

**CITY COUNCIL REGULAR MEETING**

**December 4, 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 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 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

**APPROVAL OF MINUTES**

Mayor Cordova asked for a motion to approve the minutes dated November 20, 2017 as presented. Councilor Gallegos made a motion. Mayor Cordova asked for a second. Councilor Aragon seconded the motion.

Roll Call Vote:

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

**PUBIC COMMENTS**

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

John Zollan: Mr. Mayor and Council Members, I am the Commander of the local American Legion Post 81 here in Belen, and we are outgrowing our space, looking to move, we are now looking at Becker Street which previously was Becker Street Bar and Grill. Unfortunately it has been rezoned residential and of course we have a liquor license so that would be out. I have been informed that we can get a conditional use permit, but I have also been told that it would probably only be for 5 years or 10 years, which is completely unacceptable to use because this administration I have no problem with, down the road, someone may not like the idea of a bar there or even a service organization there and not renew it, and of

course we are looking at a 30 year mortgage. Unless, we can get some sort of approval before I go into building inspections or appraisals, the possibility of getting a conditional use permit for the time that we are occupying the building, not sure if this is possible or not, so I am here to look for guidance from you and the Council members. Mayor Cordova asked if Mr. Zollan has spoken with Steve Tomita yet. Mr. Zollan advised that he has spoken with him and Mr. Tomita said that we may only get 10 years. Steve Tomita advised that the property is zoned RC, and under that zoning you are only allowed beer and wine with a restaurant, does not allow full alcohol licensing, so the best approach is conditional use, there is no real time constraint under this permit, the Planning and Zoning Commission can grant it the length of the time that they are there, for them only, which can be monitored over time, the Commission would need to decide this. Mayor Cordova advised that Mr. Zollan would need to submit a conditional use application through the planning and zoning department. Mr. Zollan advised that he just wanted to ensure that the possibility of getting this permit was good for as long as they occupied the building.

Charles Montoya with AC Disposal: An update on how we think the transition is going, the routes for residential are going well, there have been some carts that were not delivered but they are few and we are taking care of this as expected. The commercial routes did have a hiccup, which we got fixed and taken care of, back to normal operations, we are working with the city and taking calls to get everything corrected. Within the next couple of weeks, the city should have a better idea of what is happening and what needs to be corrected. The transfer station is being run by us, there is a transfer trailer there now, and we put up some safety signs and barricades for safety issues out there. We had four city truck, four county trucks and ten city residents, and on Saturday we had 18 residents use the facility. We thank you for this opportunity and for allowing us to show that a local company can be successful, Waste Management is currently helping with the transition of the routes and continue to work with us.

HJ Michael: I did not get a chance for notes but I am not a Belen resident but instead a county resident, living just outside of Belen. I would like to express my hope that the Belen Council would allow AC Disposal to accept county residents so that we could legally dispose of our refuse, that has not been jammed down our throats by a group of people who did not want to listen to a single thing the county residents had to say, and I pray that our Belen people will at least listen to some of the county and give us a helping hand. Thank you.

James Beasley: I am a resident of Los Chavez, I do appreciate Belen in taking the steps forward to see if we can't get something for the county residents to use for waste disposal. Very proud to have had what we have right now and would like to see that continued, I have spoken with neighbors in Los Chavez and many of the neighbors support this, we are going to ask the AG to look into this contract that the county signed, there is a conflict of interest, the vote was irresponsible, and with a conflict of interest 2-2 vote, one of the commissioners should have recused themselves, and this would not have been done and should have been settled by the manager, very happy with AC. I am not going to pay some out of state people to pick up my trash period. We will take up a neighborhood collection once a week and if you guys give us a place, we will dump there, I hope you guys do understand the bind this has put us in, to see the county put up a monopoly without listening to any residents.

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

## **DISCUSSION WITH POSSIBLE ACTION**

### **APPROVAL/DISAPPROVAL OF A REQUEST FOR ANNEXATION BY JERRY ROGERS FOR THE PROPERTY LOCATED AT THE JUNCTION OF SOUTH MAIN STREET AND HIGHWAY 116.**

Mr. Steve Tomita, Economic Development Director, presented the information to the Council, based on the last meeting in which a public hearing did take place, the ordinance itself would allow for annexation and then zone the property C-1.

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

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

**APPROVAL/DISAPPROVAL OF THE NOTICE OF AWARD FOR THE VIVIAN FIELDS PROJECT CONTRACT.**

Mr. John Pate from Molzen-Corbin presented the bid information concerning the RFP for Vivian Fields, this will be used for the concession stands, and out of 7 total bids, CC Construction was the apparent lowest bidder. Mr. Pate advised that the alternate option was for some of the anti-vandal designs, if the Council decides. Mr. Pate cautioned that given the soil studies that are needed in the area, to ensure solid construction, as well as the engineering design, the final amount will go above what is appropriated for this project, but he cannot advise a total cost estimate as of today, however, \$490,000 to \$500,000 is a safe estimate. Councilor Gallegos stated that we need to ensure the cost is lowered to ensure we do not go over budget with change orders, maybe find ways to save some money on the building itself. Mr. Pate advised that he re-looked at this building to ensure cost savings but there is not much to save, if changes are made, it could compromise the security of the building itself. Councilor Gallegos stated that we will then need to stay really close with the budget then, if change is not possible. Mr. Pate advised that he would like to start the project before the ground breaking that is scheduled on 1/23/2018 at 2:30 pm, if they could get demolition started before the end of December, we will be on a good schedule. Councilor Gallegos stated that we must come up with a plan to ensure that in case this is not completed before the start of the season, we want to keep things positive, but we do not want to rush the entire process. Mr. Pate advised that we are in contact with the Little League to ensure a smooth process. Councilor Carter advised that we have \$415,000 outlay so we need to come up with around \$6,000 from another source. Mr. Pate advised that the engineering can be adjusted to ensure we are within budget, alternate cost is around \$440,000 which includes the GRT.

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

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

Chris Chavez stated: Wanted to thank the Council for this opportunity, one item that may take a bit longer is the PNM pole that needs to be abandoned before the demolition can take place, and I will contact the City to ensure the gets done on time. The power and transformer is connected overhead and owned by the City, a decision will need to be made to see if the lights need to come down and put new lights in place, given that the poles belong to PNM.

**APPROVAL/DISAPPROVAL OF A RESOLUTION TO ALLOW ALL RESIDENTS OF VALENCIA COUNTY TO UTILIZE THE CITY OF BELEN'S CONVENIENCE CENTER FOR TRASH DISPOSAL.**

Councilor Carter presented this resolution, stating that he had concern when the contract for AC Disposal was approved, about cutting out the county residents given the circumstances the county has mandated. Last Thursday or Friday, I spoke to some residents at Peterbuilt park, they were concerned because their poly carts were picked up, Ms. Leona Vigil, worked with Waste Management to ensure that the carts were sent back out there, we scrambled to ensure trash would be dumped correctly and not in the mesa, we determined that we needed to do something for our residents, this is all our tax base, Valencia County residents shop in our City and pay GRT, we need to help them also. Brian McBain put this flowery resolution together, it talked about keeping it the area clean, but I want to say that this is more about doing the right thing, there is such a thing as doing things right and there is such a thing as doing the right thing, and that is what this real nice resolution is for. I want to ensure this gets done, and I want it to last, I dare the county to send us a cease and desist letter. Councilor Carter advised that we should just focus on trash service and leave the recycling as is, considering that this is a free service anyway.

Mayor Cordova advised that the bottom line is we would be authorizing all residents of Valencia County to use our convenience center located at 135 Calle de Baca, at the current adopted rate at \$5 per dump pass, and after further consideration, we would also allow the county residents to use our recycling center.

Councilor Gallegos gave the history of why the convenience center was developed, and why we entered into an agreement with the county to help all residents, this agreement expired however, after the county signed their current contract with their chosen provider. We now will ensure we do not exceed our allowed collection of waste, which we will not continue

to monitor, the revenues made from the passes will go to the service itself. He also wanted to make sure that the recycling services are offered also, just to ensure we inform all residents. Councilor Gallegos would also like to look into electronics that may be available to ensure we are tracking these passes and convenience center use.

Councilor Aragon stated that she liked the flowery wording of the resolution but wondered who would be staffing the convenience center.

Ms. Leona Vigil advised that we will still be funding the center but AC Disposal will be sending their staff to take care of the area itself. Ms. Vigil also advised that our ordinance itself advises that this can only be used for citizens, however, via resolution, the governing body can pass the resolution to allow other residents in the areas to use this center. Ms. Lina Benavidez has contacted me, stating that she has gotten overwhelmed with complaint calls and would appreciate help from the City, allowing the southern residents of Valencia County to use this center. Currently, given the changes, we would hold off on changing any locations or processes and continue to use operations as before, until the new changes have taken place.

Councilor Ortega stated that an ounce of prevention is worth a pound of cure, allowing all county residents to use this will help ensure that illegal dumping is not taking place, making this convenient for everyone, we must give everyone a place to dump, and we will pay now or later. Councilor Ortega also advised that the best way is to buy more than one pass, so that you have enough to use on the days they may not be sold.

Some unidentified county residents in attendance of the meeting spoke out, saying they want this passed because of what the county had done to them, concerned at the counties unresponsiveness to the road and dead animals, also asking that we let them pay at the convenience center itself, instead of having to buy the passes at City Hall.

Commissioner David Hyder of Valencia County District 3 stated that he will look into the dead animal issue making calls to get this taken care of, he also stated that this resolution is needed, the Valencia County Commission completely bombed on what they were trying to accomplish, this will now allow residents that are effected the opportunity to dump their trash instead of using Universal, while I do not want to use this company, if passed, I can now use this, and he encourages this be passed which he can then take to the Commission if needed.

Charles Montoya of AC Disposal advised that he has many ideas for this center, from taking payment to better operations, he has many plans for the future and will work with the City Manager to ensure this continues moving forward with options. We would like cameras at the convenience center eventually, plus allow for recycling to just take place out there. He would also like to see the citizens using more tarps to cover the loads they are taking, ensuring that this gets enforced in the future.

Ms. Leona Vigil and Mayor Cordova were concerned that this resolution would go against the county's contract with Universal, however, Commissioner Hyder advised that based on what he has seen, and this will not be the case and should not create any conflict based on the fact that this is all voluntary with no restrictions on sites to use as a convenience center.

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

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

***\*Resolution Number 2017-29\****

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

Brian McBain presented that the resolution and appendix, which has been redone to ensure clarity and unity. Once passed this will be the master copy that will be posted on the web and turned into Muni Code for publishing, as well as updated from this point forward, which can be changed at any time per Council consideration.

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

***\*Resolution Number 2017-30\****

**APPROVAL/DISAPPROVAL OF THE JAZZERCISE LEASE IN THE BELEN RECREATION CENTER.**

Brian McBain presented this lease as written, which has been drafted based on the current rate which we have on other leases within the City. Ms. Brenda Gurule, Recreation Director, was approached by Jazzercise, they wanted to move from their current location and sign this agreement with the City. Mayor Cordova advised that more information is needed, because while the Council wants to grow and support businesses, they also do not want to take away from other businesses and building. Councilor Gallegos wanted to ensure that we are not losing businesses because of high rent in the areas, therefore, as long as the City is being fair with all, we should consider this into the future. Councilor Ortega advised that maybe the Council should table this to gather more information on what the situation is for this move, the price for the space & use details and ensure that we are not in violation of any laws.

Mayor Cordova asked for a motion. Councilor Ortega made a motion to table this and gather more information. 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

**CITY MANAGER'S REPORT**

Ms. Leona Vigil stated: I met with Charles last week to make sure we worked out any bugs in the transition, we are e-mailing him at the end of the day and they are being taken care of within 24 hours, and I am really happy with this smooth transition, I asked Charles to be patient with us while we transition, before we start with changes. Deborah and I turned in the annual CIP to the FAA so the deadline was met. I met with a couple of constituents on complaints they have and we are investigating those. The solid waste contract with AC Disposal has been finalized. I had mediation in District Court on a seven year old case, and it has been concluded. Legislative dinner on November 30<sup>th</sup> went in a positive direction. Business Center phase 2 in going, the Mayor, Councilor Gallegos and I discussed this and we want to move with operations of this center, we also created a set of rules and regulations for people that use this, we also thought it would be a good idea for some RSVP volunteers to work the reception desk, so that receptionist works for the entire building. We are having supervisor training today and tomorrow, it is being well accepted and engagement is taking place in the training itself. On December 7<sup>th</sup> at 6:30 pm, there is a neighborhood watch meeting at the community center. Fire Station ground breaking will take place at 2:30 pm on 12/19/17.

Councilor Carter advised that we did the sidewalks in front of the Middle School and they originally had concrete all the way up to the fence, which has now been removed, and now the schools are getting all muddy inside, so we are looking at gravel to put in there, but this is City property. Ms. Vigil advised that we will look into this, however, this is City property and we can do what we need to in the area, if the school purchase the gravel, we can then spread it if needed. Councilor Ortega advised that we could use chippings from the chipper, and Councilor Gallegos said that millings are available if needed. Councilor Carter advised that he would like Tina and Tommy to meet and work this out, Ms. Vigil stated that if we do for one, we will need to do this for all others also.

**COMMUNICATIONS FROM THE CITY COUNCIL**

Councilor Aragon stated: Did our volunteer at the Harvey House last Tuesday, we had around 50 people, so not too good but not too bad also, people are really excited with this, and they do need some visitor's guides in there, they are out and Clara can provide these. We had our Main Street meeting last week, as well as our Great Blocks Grant Meeting, a lite dinner was provided, had quite a few people, Pete's Café was here, they were very interested in this information. We also had our legislative dinner, it was great and I had no water Friday. This started Friday afternoon, and if finally came back on into the early morning of the next day, Saturday had brown water but is cleaning up, lots of people effected with it, still drinking bottled water until it clears up.

Councilor Gallegos stated: Discussed Phase 2 of Business Center, Happy Thanksgiving to everyone, Miracle on Main Street was great, parade went well. The 30<sup>th</sup> we had a meeting with DOT that was hosted by Belen and Rio Communities with issues with the State, still working on the manhole adjustments, I also asked about millings for the roads and all we need to do is apply for them and they tell us where to get them, which we should have a stock pile of them, which we can use at the parks if needed. Other issues came out of this meeting, the houses on Aragon and what we are working with, we are going to have a meeting with the State to try and get out of being a bad boy city, trying to work on all this, we are on a good path now, they are on track with us and I told them we will call politicians if needed, however they said this was not necessary. New MAP money is out and we have used it, so we are moving along with that. We had a fire station review which is now good to go. Our Legislative dinner went fine, we also pitched the Veteran's Memorial, and Councilor Ortega did a good job and I think they took some bites on that, so hopefully the money comes in to work on that. Eagle football, it was great, the game was a lot better than the score, there was a lot of people from Belen to support, would like to honor the Eagles with something. I also want to make sure that everything is done on the Airport and ensure that things are getting done, if a workshop is needed then let proceed with that, but if it is under control then that is great.

Councilor Carter stated: Dinner with the politicians, which is the way I like to spend my free evenings. I did judge a spelling bee at Rio Grande, which was very interesting. We provided the buses for the Rail Runner to attend the Bugg Lights, everything went very smooth with that.

Councilor Ortega stated: I want to give a shout out to the District Champions Belen Eagles, 12-0 is a great record I think, and I contacted Leona so that we can get a proclamation done for them. The food at Pete's was great for the legislative dinner. I wanted to say a personal thank you to everyone for the card that was sent to me in the mail, I was touched by this. I must give a shout out to my friend, Wayne Gallegos, he has been there for me and got me ready for everything, these knee replacements are tough and I appreciate everything, My family and I thank you Wayne for preparing me for things that could have been a lot worse, and Leona please thank your staff for the card.

Mayor Cordova stated: Miracle on Main Street was awesome, they did a really good job, and there was around 1700 people to see the Bugg Lights. With Councilor Aragon, I attended the grant workshop that we had here at City Hall, related to the Great Blocks Grant which will do some restructuring of First Street, right by Pete's Café. Main Street presented a lot of good information on projects that we can do around town, not just related to the grant, a reminder of what can be done to improve the landscapes. I had a meeting with Molzen-Corbin and Councilor Gallegos on the fire Station, talking about some different issues to get it going, and we are ready to move. We had the Legislative dinner, pitching our projects, and it sounds like there should be some money this year, revenues are recovering, so we are looking for at least a good project out of that. Meeting on business center, sidewalks and Go Bond projects that all went well. The championship game, it was a long drive to Artesia, and I am not impressed with that town but they certainly support their football team with a beautiful stadium, it was a good game, the season was great and it was exciting to see all the support that the Eagles had down there. A big thank you to the Police and Fire department for helping to send off the Eagles to that game.

## EXECUTIVE SESSION

### **APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF THE PURCHASE, ACQUISITION, OR DISPOSAL OF REAL PROPERTY AS ALLOWED PER THE OPEN MEETINGS ACT 10-15-1 (H-8)**

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to enter into Executive Session. 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

***\*The Council entered into Closed Session at 7:33 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 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

***\*The Council returned to Open Session at 8:06 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 Carter made the 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

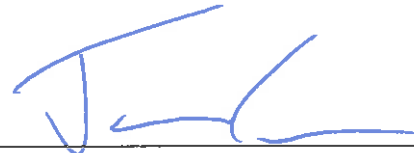
**ADJOURNMENT:**

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



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Brian McBain, Deputy City Clerk



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Jerah Cordova, Mayor