

CITY COUNCIL MEETING

October 2, 2017

6:00 p.m.

Mayor Jerah Cordova called the Regular Meeting of the Belen City Council to order at 6:01 p.m. Roll Call taken by Brian McBain, Deputy City Clerk.

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 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

APPROVAL OF MINUTES

Mayor Cordova asked for a motion to approve the minutes dated September 18, 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

PUBIC COMMENTS

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

Phil Gregory: Invited the Council and Mayor to the Matanza Event that will take place to celebrate the First Baptist Church 100 year Anniversary. The event will take place on Friday, October 6, 2017 at 6:00 pm, Jake Romero will be cooking this food.

Chief Manny Garcia informed the Council that he is currently working with the America Red Cross to have a damage assessment team deployed here to Belen and Valencia County, he will be meeting with them tomorrow morning at 9:30

am, and at that point the next steps will be decided. If they decide to deploy a team, they will be housed at the Belen Business Center. Mayor Cordova thanked the Chief, his staff and all City staff for their great response to the emergency response on Friday night, the teams responded within 30 minutes of the storm, it was awesome to see how quickly we got the town cleaned up.

There being no other public comment, Mayor Cordova closed the public comment portion of this meeting.

PRESENTATIONS

A) FIRE PREVENTION WEEK PROCLAMATION

Mayor Cordova read the Proclamation, and presented this certificate to Fire Chief Manny Garcia.

PUBLIC HEARING WITH POSSIBLE ACTION

PUBLIC HEARING/INPUT AND APPROVAL/DISAPPROVAL TO ADOPT THE PNM FRANCHISE AGREEMENT ORDINANCE

Brian McBain presented this ordinance to the Council, stating that this was up for public hearing and action by the Council. Mr. McBain also read some highlights of the changes for the audience present stating that this will be in effect for 25 years, with PNM paying the City 3% GRT to the City for which will go into the Community Maintenance Fund, this agreement is also non-exclusive allowing any other utility corporation to service the City if accepted by the Council.

Mayor Cordova opened up the public hearing and asked if anyone was presented to speak for or against this matter.

There being no public discussion, Mayor Cordova closed the public hearing and opened up the floor to any Councilor comments or questions.

The Council has no comments or questions.

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

(Marked for the record as Ordinance 2017-11)

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

Brian McBain presented this ordinance to the Council, stating that this was up for public hearing and action by the Council. Mr. McBain also read some highlights of the changes for the audience present stating that a report was created and defined so the Council will always be aware of upcoming projects. A public member was added to the IT Committee, the Committee will also be nominated by the Mayor and confirmed by the Council. The Council will allow for spending from this TIF fund under \$10,000, anything over this amount will need to be approved by the Council. Councilor Gallegos specified that this ordinance needed some adjustment, but has been amended well and advised that this money can only be used for technology infrastructure. Councilor Ortega said that if this TIF was eliminated, we would need to take this from the general fund, and technology is something that we need, this new ordinance should now stop any confusion or misconceptions of this fund in the future. Mr. McBain stated that this ordinance would take effect 5 days after the Notice of Adoption was published.

Mayor Cordova opened up the public hearing and asked if anyone was presented to speak for or against this matter.

There being no public discussion, Mayor Cordova closed the public hearing and opened up the floor to any Councilor comments or questions.

The Council has no other comments or questions.

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

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

(Marked for the record as Ordinance 2017-12)

DISCUSSION WITH POSSIBLE ACTION

APPROVAL/DISAPPROVAL OF THE CONTRACTOR SELECTION FOR SOLID WASTE SERVICES WITHIN THE CITY OF BELEN

Ms. Roseann Peralta presented the Council with the scores from the evaluation committee, in which Waste Management scored 437 and AC Disposal scored 423, the difference in the scoring was on experience, knowledge & references. The evaluation committee does recommend Waste Management, the recommendation was based on the scoring of the RFP evaluation description, however, as defined in the RFP, the City can award a contract to the proposal deemed to be the most advantageous to the City itself, and based on the close score, this is now being brought before the Council for decision. The scoring max was 440, options tonight are to award the contract or repost the RFP, which is a decision that can be made by the Council. Representatives from AC Disposal and Waste Management are here to answer any questions, however, Renee Barela-Gutierrez, Belen City Attorney, advised that the same questions be asked to both parties and allow both parties to answer.

Councilor Carter asked if the companies bought their fuel locally. *Mr. Charles Montoya of AC Disposal* advised that they do buy their fuel locally, they currently purchase this at fueling stations now, but are planning to put fuel tanks in their yard and purchase gas from Hodges Oil. *Mr. Dan Darnell and Mr. Dak Sykes from Waste Management* advised that fuel for our diesel trucks are fueled out of Valencia County in our landfill, we have a fueling station there, however, for the CNG trucks that are servicing Belen, we fuel at UNM campus or Flying J, and these are our only options for compressed natural gas.

Councilor Carter asked if the employees are local employees. *Mr. Montoya of AC Disposal* advised that employees are hired locally, however, there is one out of Albuquerque, but 99% of the workforce is from Belen or the surrounding Valencia County area. We also purchase locally, we purchase metal from Ned's to manufacture dumpsters, our facility that we worked on was purchased from Belen, purchased from local vendors and the work was done by local vendors, everything we do here is about Belen or local, there are times when you cannot buy local but at least 80% of what is purchased is local. *Mr. Darnell and Mr. Sykes from Waste Management* advised that we have one Belen resident, the rest coming from Albuquerque or nearby Valencia County area. Out of our 67 employees that we have, there are 5 in which are Valencia County residents, it makes sense to hire locally so that the employee knows the route better, we make every effort to hire locally.

Councilor Carter asked where the companies pay their GRT to. *Mr. Darnell of Waste Management* advised the Council that the GRT gets paid to Bernalillo County. *Mr. Montoya of AC Disposal* advised that the GRT tax will be paid to Belen, this means that whatever business is done in the City, the GRT will then go to the City of Belen, in fact, we take the time to separate all the business locations and GRT.

Councilor Gallegos asked if the companies could explain their future options for the transfer station and who would guide us on the regulations. *Mr. Darnell of Waste Management* advised that the transfer station would be handled how the Council sees fit, Waste Management is committed to licensing, which has already been done, the license issue itself is that the transfer station is licensed as a convenience center, regulating the waste on what can be taken in per day through NMED and EPA guidelines, we will run it, when one is full, we will pull it out and pull another trailer in, this will ensure the pit is always up and running. The green waste issue will be handled with smaller roll offs, the City can chip off the roll

up and this will ensure the pile does not build up, which we have already gotten approval from the State to take this course of action. (Councilor Ortega stated that this has always been a convenience station and has never been permitted as a transfer station) *Mr. Montoya of AC Disposal* advised that we offered 2 different proposal, one we can keep the current transfer station operating as is, however, we fill that if we open this up at our facility instead, we would then take over the entire process, handling the money, the permitting, the hauling, and the recycling, making this convenient to the citizens as far as location. This would be open 6 days a week with the same operating hours as are currently happening now, this would be the best option, everything would be at one location.

Councilor Carter asked if the companies could describe their experience, knowledge & references, since this was the difference in evaluation scores. *Mr. Darnell of Waste Management* stated that we may have an advantage because we have been the hauler for the past 20 years, we know the community, we know the routes, we have everything set up, and there would be no interruption of service. Our company has been very gracious and worked with the City, we also extended the current contract to ensure coverage continued while this process was completed. We have gone above and beyond for this community in terms of showing our commitment, I believe that Belen is a wonderful place to raise a family, we love working down here, and we love supporting Belen, also because the City bills in our arraignment, the customer actually pays their GRT here, but our operation does support our haul in sites, our references are impeccable and we have high ratings in our service done in 2016. Being a national company, we have leverage with vendors that others may not have, with quicker turnaround times, we have corporate liaisons with our vendors, and if there was any catastrophic event, we have resources we can pull from in other states. *Mr. Montoya of AC Disposal* advised that he started 12 years ago, but we now have grown the business to what it is, we hold reputable contracts that are worth something, I am not a Waste Management, I do not have that name, and I have not been in business as long as them, I am a local hauler but that doesn't mean that I do not have the experience. Experience goes a long way but it should be what you have done and what you can do for the community, anyone can have experience and still fail, it is what I am trying to provide that matters. Being local really matters, we have workers that live here, we service the area because this is our community, the people we are servicing are our neighbors, that means a lot to me, just by us being here, we have just as much experience as they do, I cannot speak for anywhere else, but for this area, I have the experience. I am providing the City with more than just a contract or a trash route, we are offering to take care of large item pickups for free, the City will not have to worry about this, employees will not need to get pulled from their areas to pick up large items, we will provide this service for free from us.

Councilor Aragon asked how long the contract would be in place. Ms. Peralta advised that the contract would be for 1 year with the option for 3 additional years, for a total of 4 years.

Councilor Ortega advised that he was happy to see the proposals, feeling that it was important that the Council had the opportunity to back up one of their own, we always ask what we can do to help our business, and now we have one to help, we do appreciate all the hard work that Waste Management has done, but I am happy to see the employees that live here and the kids that go to school here. We need the business to save our town and with businesses that are willing to invest in our City, I think we need to look at this really hard, and I am proud of AC, they have come a really long way.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to award AC Disposal as the new contractor for solid waste within the City of Belen. 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

Mr. Dan Darnell of Waste Management stated that he respected and honored the Councils vote, stating that Mr. Montoya is a good man and has a good company, he will do a good job for the City, and Mr. Darnell also assured the Council that Waste Management was committed to do all they can to ensure a smooth transition.

Mayor Cordova thanked Mr. Darnell and Waste Management for this assurance.

APPROVAL/DISAPPROVAL OF THE FINANCIAL POLICIES AND PROCEDURES

Ms. Roseann Peralta presented the new Financial Policies and Procedures to the Council, due to the findings of the last audit, the need to improve the policy was required and would be met with these changes. Councilor Carter reviewed the new polices and offered some amendments and corrections, advising that he would like this to be completed before the Council approved this, which can be brought to the next meeting.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to table this item until the corrections have been made and presented at the next Council Meeting. 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

APPROVAL/DISAPPROVAL OF THE PROPOSED BUDGET INCREASE FOR THE WATER TANK

Ms. Leona Vigil advised the Council that based on the needs of the water tank, painting and repair will be needed, we had originally set \$40,000 in the budget for this purpose, however, after receiving word from Molzen-Corbin, the new estimated cost for this project will be around \$70,000 which is the minimum, this would require a \$30,000 budget increase, plus the \$6,000 for the analyzation. Mayor Cordova advised the Council that the tank would be painted and the catwalk itself would be replaced and made safe. Councilor Gallegos stated that this was budgeted already, we want to make this a landmark for the City, however, after this has been looked into, the tank needs more work. Roseann Peralta said the money for this would come from a fund entitled wells, and storage tank service, this was collected for the replacement of Well 5 before we got the grant replacement, however, the money could be used in the arsenic issue we are currently faced with. Councilor Carter said he went along with this project in the beginning, but cannot see spending this kind of money in something that has not been maintained in 30 years, and would hate to put this money into something that may have to be demolished in the future, it is not a useful structure that is beneficial to the City. I would support a community effort for this, some people could get together and start a group that could help raise money to fund the paint job, but I do not see using additional tax payer funds for this. Mayor Cordova stated that a study was done about 2 month ago and that study concluded that the tank is stable and only needs a few repairs. Councilor Aragon stated that she loves the tank, and wants to save the tank itself, maybe we could use a grant or even a community effort to get this done, maybe the community can raise the needed \$36,000 to paint the tank, maybe we should wait and get the community to support this. Mayor Cordova stated that this was done in the past, but no one was interested at the time. Councilor Gallegos stated that this may be one of those things, in which people may question why we are spending so much money on this, just as the questions that came with the video wall, this too may be questioned and perception could come off wrong, we may be doing it right but they may not agree, I like the idea of getting the community behind this. Councilor Ortega advised that maybe we can send this out to bid via RFP, then we can phase out the process and pay as things are done, budgeting in the future for the project, the tower needs to be safe and is deteriorating, action must be taken but maybe we can do it in steps so that we can control the cost and funding for this, lets concentrate on the \$34,000 that we have and use this to move forward. Steve Ethridge advised that Council that he would like to see the report that was made on the tank, he would like to look at this and see what he can do with it, maybe even to provide some kind of lighting solution for this also.

*The Council took **No Action** on this item.*

DISCUSSION

A) SOLID WASTE ORDINANCE AMENDMENTS

Brian McBain presented the Council with the amendments that have been made to the solid waste ordinance. Mayor Cordova explained some of the changes and the reasoning behind those changes, he wanted to make sure that this reflected the new contractor coming in as well as the changes that have taken place with the County. Councilor Ortega had some concerns about the County letting the MOU expire and not signing another one with us. Ms. Leona Vigil stated that once the County signed a contractor, the MOU automatically terminated as agreed upon by them, County residents can also use our services until the end of November, and Rio Communities has been contacted to also provide service if desired. Councilor Gallegos stated that we cannot force them, we all should be concerned with illegal dumping but hopefully the County can come up with a solution to ensure that

service continues to all residents, however, we must protect our citizens first. Councilor Ortega wants to ensure that we have some sort of enforcement to ensure illegal dumping is not happening. Councilor Carter advised that 67% of the usage at the convenience center was County residents. Mayor Cordova advised that the County will still have the chance to use this in the future through agreements with the City and by resolution. Mayor Cordova also stated that in the amendments, if a service is not provided by the City solid waste contractor, another business can come in and provide the service. Ms. Leona Vigil stated that we need to add a portion that specifically states that having trash service is mandatory, and to also specify the forcing of two trash bills/bins on a property with extra housing, these two issues must be addressed.

B) WILLIE CHAVEZ PARK ANNEXATION UPDATE

Brian McBain advised of the options that the Council could take in order to get this property annexed. Renee Barela-Gutierrez advised the Council that the most efficient method to annexation is if the owners would petition the City, however, in the end the final decision is the Councils. Ms. Leona Vigil advised that Mr. Tomita has reached out to MRGCD, and they currently are not interested in petitioning for this annexation but would not be against it. Mayor Cordova advised the staff to write a letter to the MRGCD Board specifying that if they would petition for this annexation, the City would then continue with the process, which would be beneficial to both parties. Councilor Ortega asked the City Manager where the funding for this park was going to come from, Ms. Leona Vigil advised that currently there is no budget for this park. Mr. Steve Ethridge advised that maybe we can start some kind of non-profit that would support this park and maybe even do some volunteer work. Councilor Gallegos stated that we must make a plan for this, especially once we annex this property, we will need to ensure we can take care of this and find the budget to do so.

CITY MANAGER'S REPORT

Leona Vigil: First wanted to thank the Council and the Staff for protecting the citizens of Belen this past weekend, everyone organized well and stayed calm in order to ensure the City was taken care of. The Belen High School Homecoming Parade will take place on Wednesday, the parade route is from South Main and head up to the High School via Adams and Church St., the start time is at 6 pm. The City offices will be closed on Monday, 10/9/2017 for Columbus Day. Want to recognize our department heads for doing their fundraising, Brian has set up several departments to do fundraising in order to ensure we can have an Employee Appreciation Event, this is done because we cannot use tax payer money for this. John Best did an assessment of all of our ponding sites, he has reported that the sites are structurally sound can could see no serious or apparent damage. We will have a meeting with Red Cross tomorrow at 9:30 am to determine needs for the citizens. The house on 713 Sanchez Dr. has been torn down. Roseann has created a line item for VA Memorial donations, which we will take for brick selling. We met with Georgia, we are working together for economic development process, trying to get a task force created with Socorro. Brian and I have reviewed the Sewer Ordinance and made the required changes, the attorney will also review them and they will be presented via Public Hearing on 10/16/2017.

COMMUNICATIONS FROM THE CITY COUNCIL

Councilor Ortega: We had some rough storms this weekend, but I think the response to all of the emergencies were great, Councilor Gallegos really helped out inn contacting us and getting the ball rolling when the rains started on Friday, crews dis great, the emergency declaration was on time, as we worked toward the positive, we are not lucky, we did the needed job. We contacted the school to ensure that if we needed to shelter we had a place, plus they needed to be pumped. RSVP did a great health fair, it was very positive for the seniors, it turned out really nice, the only main issue was the parking. I want to thank Roseann and Leona for taking care of the finances during the emergency, without that we would not be able to handle any emergencies. I cannot thank the crews enough also, Tommy and all his crew did a great job. Thank you to all the City employees, we thank you all for your hard work.

Councilor Carter: Had a meeting on 9/21/2017 for Economic Development, we had some good discussion making some very positive things happening in the City, great information from City and Belen Schools, we are working on getting this information to the residents of Belen. Went to Genesis on 9/29/17, had a meeting about emergencies and planning. Rio Abajo was a great event, did not stay for the storm but I instead worked at the health fair. Just a reminder it is homecoming week at Belen High School.

Councilor Gallegos: On the 22nd we had an event with RSVP and Valencia County, we served the seniors and spent some time with them. On the 28th RSVP had the health fair, it was a great event, they had a lot of vendors. On the 30th the Rio Abajo days went well, we had some concerns with the weather and they were notified of what was coming, but decided to continue anyway, we did monitor radar for them. The official monsoon season has ended but we are still in store for more weather, we must be mindful of this for the next week. The mitigation efforts for the City have been good, we still must continue our emergency management, we could do better on preparedness, but we are working towards that, we need to focus on what could happen. We are grateful to our finances, that we have this money to put towards emergency situations.

Councilor Aragon: Had my Belen Economic Development Meeting and Main Street Meeting, went to Rio Abajo which was great. I do want to make sure and thank the City for taking care of things during the flood emergency. I had a guy call and tell me that the piles at Travertine are very high, so maybe we can reach out to them and see if they can do something to lower these piles, this is not a violation because it is zoned for this, but maybe we can try.

Mayor Cordova: First, I was parked on Aragon West of Mesa and I have never seen the water flowing like a river down that road, we need to get this resolved, this was horrendous to see. Over on Acoma and Laguna, residents were bailing out their yards with buckets, so we have some work to do as a City, and I want us to keep an eye on this, in the next Legislative session, we need to pound on those doors and see if we can get more funding for this purpose. The Rio Abajo days was great, music was nice and there were many vendors. We need to do a good job in promoting the best of the City, we are getting better at social media and we are doing better at getting the information out there, the public was very appreciative of the updates that we shared during the storm. The public is also happy with the business development updates, things are getting better with our social media efforts. I also did a couple of interviews last week with Channel 13, one on business development in the City and the other concerning the flood control, I am a big fan of the media and I think it is great to get our name out there. We also utilized a drone to survey our dams and ponds, they reached out to us and offered the service for free, which was a great service, and I thank them.

EXECUTIVE SESSION

APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF PENDING/THREATENING 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 8:25 pm****

Mayor Cordova asked for a motion. Councilor Aragon made a motion to re-enter into Open Session. 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

****The Council returned to Open Session at 8:41 pm****

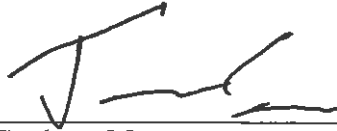
Mayor Cordova asked for a motion to advise that the matters discussed in the closed meeting were limited only to those specified in the motion for closure, and no actions were taken. Councilor Aragon made the motion. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

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

ADJOURNMENT:

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



Leona Vigil, CMC, City Manager