participated at the Mother's Day Breakfast at the Senior Center. He attended the Budget Workshop. Roseann, Finance Clerk had a lot of prepared work before the meeting even started which was great. He attended the Molzen Corbin Meeting where they updated the City on past and present projects.

**Mayor Jerah Cordova:** He had two meetings with Ameris and CBC regarding the hospital. He attended the Mayor's caucus Meeting earlier this month. He had a meeting with the Director of MRCOG. He participated in the Budget Workshop, City Manager Interviews. He attended the Eagle Scout Ceremony along with Chief Robb and Chief Garcia. He attended the Recreation Meeting; Eagle Park is doing great, but there were two issues with the air conditioning and some weeds. He had a meeting with Tom Udall's Office to discuss some projects of interest; he brought up the airport. He participated in the Molzen Corbin Workshop, the UNM Graduation, Community Garden Workday, and First Choice re-opening. He met with Representative Don Tripp this morning to discuss what we want to see happen in Belen.

**AN EXECUTIVE SESSION TO DISCUSS PENDING AND THREATENED LITIGATION REGARDING THE HOSPITAL, ALLEY EASEMENT, AND SUMMONS IN A CIVIL ACTION AND DISCUSSION OF THE HIRING OF A CITY MANAGER.**

Mayor Cordova asked for a motion to go into Executive Session to discuss pending and threatened litigation regarding the hospital, alley easement, and summons in a civil action and discussion of the hiring of a city manager.

Councilor Wayne Gallegos motion to go into Executive Session. Mayor Cordova asked for a second. Councilor David Carter seconds the motion. Roll Call Vote:

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

Mayor Cordova asked for a motion to return to an Open Meeting. Councilor David Carter made a motion to return to the Open Meeting. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

**ADJOURNMENT**

Mayor Jerah Cordova asked for a motion to adjourn tonight's meeting. Councilor David Carter motioned to adjourn the meeting. Councilor Frank Ortega seconds the motion.

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

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

ATTEST:

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