

BELEN CITY COUNCIL REGULAR MEETING

October 15, 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 Leona Vigil, City Manager.

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: Not Present

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 moved item 7a to before public comment to accommodate the children in the room and he also requested that we flip 9a and b on the agenda, asking for a motion to approve the agenda as amended. Councilor Gallegos made a 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

APPROVAL OF MINUTES

Mayor Cordova asked for a motion to approve the minutes dated October 1, 2018 as presented. Councilor Ortega 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	
Councilor David Carter	Yes	Motion Carried

PRESENTATIONS

A) FIRE DEPARTMENT POSTER CONTEST WINNERS

Chief Manny Garcia presented the winners of the poster contest for fire prevention week, Ms. Lovato's class from Rio Grande Elementary presented their poster, and Ms. Rodriguez's class from H. T. Jaramillo school were presented to the Council for recognition.

Councilor Ortega introduced student Ramon Vallejos to the audience, thanking him for his reminder about why the Council proceeded with adopting the official flag of Belen, and also for his work in presenting this information to his class.

PUBIC COMMENTS

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

Mr. Joe Trujillo: asked the Council and audience how many of the people live and shop in Belen, I was glad to see Frank's great nephew, went to a soccer game for his grandkids, we used to have great fields, Saturday was a disgrace to see the kids play, there was two fields with the kid, the fields have stickers on them, we want to improve other things but we should improve on the fields that we have here, they are going to waste, if there is anything that can be done, please do it, we have kids playing in terrible conditions.

Mr. Gerald B. Espinoza: I am a member of the community for 18 years, working for the Belen Police Department also for 18 years, and I have always said I want to make an impact and change in the community, a better place for people to live, my kids grew up here and graduated, my wife works here, I spend my money in the City. Chief Conner came to us in 2016, he has done all he can to make this department better, lots of changes for the better took place, I am disappointed, disheartened and upset with this management, from the Mayor to City Council to the City Manager, what has transpired here recently I am appalled, I am not a man of a lot of words, but I believe in what I say, I am upset of how things were handled and done, as a voter and employee, I hold everyone here accountable for this, I am disgusted.

Chief Scott Conner: wanted to take a couple of minutes and say that he got an e-mail Friday with the agenda, and he saw the Executive Session with his name on it, with the action item afterwards, I would just like to say that I do not know if I will be invited to the Executive Session or not, but you do not have to be in public service long to put number 11 and 12 together to see what could possibly happen. I read the news story about how I supposedly gave out \$5,000 of City time, which is false, I only gave out 40-50 hours, let some cadets go home early after running, then yes I did to the tune of \$800 to \$1,000, did I let some people go home early a few times, yes, did I drive my City unit to UNM to pursue a Master's Degree in Public Administration, yes, my contract is clear in terms of use of this vehicle, I won't go in this now, I can go to trainings and class that advances my professional development, and if attending Master's degree classes at the University of New Mexico, specifically in public administration, does not meet that purpose I do not know what does. I want to say that I hope you all focus on the positive changes that have happened in the police department, as you know I have taken a job elsewhere and I am moving on, of course the police department as evident by Sgt. Espinoza and others, is in a little bit of a tail spin right now and I hope for the good of the community, and for the good of the agency you would allow me to continue working until December 21st so that we can have a smooth transition going into the new police department administration.

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

PRESENTATIONS

B) PROCLAMATION FOR CATHOLIC DAUGHTERS OF AMERICA DAY

Mayor Cordova read this proclamation into the record, declaring October 21, 2018 as "Catholic Daughters of America Day", in the City of Belen.

C) PUBLIC WORKS DEPARTMENT UPDATE

Mr. Ralph Jaramillo presented his department update, advising the updates on projects for the Council.

D) FY2019 1ST QUARTER REPORT

Ms. Roseann Peralta presented and detailed the FY19 1st quarter report to the Council, advising expenditures and revenues, Ms. Peralta advised that she will be slowing general fund expenses because there are payouts that will need to be funded for employees that will be retiring soon, which was not previously budgeted for, this will also help with those that sell back a week of their annual time for the holidays.

DISCUSSION WITH POSSIBLE ACTION

APPROVAL/DISAPPROVAL OF A RESOLUTION FOR THE INTENT TO MOVE FORWARD WITH THE MAGISTRATE COURT PROJECT

Judge John Chavez advised that he was pleased to be here tonight, and thankful for all the hard work that was put into this idea, he then introduced the NM Chief Justice Judith Nakamura. Chief Justice Nakamura thanked the Mayor and

Councilors for the opportunity to speak tonight, advising that this is a very important judiciary and city partnership to build this new courthouse for the citizens of Belen, upon approval of this resolution, it would launch the process into motion on the construction phase as well as the lease negotiation phase, this would be the city land, we would then negotiate the lease so that the court is paying the cost of construction, then after 30 years we would then renegotiate the lease terms, we hope that this launches a long term relationship with the judiciary and the city bringing justice for many years to come for the citizens, we have many administrators involved and I thank them for their presence, this courthouse is a need for Belen and its citizens with the growing caseloads and the need for safety, if the resolution is passed tonight, we would enter lease negotiations immediately, put out on RFP for construction in December, ask that the City apply for the loan in April, get approval in May from NMFA, and complete the project by June 2020. Councilor Gallegos asked for clarification on what the details of this resolution meant for the City and Council. Mr. Daniel Allsup advised that this resolution declares the intent of the City Council to move forward with the project which is non-binding, this would authorize the publication of a notice of intent for ordinance, and it authorizes the submittal of an application to the finance authority for this construction loan. Councilor Ortega was concerned with who would pay the loan back after the money was released. Mr. Allsup advised that this would be similar to the GRT bonds the City has seen in the past, it is a special fund obligation, the City is pledging revenues received from AOC pursuant to the lease agreement itself, none of the city's other funds would be obligated or pledged as payment for this loan, the court would then pay for this loan payment through the lease payment itself, money would go from AOC, to city then to loan provider, the AOC could leave because of lack of appropriations, but the city's other funds would not be effected, the provider of the loan would be responsible for this. Ms. Leona Vigil asked if the city would need to have a reserve amount for this loan. Mr. Allsup advised that the city would not need a reserve, it is likely that the provider of the loan would require a reserve fund, but this would be funded with the proceeds of the loan itself for the standard amount, which is 10% of the principle, and no city funds would be effected. Mr. John Archuleta advised that the information Mr. Allsup provided a great overview of the loan and confirmed what was said, the city would not be responsible for the loan itself, this does not commit revenue streams, only committing the lease payments itself. Councilor Carter advised that we are committing our property, so would we need to fight to retain this ownership should the courts vacate the building. Mr. Archuleta advised that the finance authority could only come after the lease payments and nothing else, the city would retain ownership of the building, and there would also be money set aside through escrow to maintain the building which would be made part of the lease agreement.

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 2018-27****

APPROVAL/DISAPPROVAL OF THE AMENDMENTS TO THE BELEN MAINSTREET PUBLIC SERVICE AGREEMENT

Mayor Cordova presented this, advising that the budget needed to be adjusted because the city cannot pay a nonprofit for salaries, this is the detail of the changes before the Council tonight. (Ms. Rhona Espinoza was not present at the meeting to present) The amounts in red are the changes, money is taken from the pay of salaries and instead are moved into the services rendered. Councilor Gallegos wished that Rhona was here tonight, and asked that maybe Councilor Torres can provide feedback on these changes. Councilor Torres advised that the Mainstreet would provide the services detailed, ensuring that there is a better record of the services and how they are funding with the presented changes. Ms. Leona Vigil advised that she was not a part of this and does not feel comfortable giving a recommendation without Rhona or Brian here to detail. Councilor Gallegos advised that this should be tabled until further presentation can be completed.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to table this item. Mayor Cordova asked for a second. Councilor Carter 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 TO TERMINATE THE BUGG LIGHT AGREEMENT BETWEEN BELEN MAINSTREET, FRIENDS OF THE HARVEY HOUSE AND THE CITY OF BELEN

Ms. Kathy Pickering presented this information to the Council, advising that the existing MOU is involved, given the changes to the practices, it no longer reflects what is happening, and therefore we are requesting that this MOU be cancelled per the details of the agreement itself, allowing us to make a new agreement, a financial agent is no longer needed by Mainstreet because the Friends of the Harvey House themselves can handle the finance on their own given their updated status, we instead will be bringing new and updated agreements to the Council for approval at a later meeting. Councilor Torres advised that we are looking at a way to preserve the Bugg Lights in another location to ensure they maintain their integrity and stability.

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
Councilor David Carter Yes Motion Carried

PUBLIC HEARING WITH POSSIBLE ACTION

APPROVAL/DISAPPROVAL OF AN ORDINANCE FOR A CORRECTIVE ZONE CHANGE CONCERNING THE DE LA REINA SUBDIVISION

Mr. Steve Tomita presented this information to the Council, advising the need for this zone change to comply with City Ordinance, ensuring that as the subdivision building continues, the zones need to be corrected to make sure that financing is available for the purchase of these homes, this process has no record of occurring in the past as required for building/approval.

Councilor Gallegos advised that it is mind boggling how we proceed with things before the zones are changed, it is early enough in the process so we are not holding anything up, but I am glad this is moving forward.

Mr. Christian Sanchez with the church in the area, we wanted to make sure this is not going to affect anything in our area. The Council advised that this would have no effect on the church property.

Mayor Cordova asked if there was any discussion from the audience.

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

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

****Ordinance 2018-06****

APPROVAL/DISAPPROVAL OF THE FINAL PLAT MAP FOR THE NEW DE LA REINA SUBDIVISION

Mr. Steve Tomita presented this information to the Council and advised the need for this final plat map approval as defined by the project specs and process in completing this important subdivision in Belen for residential homes.

Mayor Cordova asked if there was any discussion from the audience.

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

Mr. Tom Patrick advised that he is the surveyors for the project to make sure all the boundaries are correct and to also ensure that all calculations have been made in accordance with the project itself, we are happy with the results and the support of the project, we are asking for approval of this plat for final signature.

Mr. Greg Anderson, the developer of the subdivision, advised that they have completed the subdivision design bringing this up to modern day compliance, this especially deals with drainage and utilities, we will start grading the roads and paving this a week from Friday, we will also be rebuilding the ponding in the area to address the drainage.

Mike Moreno asked if this would be a gated community on an HOA, if so, would they be responsible for certain costs so this is not on the city itself. Mr. Greg Anderson advised that Westway Homes out of Albuquerque are building the homes, there will be storage units on site part of an HOA, every lot owner will have access to one storage unit, which will help provide a sound barrier from I-25, a small park will also be added, there will also be a crash gate needed for emergency access, which will need to be covered by HOA fees to the lot owners for upkeep. Mr. Tomita advised that everything has been designed to all city standards. Mr. Moreno asked if the public can use the park. Mr. Tomita advised that the HOA controls the park as this is a private residential park, the city does not own the park and the HOA can be limited in usage based on their own needs.

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

CITY MANAGER'S REPORT

Leona Vigil stated: John and I spoke with the Airport Engineers to go over the ICIP for the Airport and we are now looking at the funding for this. Tommy, Brian and I worked on a little league agreement together, had many employee meetings this week with department updates, spoke with TCI, the contractors who put in our new meters, they will be looking for pay requests that will need to be reconciled due to ownership change, we had our Fire House grand opening on the 10th which was great, tomorrow we have mediation for blue collar, Brian is out this week at his NMML Clerk School for certification.

COMMUNICATIONS FROM THE CITY COUNCIL

Councilor Carter stated: Fire Station was great, very nice, on 10/4 meet with local economic developers which were concerned with the airport, north Belen interchange and the Heart of Belen. On 10/2 met with the Kawanis which are for the kids, they want to start the chapter in the area. Met at the food pantry to iron out details on the lease and space which is coming along good.

Councilor Gallegos stated: On the 3rd I met with the Belen Library Director, we reviewed some concerns and things ready for new meetings coming up. On the 9th I was approached by our blue collar workers who want their \$0.50 raise, which has a lot to do with the union and agreements, maybe we can get some clarification for them on this subject. On the 10th the fire station was well done, great job Manny, and the citizens should be proud of what they have done/funded, the citizens saved us on this. We met with Ms. Blackwell from the State, looking at the funding process and emergency declaration for grant money, this was very informational, we need to stay away from Reid Mae funding so that we do not jeopardize the grant itself.

Councilor Ortega stated: Thanked Councilor Gallegos for all the work with the VA Memorial Portable, they are working on painting the outside now. We did see nine street lights out at Eagle Park, which needs to be addressed, the flag light is also out and needs to be replaced. We are looking at ways to work on the baseball fields, trying to find a way to pick up all the stickers in the area, and working on this remedy, we need to vacuum capture, plows and fire will not work, now is a good time to get rid of them, we also need to treat the ground, and then replant the grass. We also need to address the dangers of the ground for the gophers and prairie dogs that are also on these fields, for seeding, maybe the schools can lend us their seeders to help. They broke into Vivian Fields again, so we need to look at options for security. We also just finished the VA Memorial RFP for Phase II, and bids are due on 11/9/18. 59 sleeves for DC Sewer, money there.

Councilor Torres stated: Great job to the Fire Department, this is a beautiful facility and I am glad that you all finally have it.

Mayor Cordova stated: Great job to Chief Manny, awesome job on the ceremony, great oversight of that construction project. A note on the Belen marsh project, we are continuing to move on that, and they are looking for great options for that property to preserve.

EXECUTIVE SESSION

APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF LIMITED PERSONNEL MATTERS CONCERNING THE BELEN POLICE CHIEF AS ALLOWED PER THE OPEN MEETINGS ACT 10-15-1 (H-2)

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

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

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 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

EXECUTIVE SESSION ACTION ITEMS

APPROVAL OR DISAPPROVAL OF ACTION BASED ON RESULTS FROM THE EXECUTIVE SESSION DISCUSSION

Mayor Cordova advised that we will be skipping this action item at this time and no further action will take place concerning the items discussed in executive session.

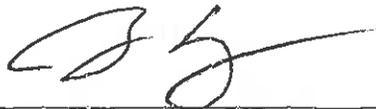
ADJOURNMENT:

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



David Carter, Mayor Pro-Tem



Brian McBain, MPA, City Clerk/Treasurer