

CITY COUNCIL MEETING

March 19, 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 Pro-Tem David Carter
Mayor Jerah R. Cordova
Councilor Ronnie Torres
Councilor Wayne Gallegos

CITY MANAGER: Leona Vigil

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 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
Councilor David Carter Yes Motion Carried

APPROVAL OF MINUTES

Mayor Cordova asked for a motion to approve the minutes dated March 12, 2018 as presented. Councilor Gallegos made a motion. Mayor Cordova asked for a second. Councilor Torres seconded the motion.

Roll Call Vote:

Councilor Frank Ortega Abstain
Councilor Ronnie Torres 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) PROCLAMATION FOR THE “2018 BELEN EAGLES BASKETBALL TEAM DAY”

Mayor Cordova read the Proclamation and proclaimed that March 20, 2018 will be 2018 Belen Eagles Basketball Team Day in the City of Belen. The Council spoke to the team, congratulating them on their victory and

extending a feeling of pride for the City of Belen. The coaches of the basketball team also spoke to the Council, advising of the teamwork, and adversity allowed this team to come together and in the end, become victorious for their efforts.

DISCUSSION WITH POSSIBLE ACTION

APPROVAL/DISAPPROVAL OF A PAYMENT AGREEMENT WITH BNSF FOR UTILITY LINE WORK

Ms. Leona Vigil presented this agreement to the Council, making a payment agreement between the City of Belen and BNSF to pay back the sum of \$330,602 for the utility work that will be completed in the railroad expansion project, given that Belen has signed an agreement in the past that made them ultimately responsible for this work and payment. Mr. Raymond Harrell advised that BNSF contractors will be completing the utility work, and then will bill the city for these services based on the cost advised. Councilor Gallegos advised that there was a disagreement on the payback date, originally he thought it was agreed that Belen would have to pay this back in July of 2019, not 2018. Mr. Harrell advised that the change was acceptable to BNSF and could be negotiated and approved as such, saying that he can make the change on the agreement, initialing the change and making final payment of this project due on July 1, 2019 for the full sum agreed upon, and you will not need to make any payments in December of 2018. Councilor Torres advised that he was appreciative that BNSF is also pumping money back into the community with this expansion, and Mr. Jeff Malloy would like a report to quantify what this project has contributed to the City of Belen itself.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to approve with the final invoice date of July 1, 2019. 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	
Councilor David Carter	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF THE MUNICIPAL ARTERIAL PROGRAM RESOLUTION

Mr. John Best presented this resolution, and handed out the project specifics to the Council, advising that this funding will be used on a MAP project to ease flooding off Camino del Llano extending some channels, helping with erosion issues on Desi Loop, stating that this resolution is needed to ensure funding is allocated to this for the portion needed to complete this, once signed, the resolution will be given to Molzen-Corbin. Councilor Gallegos wanted to ensure that Dale Tafoya was aware of this plan and cost, ensuring that he was ok with the plan, and understands that this is very important for flood control for a cost of \$41,000 to the City, we need to at least try for this money. Mr. Best advised that Dale is aware of the project and has approved of the process itself. Councilor Carter stated that this is why we must watch our funds, to ensure that we have the money to fund these projects in the future and not overspend. Councilor Ortega asked where the money will come from, and Ms. Roseann Peralta stated that it can come from where we have the money at the time, we can dedicate this in the budget.

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	
Councilor David Carter	Yes	Motion Carried

****Resolution Number 2018-05****

APPROVAL/DISAPPROVAL OF A RESOLUTION ADVISING THE 2018 OPEN MEETINGS ACT FOR THE CITY OF BELEN

Mr. Brian McBain presented this resolution to the Council, detailing this yearly Open Meetings Act Compliance for the City, needing to get this passed via resolution as mandated. Ms. Leona Vigil advised that she was concerned with commissions sending in agendas the same way, especially because some of these committees do not create agendas, she would like the resolution to be amended stating that instead of posting agendas, they will submit a copy of their meeting notices, allowing for this occurrence, the Council agreed with this change.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve with the stated amendment. 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
Councilor David Carter Yes Motion Carried

****Resolution Number 2018-06****

APPROVAL/DISAPPROVAL OF THE INSPECTION OF PUBLIC RECORDS ACT COMPLIANCE RESOLUTION

Mr. Brian McBain advised that this resolution is not something that is required, however, is being brought before the Council to have something in writing of how the City of Belen handles IPRA requests, stating that all IPRA requests will go through the clerk’s office, and the clerk then has the ability to charge a fee for this service in compliance with the State of New Mexico Statutes. Ms. Clara Garcia advised that it is not right for the City to charge an actual fee for electronic requests. Mr. McBain stated that this is set by law and the records custodian is eligible to charge a fee, but will reach out to the Attorney General’s Office to ensure proper compliance, and would welcome any suggestions that could be used in charging a fee itself. Councilor Carter asked if there was a fee chart for this, Mr. McBain advised that he had not found one. Councilor Ortega asked how we handle the destruction of the records, Mr. McBain advised that per resolution we follow the State of New Mexico’s retention schedule. Councilor Gallegos advised that we are considering this for compliance purposes and not setting any fees, which would be up to the clerk after the work. Councilor Torres would like to see the information obtained on what fees are charged for IPRA requests through the electronic process.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to approve. 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
Councilor David Carter Yes Motion Carried

****Resolution Number 2018-07****

EXECUTIVE SESSION

APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF LIMITED PERSONNEL MATTERS REGARDING THE CITY’S APPOINTED POSITIONS AS ALLOWED PER THE OPEN MEETINGS ACT 10-15-1 (H-2)

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to enter into Executive Session. 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
Councilor David Carter Yes Motion Carried

****The Council entered into Closed Session at 6:47 pm****

Mayor Cordova asked for a motion. Councilor Ortega made a motion to re-enter into Open Session. 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
Councilor David Carter Yes Motion Carried

****The Council returned to Open Session at 10:38 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 Gallegos made the motion. 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	
Councilor David Carter	Yes	Motion Carried

DISCUSSION WITH POSSIBLE ACTION ON APPOINTMENTS

APPROVAL/DISAPPROVAL OF THE MAYOR PRO-TEM NOMINATION

Mayor Cordova advised that traditionally we rotate this position between the Councilor, and would open this up for a nomination from the Council.

Mayor Cordova asked for a nomination. Councilor Torres made a motion to approve David Carter as Mayor Pro-Tem. Mayor Cordova asked for a second. Councilor Ortega seconded the motion. Councilor Carter accepted the nomination.

Roll Call Vote:

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

APPROVAL/DISAPPROVAL FOR THE APPOINTMENT OF THE CITY MANAGER POSITION

Mayor Cordova advised that he would like to nominate Leona Vigil to continue in this position, she has done an excellent job in this role for the City over the last two years, and he expects that this will continue.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to approve. 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	
Councilor David Carter	Yes	Motion Carried

APPROVAL/DISAPPROVAL FOR THE APPOINTMENT OF THE CITY CLERK POSITION

Mayor Cordova advised that he would like to combine the Clerk/Treasurer position, and would like to nominate Brian McBain as the City Clerk/Treasurer. Brian has been here for about a year and has done an excellent job as Deputy City Clerk, and has supervisory experience in his past, we believe he would be perfect in this role.

Mayor Cordova asked for a motion. Councilor Carter made a motion to approve. 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	
Councilor David Carter	Yes	Motion Carried

APPROVAL/DISAPPROVAL FOR THE APPOINTMENT OF THE CITY TREASURER POSITION

This position was combined with the City Clerk, and appointed as the Clerk/Treasurer above.

APPROVAL/DISAPPROVAL FOR THE APPOINTMENT OF THE BELEN FIRE CHIEF POSITION

Mayor Cordova would like to nominate Manny Garcia to continue within this position, he has equally done a phenomenal job with the department, we are building a new fire station and we need him to be at the helm as we transition into that building.

Mayor Cordova asked for a motion. Councilor Ortega 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	
Councilor David Carter	Yes	Motion Carried

APPROVAL/DISAPPROVAL FOR THE APPOINTMENT OF THE BELEN POLICE CHIEF POSITION

Mayor Cordova would like to nominate Scott Conner to continue in that position, he has been a great spokesman for the City of Belen over the last year and a half, he has commanded the Police Department and done an excellent job with the community, we look forward to his efforts to continue to reduce crime in our community.

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	
Councilor David Carter	Yes	Motion Carried

APPROVAL/DISAPPROVAL OF COMMISSIONS, BOARDS AND COMMITTEES

Mayor Cordova went through the list of Boards, Commission and Committees, making updates where needed and making this list a part of the official minutes.

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	
Councilor David Carter	Yes	Motion Carried

APPROVAL/DISAPPROVAL FOR THE CERTIFICATION OF ALL CITY OF BELEN EMPLOYEES

Mayor Cordova presented the list of all City employees, certifying that there are 97 paid employees with 10 volunteers for a total of 107 staff members, however, the Mayor would only be certifying approval of the 97 paid employees tonight.

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	
Councilor David Carter	Yes	Motion Carried

SWEARING IN CEREMONY

Municipal Judge Kathy Savilla swore in: Leona Vigil as City Manager, Brian McBain as Clerk/Treasurer, Manual Garcia as Fire Chief, and Scott Conner as Police Chief.

CITY MANAGER'S REPORT

Leona Vigil stated that April 20th is the RSVP Volunteer Luncheon from 10am to 2pm, the police accreditation is starting on Wednesday and exit interview will be on Friday. The St. Patrick's Day Balloon Rally had a great turn out, was combined with a softball tournament, which also brought a great turn out.

COMMUNICATIONS FROM THE CITY COUNCIL

Councilor Torres stated that he was glad to be back here, glad to be working with the rest of the Council, and he will do his best to be a team player.

Councilor Gallegos stated everything is going good, have neem involved with RSVP, great Balloon Rally this weekend with a lot of activity at the fields.

Councilor Carter stated that the St. Patrick's day celebration went great, and he attended the First Hospital Meeting with the County last Wednesday, there was a lot of discussion on what we do not know and what we need to gather before we can come to any consensus, the Commission is bound to put out an RFP/RFI, they need a lot of information before they know what they can put our, we have some work ahead of us.


Councilor Ortega passed on his time to speak.

Mayor Cordova passed on his time to speak.

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 Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	
Councilor David Carter	Yes	Motion Carried



Jerah Cordova, Mayor



Brian McBain, City Clerk/Treasurer