

CITY COUNCIL MEETING

August 7, 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, 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

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 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

APPROVAL OF MINUTES

Mayor Cordova asked for a motion to approve the minutes dated July 14, 2017 as presented. 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

Mayor Cordova asked for a motion to approve the minutes dated July 17, 2017 as presented. Councilor Gallegos made a motion. 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

PUBIC COMMENTS

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

Robin Holbrook: I represent the Belen area Food Panty, this week we received a letter from Mr. Tomito [Tomita] indicating that the construction on the Fire Station would be beginning at the end of September and asking that we vacate the pantry. My questions to the City Council are: when was the contract let, has it been let, what is a period for acceptance of bids until the bidding proposals are closed, in other words, I do not believe that it is imperative that we leave by September the 15th, which is also quite frankly impossible, unless the City has a similar size facility they would be willing to allow us to use. We need a lot more information, we understand that the test results regarding these fuel tanks, have not yet been received, if this indicates that those tanks need not be removed, they simply will be concreted in, but as I said when is the contract going to be open for bidding? Leona Vigil: Actually there are five tanks underneath but there is some soil contamination that we do need to remediate, we are signing that contract over this week, it will be about a 2 week process for them to remediate this and then we will go out to bid shortly after. Tom Bradley: Do we have an alternate site that we talked about, that we can move to, or do our doors have to be closed? Leona Vigil: Lines of communication has already taken place, between Councilor Gallegos and Councilor Ortega, they have met with the schools and a representative from the Food Pantry. Councilor Gallegos: We met with a representative from your food pantry and relayed all this information to them and pre-planned this whole thing. Robin Holbrook: Six months ago, I am sorry, unless you have some notes of the meeting, I am completely in the dark regarding it and since I am the Executive Director, I would normally be included in such a meeting. Tom Bradley: We had talked about the school building at the last meeting we had and that is the last we ever heard, and then we get the letter to vacate the premises? Mayor Cordova: It sounds like we need to have another meeting with you, Leona will get this scheduled and we need your information to get in touch with you. Councilor Gallegos: Make sure that you get Ms. Holbrook's information to ensure that a representative is there. Councilor Ortega: There was a gentleman that went with us to the site and he was from the food pantry. Councilor Gallegos: A representative from the food pantry went to the sight, we looked at it, and we said we would wait until we are ready to start the Fire Station before you need to move, we originally were going to leave you at the same location but it would have been very inconvenient for you. Robin Holbrook: Well, relocating facilities to provide food to 500 families a month is somewhat inconvenient for us. Councilor Gallegos: Sure it is, that is why we worked on this six months ago. Mayor Cordova: If you can give your information to Leona, we will have a meeting to discuss this. Robin Holbrook: The 16th of this month would be excellent. Leona Vigil: Ok, thank you.

Robert Miller, Deputy Chief for the Belen Police Department: I just want to take this time to thank the City of Belen for contacting RCI which was an outside private investigation firm and initiating an administrative investigation against me, for the allegations which were reported on May 19th, 2017 on the front page of the Valencia County News Bulletin. As you know, I was exonerated of any wrong doing and all the allegations were unfounded, again, I wanted to take this time to thank you all because I do not believe that any of you believed in the allegations that were brought forth. Secondly, I just wanted to give un update, National Night Out was last Tuesday and it seems that every year it gets bigger and bigger with more people and this year I think that we out did last year. We are trying to figure out a way to be able to keep track of the people that do come through, the Chief had a good plan of getting a ticket to go through the food line, so that way we can have somewhat of an idea of how many people did go through it, but without the Fire Department, without the Volunteers from the Belen Police Department, there is just absolutely no way that we can make National Night out happen. I do want to take this time as well to acknowledge Councilor Gallegos, because it is every year, without fail, that there he is with all of his equipment for the dancers and music, if I could, this is just a certificate of appreciation signed by the Chief, myself and the patrol Lt., for you DJ services.

Mayor Cordova asked if anyone else wished to address the Council, no one approached so Mayor Cordova closed public comment.

PRESENTATIONS

A) PROJECT B WRAP UP PRESENTATION AND PROCLAMATION

Felicia Garcia thanked the Council and City for all their help and support, she then showed a video containing pictures from the event. In honor of Felicia Garcia and all her efforts, Mayor Cordova proclaimed August 7, 2017 as "Felicia Garcia" day, and awarded Ms. Garcia with a Key to the City of Belen.

B) EMPLOYEE OF THE 2ND QUARTER

Mayor Pro-Tem Frank F. Ortega presented Brenda Gurule, Recreation Director for the City of Belen, with the Employee of the 2nd Quarter award.

DISCUSSION

A) G. R. I. P. ORDINANCE

Steve Tomita presented the Council with the proposed Gross Receipts Investment Policy (GRIP) Ordinance, he explained what this Ordinance will entail as part of the LEDA program, should it be passed in the future. This would ensure that companies investing in the City through the creation of new business, would have the chance to recover some of those costs through a payback in new GRT funds coming into the City. He also asked the Council if they would like him to move forward on preparing a final draft for public hearing and Council decision in the future. Councilor Gallegos believes that this can help ensure that businesses coming into the City, helping to ensure that too much cost is not imposed on them, creating missed opportunity, but we also must ensure we are not doing things for free which could put us in a bind, we also must ensure we be careful with limits, time lines and equality. Steve Tomita also advised that this would be completed on a case by case basis, ensuring that we were only takings cost from the new GRT that the business was contributing, we also must understand that the GRIP Ordinance will ensure that we are providing public utility work which in the end will benefit the public within the city and not the private entity itself. Councilor Carter was concerned with the makeup of the oversight committee, ensuring that it was understood that this would require a lot of work, and a lot of data, to ensure that we are getting the most correct projected information as possible, especially as this relates to the cost and GRT effects. Steve Tomita also advised that the business will have to provide us the information of what their actual GRT contributions are, this will ensure that the percentages are divided correctly. Councilor Ortega was concerned how this would affect our GRT intake, and would want to know how this would tie up our GRT and budget. Roseann Peralta stated that she would need more information on this, we would need to ensure that the business provides us with their own GRT information because the State will not give us their breakdown, plus we would need to have a more detailed breakdown, as in some instances, the GRT is already divided for expenses within our budget. Councilor Carter also advised that the way this reads, the GRT percentage that we would pay out would need to automatically be dedicated to the organization in which paid, this means that it would be vital for them to report this information to us so that we could ensure we would allocate that percentage for the budget itself, we would also need to analyze the impact to surrounding businesses in bringing in a new business also, the new GRT needs to really be specific to this impact. Mayor Cordova stated that the importance of getting the annual sales information from the business would be crucial, ensuring this information was received prior to agreeing to any deals, we would also need to ensure that we were following up on the annual audits that are required by this ordinance, we may need to bolster this language within the Ordinance itself. The Mayor and Council advised Mr. Tomita to move forward with this process of ordinance.

DISCUSSION WITH POSSIBLE ACTION

APPROVAL/DISAPPROVAL OF THE NOMINATION FOR NEW PLANNING AND ZONING COMMISSIONER

Mayor Cordova advised that about a month ago Debbie Thompson left the Planning and Zoning Commission due to some scheduling conflicts, so for about a month we have been without our fifth Commissioner, therefore, I have asked Jim Lardner to be here tonight, as he is my nomination for this seat. Mayor Cordova also stated that Mr. Lardner is owner of New Mexico Travertine up on the mesa by the airport, which is an important area for future development in our city, and I think that he is a respected member of the business community and somebody that will help this town continue to progress in a business friendly way. Mr. Lardner thanked Mayor Cordova for his nomination, stating that his family started New Mexico Travertine 32 year ago just west of Belen and for the last 28 years he has been working at this business successfully, and he would be honored if he was a part of the Council's goals for the future. Councilor Gallegos stated that this was a great choice, the Lardner family goes way back in this community, and they are always positively helping the City. Councilor Aragon also stated that the Lardner family has been a great part of Belen, always willing to help. Councilor Ortega thanked Mr. Lardner for all that his family has done for the City of Belen.

Mayor Cordova asked for a motion. Councilor Aragon made a motion to approve Jim Lardner as the new Planning and Zoning Commissioner. 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 PRO-TEC FIRE SERVICE CONTRACT FOR A. R. F. F.

Deborah Abington presented the Pro-Tec Fire Service Contract for Airport Rescue and Fire Fighting. Ms. Abington advised that this company has worked well with the Belen Fire Department and determined that once this contract is approved, they will be effectively working at the Airport within 8 weeks. Mayor Cordova stated that we will be paying them a little over \$800,000 annually for a term of 1 year, and by year four we will be paying closer to \$900,000, which is the way it was bid, they may also pull out at any time if they wish to not renew, however, the City is also given the same rights. Councilor Gallegos was concerned about the time line, wanting to ensure that we have been in contact with the Federal Government fulfilling their needs/requirements. Councilor Ortega advised the importance of their communication with the Belen Fire Department to ensure that we have plenty of communication between agencies. Councilor Carter wanted to make sure that the annual payment matched closely to what the Air Force has promised to fund, and Roseann Peralta confirmed that this was the case.

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 WATER METER PROJECT

Roseann Peralta advised the Council that on July 18th, the opening bids for the water meter project occurred, we had 9 bids for this project, and the apparent low bidder was Total Contracting Services Incorporated in the amount of \$881,115 excluding GRT, this was lower than the original engineer estimate for this project at \$938,400, which could possibly be the price of the meters themselves and who they are getting this from, this project will ensure that the meter and readings are more efficient also done by radio frequency. Councilor Ortega was concerned with the communication issues that may happen with the information from the water meter into our systems, wanting to make sure that this is all compatible, but most importantly that we are getting accurate readings. Roseann Peralta advised that this meters will be reported daily during installations, ensuring that the billing for the meters is accurately reported, she also indicated that this project will take around 8 to 9 months to complete, this project will also be done in quarters to ensure all troubleshooting is complete before moving on to the next area. Mayor Cordova would like the staff to report to the Council and himself with reports that update them after the installation of the first 25 and then again at 50, 75, 100, to ensure that we are not caught off guard with any major fluctuation in the utility bills.

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 PNM FRANCHISE AGREEMENT

Brian McBain presented the new franchise agreement with PNM and the City, he has stated that we have taken the standard PNM franchise agreement form and modified it to meet the needs of the City of Belen, this has been reviewed and approved by legal counsel. Brian McBain stated that some of the highlights of this new agreement are the increase in percentage, which will go from the past 2% to an actual 3% in GRT, this will increase the Community Maintenance funds by \$60,000 annually, this rates for the citizens will not increase, however, if PNM would want to increase them, they would need to get this approved as a whole before the Public Regulations Commission. Brian McBain also stated that if

the Council would approve this agreement, it would then be sent to PNM for agreement, once complete, this would then need to go before a Public Hearing via an Ordinance creation adopting this agreement.

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

CITY MANAGER'S REPORT

Leona Vigil: Stated that she was grateful to the staff for taking care of everything while she was on vacation, everything went well in her absence. The airport is currently have technical difficulties with the fuel system, the tech has gone to check the panels, and is working on some options that will remedy this issue. The Auditors are here and would like to hold an Audit entrance meeting on Tuesday 8/8/2017 at 2 pm. The gentleman from 711 Bernard called stating that this property is currently in probate, but once complete, he would like to have the opportunity to demolish himself, this was discussed with Steve and all he will need to do is bring in a plan of action for the requested extension on this. Sidewalk project and Junior High is now complete, they are now going to start pouring on Jose Gallegos Park. Tommy Flores is now looking at buying gravel and trees for sidewalk area. I will have a mediation for settlement cases this month referencing the Police Department, and also a Class Action Lawsuit to attend referencing the Police Department, these are cases from about 4 years ago. The roof at City Hall is cracked and water is leaking in the walls, which may be the possible cause of the bad smell, we will be looking at getting this replaced as soon as possible, this could occur as an insurance claim, however, some staff are currently being relocated to accommodate this now. (Councilor Aragon stated that this is an emergency and needs to be addressed now) According to our utility Ordinance, our utility rates should go up every July for the bill due on August 10th, however, this did not occur, but will be addressed and increased for the next month's bill by 3% to 6% based on usage. The IT position is open and posted, we also re-posted Risk and Safety as well as the Water Level 3 we are seeking. I am looking into a process for street lighting, we are getting many requests for street lights and we need to determine which one we handle first because the cost of these are about \$1,000/each. Well #5 casing has been installed and testing will be conducted soon, if you get calls about the water, this is needed for testing. 3 hydrants have been replaced, and one new hydrant has been installed on Reinken, paid for by the Credit Union. There are 3 openings in the Police Department. RSVP will be participating and Senior Day at the County Fair and the State Fair. IT is revamping their IT policy. There was a pre-bid today on the VA Memorial, however, no one showed up, so we are going to go another route with this project. Steve Tomita has a conflict on calendar the day of the County Parade and would like to know if Councilor Aragon can attend this instead. Tommy Flores will be removing the playground equipment from the south side of the business center, opening up this area for parking. DOT caught us all off guard by paving Reinken, we now need to address and budget for the repair of the manholes, which will be about \$3,000 per manhole to raise these, and this has not been budgeted.

COMMUNICATIONS FROM THE CITY COUNCIL

Councilor Ortega: Stated that he sidewalks at the Middle School are outstanding, they have provided a safer environment for the students and faculty, there are also great areas to plant trees, Well #5 is also looking great and on track. I have talked to Tommy Flores about cleaning the weeds at 125 Aragon Street which is a City owned property. I went to the transfer station, the gentleman that works there on Saturday kept the area very clean. Church Street has water on the trees and the trimming itself will be taken care of soon. I will also be bringing the fiesta banners so that we can hang them per our agreement with them. The DC Sewer Project is also looking great and on track, it appears that they are about a quarter of the way done. We do need some repairs on Main Street, the water is collecting and we need to work on replacing the bubblers to improve draining in this area. We will also be cancelling the RFP for the VA Memorial, adjusting our budget to \$59,900 so that we can inquire on proposals for quote, we offered this locally and no one showed up.

Councilor Carter: On 7/22/2017 I got an invitation from Leona to meet with Congressman Pierce, most of the conversation was him making his pitch for Governor. Councilor Ortega and Councilor Carter met with the Fire Station architects, we made decisions on costs and the project is a go, we will be filling those tanks with concrete to remedy the issues. On 8/1/2017 I attended the new employee's luncheon for new employees at the school which was great. I was approached by a resident on La Luz, he described lake La Luz down on the east end which puddles up and collects when

it rains, he was asking about a drain that we could get this water diverted to the drains we have on Main Street, which we should keep in mind when we start the process.

Councilor Gallegos: We met with DOT at City Hall for their quarterly meeting, we are looking forward to new funding, and talked to them about letting us know with new projects so that we can plan for man holes in a better fashion. We met with a BNSF contractor and have a need for planning and permits through expansion in our infrastructure logistics. On the 18th we met with people for the green waste at the transfer station, they will be working on this issue to get it resolved, there is also a backup plan, and we are now taking green waste to Eagle Park and mulching it as it comes in, we really need a plan to get this done in the future. WE also went to the All American event, discussing what went well and what needs to be improved for next year, plans are already in the works for next year. On the 20th I attended an Older American Advisory in Santa Fe, we are back on track and Valencia County has received a grant to do some remodeling to the bathrooms at the Senior Center, we are just waiting on the bids for this, however, there has been a 5.5% budget cut on the Senior Program that we must prepare for. The 26th the fiestas will take place, which is a big event for the community itself, recognized as one of the biggest fiestas in the State. The 27th we had an ICT workshop, we are now going to be doing the policy review, and a Committee will be looking at these so that we can present the changes in December. There will be a Senior Day for the State Fair in Albuquerque, as well as one for the Valencia County Fair, we are working out the logistics for transportation. I did receive a thank you from Citizen Mr. Armijo on 3rd Street, for the cleaning of the south side of Aragon Bridge.

Councilor Aragon: I attended the Main Street Meeting, we are planning the Food, Fun and Fashion Show in November at the business center. I attended a Belen Chamber luncheon at the Tierra del Sol golf course, it is always nice to welcome the new educators. National Night out was busy, I never even got food, it was a great crowd and a huge success. Traci Morerod has announced that she will be running for a seat on this Council, it is very nice to see young people taking an interest in this community. This weekend the Whitfield Wildlife Preserve will be having a huge sale, you can go out there to buy plants and other things from them, the event held from 10am to noon.

Mayor Cordova: On the 20th of last month I had a mayor breakfast with the different mayors from Valencia County, we had breakfast a Sopas in Bosque Farms, we had a good discussion and learned that crime is happening everywhere, Bosque Farms is having a lot of issues with this, especially running into issues with sharing a police force with Peralta, they are still working on a flood plan for the levees along the river, this is something that the County Commission addresses through resolution. I want to thank the Chief and the Police Department for their work with National Night out, it was a great event which I am glad took place in the Heart of Belen.

EXECUTIVE SESSION

APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF THE UPDATE ON BARGAINING UNION NEGOTIATIONS, AND LAND ACQUISITION, AS ALLOWED PER THE OPEN MEETINGS ACT 10-15-1 (H-5) (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 7:51 pm****

Mayor Cordova asked for a motion. Councilor Gallegos 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 8:41 pm****

Mayor Cordova asked for a motion to confirm 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 Aragon 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

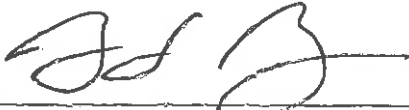
ADJOURNMENT:

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



Jerah Cordova, Mayor



Brian McBain, Deputy City Clerk