

CITY COUNCIL MEETING

October 16, 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 Leona Vigil, CMC, City Manager.

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

CITY MANAGER: Leona Vigil

REPORTER: Clara Garcia, VC News Bulletin

OTHERS: See attached Sign-in Sheet

PLEDGE OF ALLEGIANCE

Mr. Charles Cox led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Cordova advised that he was asked to remove agenda item 8a, the approval or disapproval of the NMFA Grant Program Resolution, this item will be removed from the agenda.

Mayor Cordova asked for a motion to approve the agenda as amended. 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

APPROVAL OF MINUTES

Mayor Cordova asked for a motion to approve the minutes dated September 29, 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	Abstain	Motion Carried

Mayor Cordova asked for a motion to approve the minutes dated October 2, 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

Mayor Cordova asked for a motion to approve the minutes dated October 13, 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.

PRESENTATIONS

A) EMPLOYEE OF THE QUARTER

Mayor Pro-Tem Frank F. Ortega presented Steven P. Tomita, Economic Development and Planning & Zoning Director, with a certificate for employee of the third quarter 2017 and thanked him for this service to the City of Belen and its citizens.

DISCUSSION WITH POSSIBLE ACTION:

APPROVAL/DISAPPROVAL OF A RESOLUTION TO AMEND APPENDIX A UTILITY RATES AND CHARGES.

Roseann Peralta advised that Council that the rates for sewer service have been updated, based on the upcoming changes in the sewer line services going out to Dennis Chavez, and based on the new revisions on specification for grinder pumps in the ordinance that is for consideration tonight. Ms. Peralta read the changes that were added, specifying the new charges for residents outside and inside the municipality that will be utilizing grinder pumps. Councilor Gallegos advised that the staff and our engineers looked at these prices to ensure that we are meeting the correct requirements for service, he also advised that this was very important to determine rates for inside city limits and outside city limits, we really looked at these numbers to ensure we have correct calculations. Councilor Ortega advised that this is needed for the grinder pumps, we really never have addressed this issue, so now we can update both the rates and ordinance, we can now move forward with the process and the prices are comparable to other municipalities of our side.

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

****Resolution Number 2017-25****

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

Roseann Peralta presented the updated Financial Policies and Procedures, she has made the changes as requested from last meeting and is now presenting this information for consideration. Councilor Carter stated that he liked the changes, and appreciated the effort.

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 OF THE NOMINATION OF MEMBERS TO THE IT COMMITTEE AS REFERENCED IN THE TIF ORDINANCE CHAPTER 3.27

Mayor Cordova advised the Council that the new TIF Ordinance was approved and the committee itself can now be approved by the Council moving forward as based on the nomination of the Mayor. The six current positions are current and up to date, with the need for one more member from the public. Mayor Cordova nominated: Lawrence Kanishiro (IT), Kathy Savilla (Judge), Roseann Peralta (Finance), Julie Sanchez (Library), Dale Tafoya (Public Works), Chief Manny Garcia (Fire Department) and Mike Moreno (Public Member). Councilor Aragon asked if any other members from the public expressed interest in this. Mayor Cordova advised that Mr. Moreno was the only public person that he approached and is unsure if anyone else was interested, however, we will be looking at this committee again in March 2018 anyway, when we look at all the other committees, so it made sense to keep it consistent through March.

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 CONSULTANT SELECTION FOR THE GREAT BLOCKS ON MAINSTREET DESIGN

Steve Tomita advised the Council that an RFP was put out for this project, the grant is provided to the City and Belen Mainstreet Partnership, it is set up to create a design based upon the downtown master plans which we approved last year. This grant will cover a three block area, intended to revitalize areas, and restore/preserve buildings, and provide access to pedestrians. The grant itself is in a total of \$70,000 with an additional \$10,000 for the design itself. Mainstreet cannot administer the funds, but the City can, and the City will also oversee the process to ensure compliance. Points for selection were the advised to the Council, and based on the points system determined by the review committee, -MRWM has been recommended to be awarded the contract for this design plan. This is typically an 18 month project but this must be completed by May 2018. Councilor Gallegos was concerned with the amount of maintenance that will be needed for this and has requested that we keep this in mind in the planning stages, ensuring we are not bogging down City resources to keep this looking good into the future. Councilor Aragon advised that MRWM has also done some great zero-scape projects, in fact, they are the company that completed the Big-I interchange in Albuquerque. Jim Rende also advised that there will be some public meetings as to what the public wants to see, which will also give the Council a chance to participate in, this will be great to hear from the community, these entire project is intended to bring in business to the area and increase the tax revenues through this. Councilor Ortega asked for clarification on the Veteran preference portion of the evaluation, stating that it was marked that all had failed. Mr. Tomita advised that they are not owned by a Military Veteran, and that is why this is marked.

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 Abstain
Councilor Wayne Gallegos Yes
Councilor David Carter Yes Motion Carried

APPROVAL/DISAPPROVAL OF THE CONTRACTOR AWARD FOR THE VA MEMORIAL PROJECT

Steve Tomita advised the Council that an RFP was put out for this project after some adjustments were made to the project plan itself. There was only one response to this RFP, and after looking over the information TFC Construction did submit a proposal, originally the proposal was way over the budget, so we met with TFC, asking them to reduce their scope of work, they complied with this request and have now come within budget at \$59,500. The City will be doing the grading/impacting on the site, we will also put in power and water to the sight. Mr. Tomita is recommending that the Council consider rewarding the contract to TFC. Councilor Ortega stated that we want TFC to install the flag poles so that we get a warranty on the work, we do have in kind service that will allow us to assist on this project, because the flags are flying, we need to have lights on the flags at night. Councilor Aragon advised that maybe it will be a little more cost effective to put a solar light. Councilor Ortega advised that the cost of the solar lights would be outside of our budget for

this, we have met with the engineer to ensure certain specifications will be met. Mr. Charles Cox also advised that the Veterans are going to the Legislature to try and get more money, they will also be putting together a Go Fund Me account to help fund these projects, people will also be able to order bricks that will be placed at the sight, which will help fund this project also. Roseann Peralta advised that we as the City can collect the donations and store the donations, but we cannot solicit for these donations. Mr. Jim Rende also stated that in the future, we are planning to install two walls in the back which will allow for cremated burial remains of veterans to be placed at the memorial itself, which will be used for veterans that may be homeless, family-less, or any other situation calling for the need. Mayor Cordova stated that based on the soil issues in that area, how will the inspections take place for this project. Mr. Tomita advised that GioTec was hired to advise on this and have made recommendations on how to construct the project and maintain the soil. Mayor Cordova also stated that because we have a skate park in that area, he is concerned and wants to ensure plans are in place so that skate boarding will not happen on the memorial itself.

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

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

PUBLIC HEARING WITH POSSIBLE ACTION:

PUBLIC HEARING/INPUT AND APPROVAL/DISAPPROVAL TO ADOPT THE AMENDED SEWER ORDINANCE

Leona Vigil presented the updated sewer ordinance to the Council for consideration and public hearing. Ms. Vigil advised that this ordinance also needed to be updated to ensure we had rates ready for the Martha Jean project, which is still in the planning stages, and we will have a workshop at City Hall for those residents, specifying the plans and payment on November 14, 2017 at 6 pm, residents on Martha Jean will need to pay \$525 for a sewer tap in fee and a \$1200 water tap in fee. Ms. Vigil stated that one of the major changes is that we will be taking care of the water and sewer lines up to the property line, which means that any breaks or issues in the road will be the City's responsibility, the property owners must grant an easement to the City in order to maintain the grinder pumps, there are now 4 classes of permit: Residential, Commercial, Institutional and Industrial. Ms. Vigil also pointed out the responsibilities of cost as specified inside and outside of the City limits for grinder pumps. Councilor Carter stated that based on this, the City will cover removal of septic systems on Martha Jean, and Ms. Vigil advised that this is outlined in the plan as part of the project, and these septic systems will be decommissioned. Councilor Gallegos specified that he was happy to see the staff work on this, he felt that this got done in a timely matter because the staff took on this ordinance, and remembered in the meeting when Leona and Brian decided that they could get this drafted in time for presentation, and really wanted to thank them as well as the committee for their work. Councilor Ortega stated that we did not have something to follow for this, it was a task but he wanted to commend Ralph Jaramillo, Dale Tafoya, Roseann Peralta, Leona Vigil and Brian McBain for putting a lot of time into this, without their expertise this would not have happened, they have saved the City a lot of money.

Mayor Cordova opened the public hearing and asked if there was anyone in the audience that would like to speak for or against this proposed ordinance.

There being no audience that would like to speak on this, 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 with the definition changes as discussed. 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

****Ordinance 2017-13****

PUBLIC HEARING/INPUT AND APPROVAL/DISAPPROVAL TO ADOPT THE AMENDED SOLID WASTE ORDINANCE

Leona Vigil requested that this be tabled tonight and brought up at the next meeting on 11/6/2017 when we are going to also consider the new solid waste contract, this will allow for greater public comment and language changes that may be necessary in conjunction with the contract. Ms. Vigil also went through the new ordinance and specified the changes. Councilor Carter advised that we need to look at the sections defining the transfer station and change this to convenience center, while also ensuring that we look at the exclusive provider section also.

Mayor Cordova opened the public hearing and asked if there was anyone in the audience that would like to speak for or against this proposed ordinance.

There being no audience that would like to speak on this, 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 table. 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

DISCUSSION:

A) HEAVY RAIN AND FLOODING EMERGENCY UPDATE

Chief Manny Garcia advised the Council that he had met with Red Cross, they advised him that they have opened 29 cases in Valencia County, this caused another effort through the small business administration, providing low interest loans to help recover, however, we may not meet the qualification for this. If a farm property was devastated they can reach out to the USDA for help. We opened a PO for pumping and could be a little above \$40,000, around 1,269,100 gallons were pumped in the city as reported so far, and in the short time the storms fell we are estimated to have received close to 4 inches in Belen itself. The pounding facilities on Camino Del Llano really helped the devastation. There is about \$4,000 of overtime hours that were used for this emergency, there are still staff pumping the Westside pond, flooding is deemed as a priority in the City, which will mean that we need to work on having an engineer study done so that we can seek hazard mitigation money for instances like this, we really need to focus on the Aragon pond. Chief Garcia will also start meeting with department heads to ensure that we revise and preplan our emergency operations procedures, creating a hazard specific portion annex to handle certain situations. Councilor Gallegos stressed the need to get mitigation money for this and also to work on emergency procedures that will last into the future, the ponds also need to be addressed. Councilor Ortega advised the importance of having communications with MRGCD so that they are advised of upcoming situations and the need to close irrigation ditches prior to the storms. Mayor Cordova asked if we had any reports of property damage within city limits from residential or commercial properties. Chief Garcia stated that no, there were no report, he is concerned that the people may not have reported this for help, however, if the Red Cross can release the information, we may be able to find out which citizens may need help, he also advised that the West Side Pond is in need of repair due to erosion. Leona Vigil advised that there was damage to some city vehicles, some water went into the new water shop, water also went into the street department, some leaking at the business center, and some damage occurred on a building at the Airport. Mayor Cordova also advised that we check the old food pantry building, because that building is known for flooding inside, also we need to ensure that these hail damage repair business are operating legally within the City, which Chief Garcia has advised has been happening.

B) COST AND UPDATE ON DC SEWER LINE PROJECT

Councilor Ortega advised that the manholes have been completed, concrete valves done, 4 inch sewer lines will be completed soon, pressure testing will start on 10/23, 21 service lines have been installed, NM314 will be completed on 11/3, the start of the school portion will be on 11/6 getting ready to connect, connection from school

to sewer line date will be 11/22/17, two weeks ahead of schedule, with no change orders. We have received all funding and are still within budget.

C) FENCING AND WALLS ORDINANCE

Steve Tomita presented the proposed fencing and walls ordinance that has been worked on by the Planning and Zoning Commission, which is part of the landscape ordinance, we have also requested public input on many occasions, another main portion is that all fences are grandfathered in, however, if the fence is repaired or rebuilt, it will need to fall under the new ordinance when passed, all fences are eligible for exceptions through application. A main issue in this ordinance is putting a fence in the front yards, which can be an issue on both sides but a courtyard fence will be allowed. Councilor Gallegos stated that this would be good for new communities but has an issue with taking away rights from the current residents. The ordinance addresses many specification in the urban zoned areas, however, RR-1 and RR-2 zones will not be as restricted. Councilor Ortega was concerned about the effects on business that want to put fences on their property, feeling that we really need to take a look at mandating certain things, we also want to ensure we are not driving business out. Mayor Cordova and Mr. Tomita advised that we are not mandating businesses to put up fence, but providing some guidelines in what we would like to see. Mayor Cordova recommended that the P & Z have a really good conversation concerning the front yard fencing, coming up with solutions to this issue so that we can have options in passing this into the future. Mayor Cordova also asked for a report on some of the fencing issues to see how they are being handled and resolved.

CITY MANAGER'S REPORT

Leona Vigil advised that she will be out of the office Wednesday through Friday at Master's Clerks School.

COMMUNICATIONS FROM THE CITY COUNCIL:

Councilor Aragon stated: that she attended the Baptist Church celebration, had meeting on Friday with AC Disposal, Great Blocks Meeting also discussed new members, talked about the food-fun-fashion show. There was more flooding in her yard, and she saved some bunnies from drowning, and took them to the Rio Grande Nature Center.

Councilor Gallegos stated: Grinder pump meeting on the 2nd, and I got a text message right before the meeting on the e-mail referencing the rail road in the area, I did recommend she come to the meeting, but Steve has sent that information.

Councilor Carter stated: on 10/3 had lunch for a Follow the Star meeting, had a conference call with the attorney at school, seems that Tractor Supply is having some issues finalizing their contract, as this contract will need to be approved through DFA. Steve and I went to talk about Circle K with DOT, and they are waiting for the study on this. Liked that Charles from AC Disposal is committed to the City, and the way he wants to provide service to the citizens, also, breaking news, the school board had a meeting before this one and choose Yvonne McCloud from Jarales.

Councilor Ortega stated: that he is happy the VA Memorial was passed tonight.

Mayor Cordova stated: AC Disposal workshop went great, will be signing documents on the Keter project and IRB and should be completed. Manufacturing day is Friday, Cisneros brothers will be taking guests from 10 am to 2:30 pm.

EXECUTIVE SESSION:

APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF PENDING/THREATING LITIGATION REGARDING THE HOSPITAL AS ALLOWED PER THE OPEN MEETINGS ACT 10-15-1 (H-7)

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to enter into Executive 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 entered into Closed Session at 8:55 pm

Mayor Cordova asked for a motion. Councilor Carter 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 9:25 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 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

POSSIBLE ACTION ITEM:

APPROVAL OR DISAPPROVAL OF ACTION(S) FROM DISCUSSED TOPIC IN EXECUTIVE SESSION OF PENDING/THREATING LITIGATION REGARDING THE HOSPITAL.

Mayor Cordova advised that the Council will not be taking any action on the item discussed in executive session.

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



Jerah Cordova, Mayor



Brian McBain, Deputy City Clerk