

BELEN CITY COUNCIL MEETING
December 3, 2018
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, City Clerk.

PRESENT: Councilor Frank F. Ortega
Mayor Jerah R. Cordova
Councilor Ronnie Torres
Councilor Wayne Gallegos

NOT PRESENT: Mayor Pro-Tem David Carter

CITY MANAGER: Leona Vigil

CITY CLERK: Brian McBain

REPORTER: Julia M. Dendinger, 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 Torres seconded the motion.

Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried

APPROVAL OF MINUTES

Mayor Cordova asked for a motion to approve the minutes dated November 19, 2018 as presented. Councilor Torres made a motion. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion.

Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried

PUBIC COMMENTS

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

Danny Bernal Jr. is here to support the .75 police officer item, he is in favor of this item, would like to think community is in support of this, the funding could be an issue, there are other solutions, the Council did offer to reduce their salaries to the City of Belen to help fund something like this, this would be perfect for funding.

Doug Reitz: have lived in Belen for 8 years, I am tired of this city being poor and isolated, would direct my comments to three Councilors, (Ortega, Gallegos and Carter). Half the state's population lives in this area corridor, I look at the bigger cities, they have councils that are pro-growth but we have problems with this in Belen, my question is this, since Judy Chicago's proposal was not acceptable to you, what is on the list for economic development in 2019. Council Gallegos said that he will not comment now but will meet with you at any time.

Edmino Chavez: I live here in Belen, been a resident for 21 years, back in July there was a water leak at my manufactured home, however, this has affected my sewer rate and I am now stuck with this higher bill, I would like someone to look at this, I am on a fixed salary, and I should not be stuck with this bill until then, I learned about this through the flyer, please be merciful in this billing. Ms. Leona Vigil advised that we will get your information and look into this account.

Greg Macpherson: I want to go back to October 1st, we came in here wanting to help the community, we are serious about helping, I know there is a need at the parks for clean-up also, I would like a list of things the City would like to have done, we can do this work through our non-profit contacts that are willing to benefit the City, we are not asking for money just want to help.

Carolyn Houston: I am appalled at how the police controversy was handled, the chief's name, reputation and career has been attacked by a disgruntled employee and exacerbated by this Council. The allegations were unfounded and should have been investigated before moving forward, it is called due diligence. Previous employee matters have been handled in executive session, or in private but this was deliberated publicly and in the media, this reeks of discrimination. Your actions have been no different than the petulant employee's fabrication and deception, in an obvious upfront to the judgement of the police chief, you have retained and continued to pay, an ill-tempered, malcontent, his pay after he was assessed unfit for duty, and fired. You have allowed disgruntled employee to bully and intimidate, not only his peers but other employees, you allowed an indignities pompous twit to influence how you should handle a supervisory matter because he did not want to take responsibility for his own actions, and a justifiable disciplinary action. You should have seen this coming, you were privy to police condemnation, and public scrutiny of this employee long before this unacceptable behavior occurred, that may be your prerogative, but it is the chief's prerogative to lead as he deems appropriate within the law, but the most disturbing outcome of all this is you have undermined the confidence and respect, the person holding the police chief position walks a fine line between leadership and politics, that person serves at your pleasure, but he or she works for the citizens. You have now shown the criminals that the police department is not a force to be reckoned with, which will cause chaos in the streets, to the officers and anyone in the chief position forthcoming, you have shown their jobs are in jeopardy unless they ascus to your whims, that undermine any future leaders authority and the department as a whole. You have dictated how a department head is allowed to reward his employees for their good work or what is allowed as Christmas presents, which is plainly overbearing and unreasonable. Your job is not to micro-manage the police department, you have no idea how a police department needs to operate, you don't have the knowledge, training or experience, if you want a puppet for a police chief, then you should run the department. Please put me on the agenda for the next council meeting.

Brian Heap: the current president of Sky Dive NM, our lease agreement is up for discussion this evening, I received a letter a week ago, and received a letter as to why the city was going to deny our credit as they had once promised, one reason was that they are unsure that the utilities are hooked up correctly, which I disagree with. They also brought up that during an audit, there was no payments of the current lease, but we paid \$26,000 up front for utilities because the city was not able to do this at the time, so we basically paid 20 years up front and full, so I disagree with this. When our hanger was taken down we could have gone elsewhere, but we decided to stay which should be taken into consideration.

Steve Ethridge: I think social media has not been conducive to an actual good conversation, because people react to much, I believe that you guys where asking for a half time employee, which we should talk more about instead if its classification, the city it appears has not discouraged a museum, I think it just comes down to the half time worker thing. Social media is a thumbs down, it is a bubble and if those people really cared they would be here at the meeting.

Fire Chief Manny Garcia: In front of friends and family, Mr. Garcia read a statement to the Council announcing his retirement effective on 12/28/2018. The Council and Mayor thanked Manny for his service and dedication to the City of Belen, and all the work he has done with the fire department. Ms. Leona Vigil advised that Manny was a true leader.

There were being no other public comments, this portion of the meeting was closed.

DISCUSSION WITH POSSIBLE ACTION
APPROVAL/DISAPPROVAL OF CHANGE ORDER #5 FOR THE NEW BELEN FIRE STATION.

Mr. John Pate from Molzen-Corbin presented and itemized the requested changes before the Council. Councilor Ortega was concerned with some of the items, asking for more details on the changes needed, requesting that we get a final

number and timeline for this project so that we can start moving our staff into the building. Mr. Pate advised that after all the changes and upon completion of this project, there is approximately \$45,000 left in the GO bond for any further issues that may arise as this project completes.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve this change order, asking for a updated timeline to be turned into the Council. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF THE CITY SURPLUS PROPERTY LIST TO BE SOLD VIA PUBLIC AUCTION.

Mr. Carl Rael presented the Council with the list of city surplus items to be sold on public auction, advising that the generator will be removed as this will be repurposed for use in another area. Councilor Ortega wanted to ensure that all vehicles that are sold will be taken off insurance, and also wanted us to take the old light poles and recycle them so that this money could be put back into the city's general fund.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve removing the generator and sending the light poles to be recycled. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF THE SKY DIVE NM LEASE.

Mr. John Thompson presented this lease to the Council. Ms. Leona Vigil advised that we have not located any paperwork that allows for such credit that has been spoken about with Mr. Heap of Sky Dive NM, this lease needs to get done so that we can collect the payments and be in compliance with our audit, also advising that the hanger that was taken down in the past was deemed unsafe to occupy which required eviction from the building before demolishment, no credit was recoded for this move.

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 Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF THE SOCCER FIELD RESTORATION PROJECT.

Mr. Tommy Flores presented the plan and cost for the soccer field restoration project at Eagle Park. Mr. Jason Russo from Rio Grande landscaping presented what will be needed as far as planning for the restoration of this project, the field will need re-seeding, removal of hazards and holes, and leveled, there will also need to be repairs to the sprinkler heads. A plan needs to be installed to ensure that maintenance is kept up on this fields, project time for this would be about 5 months. Councilor Torres wanted to ensure that proper maintenance was kept to ensure that this investment is maintained. Ms. Vigil advised that when we have large event there, we need to ensure that the field is taken care of after the events themselves. Councilor Gallegos advised that it is great that we are looking at this project, it is something needed for the community, however, we need to look at the budget to ensure that we have the money to complete this project as a whole, suggesting that we look at the funding of this project in a mid-year financial workshop, we also need to make sure that this can be maintained once completed, so we need to look at the cost of equipment and services. Mr. Russo suggested subbing out the maintenance of all these parks and getting a quote to ensure that we can maintain these fields into the future, especially after investing in the overhaul of these fields.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to table this item pending a mid-year review finance workshop. Mayor Cordova asked for a second. Councilor Ortega seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
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Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes Motion Carried

APPROVAL/DISAPPROVAL OF 0.75 FUNDING FOR AN ADDITIONAL POLICE OFFICER.

Lt. Joe Protio presented the cost and need for this officer, advising the Council that the grant originally set aside for this funding is on hold, and there is no timeline for when the money may be possibly released. Councilor Ortega spoke to the importance of ensuring that we have funding to cover public safety for the citizens but also advising that we need to ensure all our departments are funded to ensure complete services to the city and its citizens. Councilor Gallegos was glad to see that this issue was not forgotten after the election, we do need officers and we also need to utilize what we have in resources, this would be a good discussion for the mid-year budget workshop that has been proposed, we could then look at ways to fund this officer and ensure we are staffed but also ensuring that the officers are getting what they can.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to table this item pending a mid-year review finance workshop. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes Motion Carried

APPROVAL/DISAPPROVAL OF THE CONTRACTOR SELECTION FOR THE VA MEMORIAL PHASE II CONSTRUCTION PROJECT.

Ms. Roseann Peralta presented the RFP Committee Scores for this project, and detailed the scores for the Council, she advised that the highest score was for TFC Construction, and is the recommendation of the committee. Councilor Ortega thanked the staff for their work with this entire project.

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

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes Motion Carried

APPROVAL/DISAPPROVAL OF MARKETING SERVICES FOR THE CITY.

Ms. Leona Vigil presented the service quotes for marketing services that the city can utilize. Mayor Cordova advised that the best option would be for us to try out the billboard, allowing us time to see how this could work and what the effects of this marketing strategy would be. Councilor Gallegos was concerned that we did not have a line item for this expense and it could be something we discussed at our future mid-year budget workshop. Mayor Cordova advised that we could use Lodgers Tax for this cost of \$1,630 per month for this billboard. Ms. Roseann Peralta advised that we could use this fund, committing a maximum of \$5,000 to this for the remainder of this fiscal year.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to approve \$5,000 from the Lodgers Tax Fund for this purpose. Mayor Cordova asked for a second. Councilor Torres seconded the motion. Roll Call Vote:

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes Motion Carried

APPROVAL/DISAPPROVAL OF AN ADDITIONAL PAID HOLIDAY FOR ALL CITY EMPLOYEES.

Ms. Leona Vigil advised that the employees have worked very hard this year, and it is hard at times to be creative in how we reward them, she has been approached by employees asking that they get an extra paid holiday for 12/24/2018, so she has advised the employees that she would bring this to Council for approval. Councilor Gallegos advised that usually the Mayor administratively grants a half day off, so we would just make it the day, but we need to make sure this is in the budget for the emergency services workers that will be working this day. Ms. Roseann Peralta advised that this would be ok in the budget.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve 12/24/2018 as a paid holiday. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes Motion Carried

APPROVAL/DISAPPROVAL OF THE 2019 EMPLOYEE HOLIDAY SCHEDULE.

Ms. Leona Vigil presented this schedule to the Council. The Council felt that this schedule was in line with what the State of New Mexico already put out, adding a spring break day to the schedule already, therefore, they advised to take off the requested 12/24/2019 and bring it back to the Council at a later date similar to what was done this evening.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to approve this schedule as presented, removing 12/24/2019 as a paid holiday at this time but advising to bring this back to the Council in December 2019 for review. Mayor Cordova asked for a second. Councilor Torres seconded the motion. Roll Call Vote:

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes Motion Carried

APPROVAL/DISAPPROVAL OF AMENDMENTS TO THE CITY OF BELEN PROCUREMENT POLICY.

Ms. Leona Vigil advised that due to the lack of quotes and proposal response from vendors, we have found that it is needed to increase our levels of quotes, this will ensure that we get the documentation needed in order to make purchases, but will also ensure that projects need are not delayed waiting for responses, all the new requirements presented meet NM statutory requirements. Councilor Gallegos advised that this change would be good but should be done on a trial bases, changing this now and then seeing how this works into the next fiscal year.

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

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes Motion Carried

APPROVAL/DISAPPROVAL OF A RESOLUTION TO OPT-IN OR OPT-OUT OF THE LOCAL GOVERNMENT ELECTION DAY.

Mr. Brian McBain presented both resolutions to opt-in and opt-out of the new local government election day, advising that both sides have positive and negative, but advising that this decision is solely up to the governing body, advising that the municipal league is silent on this issue as far as which side should be taken. Mayor Cordova advised that he was for opting in, advising that this would help the other elections it would combine with, and could eventually prove to be cost effective for the city. Ms. Leona Vigil advised that she feels that eventually everyone will need to comply with the new laws and it could be only a matter of time. Councilor Gallegos advised that this may be something that would be good for elections, in considering both sides of the issue, it could be fine either way. Mr. McBain advised that if we were to opt-in the Valencia County Clerk would take over the election process, and the next election would be held in November of 2019, shortening the terms of all offices now, we would also need to pass an ordinance through public hearing and provide this passed ordinance to the NM Secretary of State before the 1/30/2019 deadline.

Mayor Cordova asked for a motion. Councilor Torres made a motion to approve and Opt-In. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

Councilor Frank Ortega Yes
Councilor Ronnie Torres Yes
Councilor Wayne Gallegos Yes Motion Carried

****Resolution 2018-32****

APPROVAL/DISAPPROVAL OF THE NEW RECORDS RETENTION AND DESTRUCTION RESOLUTION.

Mr. Brian McBain presented the new records and retention policy that was given through committee from the NM Municipal League, he advised that this would be of greater use to municipalities and has been broken down into an understanding that is specific to municipalities themselves detailing the records that they handle on a daily basis from all

department perspectives. Mr. McBain advised that this is a better working document because it is searchable and can help aid department heads in determining what they need to keep and for how long, easing the records destruction process.

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

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried

****Resolution 2018-33****

DISCUSSION

A) BUGG LIGHTS MUSEUM AND BELEN ART LEAGUE OPERATIONS

Councilor Ronnie Torres detailed his plan for the Bugg Lights into the future, advising that he is looking to house them as a permanent home in the old food pantry area, he has gotten some quotes and permits to complete remodeling, and is looking for a way to preserve these lights, as well as provide maintenance on them for years to come. Councilor Torres also advised that he is in talks with the Belen Art League in letting them operate the building for this purpose as well as collect donations to put towards the light repair and upkeep themselves. Councilor Gallegos advised that it appears that Councilor Torres has met with the Friends of the Library to ensure that this does not interfere with the book store, so this will help in this transition.

CITY MANAGER'S REPORT

Leona Vigil stated: Steve Tomita is in Atlanta submitting a proposal to a manufacturing company. We met with Western Spirit, the company bringing in the electrical pole at the Airport, they are working with us to ensure that all is approved through FAA, and ensure that flight patterns do not drastically change. Roseann, Dale and I met about projects and the budget requirements, which will be discussed in the future workshop, the one that is lacking some funding is San Lorenzo/La Luz, we only have \$123,000 left in this fund, due to adjustments for the water meter project and some other projects that we needed to fund. Councilor Gallegos expressed concerns with this shortage of funding, especially in ensuring that we move forward with projects, ensuring that funding is there for all levels of completion, he would like a detailed report on this at our next workshop. Ms. Vigil continued: we met with AC Disposal to add a 90 day termination clause with damages to their contract. VRECC is asking for a special meeting, they are asking for a \$1.2 million CADE system, this of course would affect our budget, Mayor Cordova has requested them to present at a Council meeting for more information. Councilor Ortega would like the San Lorenzo/La Luz project to become one of our priorities, so that we can focus some funding on this.

COMMUNICATIONS FROM THE CITY COUNCIL

Councilor Torres stated: I got a call from Mike Moreno and he wanted to thank us because the Dollar Tree put a fence around their trash area and the liter is under control, now we just need to look at the water off their parking lot. The Belen Art League has a backup in their handicap bathroom, the city lines need to be looked at for this. We had the Studio 508 function, they had a great turnout. I would also like to apologize to Sky Dive NM, we appreciate that you have been here but a past city employee should have never guaranteed a credit, that they did not have the authorization to approve, we have to follow the laws on our side, but we cannot always control the employees, especially when we expect them to do the right thing.

Councilor Ortega stated: the sewer line at 111 E. Aragon needs to be looked at, it appears that this is on the city side. The Christmas lights on Main Street need to be addressed, especially in areas that do not have. Federal buildings will be closed on Wednesday for the passing of President Bush, so I send my condolences to the family. We are working with the Art League for the mural at the visitor's center, they will be staging this at the business center, and the work there is also coming along very well, we also need a plug at the light pole.

Councilor Gallegos stated: I took a smart driver instructor test, this will be used to benefit the seniors. On the 24th, the Miracle on Main St went great, it was a great event, and it was cool to see people out there really enjoying themselves, 34 years this has been going on. On the 28th we had our Legislative Dinner, we specified our priorities for the city, we looked

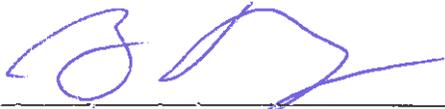
a lot at the infrastructure we need to bring in more business, and we also pitched the park, which they seemed to like. On the 29th we had an IT Committee, they are focused on the needs, we are hoping for a new software system for the city itself, they do need to look at the budget issues, public money vs budgeted money in the IT Department, and cameras were also a need. On the 30th I got to meet with the State Librarian, it was great, we are lucky for our Librarian and all that she does, she is well known for her expertise. Thank you to everyone who helped us with the Miracle on Main Street event, they make things happen for us.

Mayor Cordova stated: I had nothing but compliments about Miracle on Main Street. I had a meeting with a representative of an investor who is looking at the Mesa Inn, hopefully they will make that purchase. I attended the Legislative Dinner, our top priority is flood control and is looking favorable in that direction for funding, and also the Aragon Tank Rehab has been approved by the Water Trust Board. I had a meeting last week to review the police chief applications, we are scheduling interviews in a couple of weeks from now. The NY Times has been in town asking questions about the Judy Chicago museum so I suspect an article will be out on this soon.

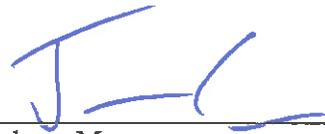
ADJOURNMENT:

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

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	Motion Carried



Brian McBain, MPA, City Clerk/Treasurer



Jerah Cordova, Mayor