

# CITY OF BELEN REGULAR COUNCIL MEETING

May 2, 2016

6:00 PM

**CALL TO ORDER** 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, Interim City Manager/City Clerk.

**PRESENT:** Councilor Frank Ortega  
Mayor Pro-Tem Darleen Aragon  
Mayor Jerah Cordova  
Councilor Wayne Gallegos  
Councilor David Carter

## **INTERIM**

**CITY MANAGER/** Leona Vigil, CMC

**CITY CLERK:**

**REPORTER:** Clara Garcia, VC News Bulletin

**OTHERS:** See attached sign-in sheet

## **PLEDGE OF ALLEGIANCE**

Mayor Jerah Cordova led the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Mayor Jerah Cordova asked for approval of the agenda, with one amendment. He stated that there had been a request to reverse items 8c and 8d. Councilor Wayne Gallegos motioned to approve the agenda as amended. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

## **APPROVAL OF MINUTES**

Mayor Jerah Cordova asked for an approval of the minutes dated March 30, 2016. Councilor Frank Ortega motioned to approve the minutes dated March 30, 2016. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

Mayor Jerah Cordova asked for an approval of the minutes dated April 18, 2016. Councilor Wayne Gallegos motioned to approve the minutes dated April 18, 2016. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

**PUBLIC COMMENT 3 MINUTE PRESENTATIONS:**

Mike Moreno addressed the Mayor and Council. He said he represents 5 families that live on 7<sup>th</sup> Street and Gilbert. Mr. Moreno provided a handout to the Mayor and Council for review. The neighborhood is concerned about the flooding on both of these streets. He said this has been going on for the past 2 years and the residents would like the City to take appropriate action. They would like a resolution by May 31, 2016. He asked that the city review any zoning ordinances or guidelines to ensure compliance. The Attorney General's office has been notified because of possible liability from the State DOT regarding an inappropriate/inadequate gradient slope coming off of Main Street. Mayor Cordova mentioned that he had met with DOT the previous week to review the situation. Mayor Cordova, Councilmembers and Dale Tafoya, Public Works Director are currently working towards resolving this situation. Mayor Cordova thanked him for his concern. A copy of the packet is attached hereto and made an integral part of these minutes by reference.

Adam Keck, Belen Police Department addressed the Mayor and Council. He wanted to express the confidence that the Police Department has regarding Acting Police Chief Robert Miller. Officer Keck stated that Officer Miller maintains an open line of communication, an Open Door Policy, and has displayed public involvement. He feels that Officer Miller is doing well and the Department feels that he can do the job of Police Chief. Mayor Cordova thanked Officer Keck.

**PRESENTATIONS:**

**911 Board Update: Shirley Valdez:**

Ms. Valdez addressed the Mayor and Council. Discussion was held regarding the Calls for Service Allocations. She provided an informational packet. There are several proposed changes. Ms. Valdez stated that they have outgrown their current office space and were in the process of building a new facility, they were able to secure some land, through State Legislation, The property is located adjacent of the Village of Los Lunas Administration Offices, They have applied for a loan from New Mexico Finance Authority through the Village of Los Lunas, as their fiscal agent, to secure the funding to build a new facility. They anticipate a cost increase to be forthcoming. Discussion was

held regarding the cost of services for the four major entities, and the unincorporated areas in Valencia County. Councilor Wayne Gallegos discussed the operations cost, Ms. Valdez stated that the 4 major entities costs would be increasing. However, at this point she was not sure how much this increase would be. The major entities are charged on a percentage basis, while the Town of Peralta, Rio Communities, and AMR Ambulance are charged \$8.46 per call. Councilor David Carter asked about the reasoning behind the City's costs increasing yet the unincorporated areas would remain at \$8.46 per call. Ms. Valdez referenced the existing JPA enacted in 2007, Roseann Peralta, Finance Manager requested that Ms. Valdez provide a copy of the JPA, to ensure that the city was operating under the correct JPA. Additional information will be necessary so that Ms. Peralta can make necessary budgetary allocations. Councilor Frank Ortega asked about the involvement of Living Cross Ambulance Services. Ms. Valdez stated that they are currently in litigation with Living Cross for non-payment, they are currently \$601,000.00 in arrears. He also asked if the ¼ % fire department excise tax was considered available revenue. Ms. Valdez responded no. Councilor Ortega thanked Ms. Valdez for the information. Charles Eaton, Valencia County Commissioner Chairman explained the ¼ % fire department excise tax. He stated that it was only collected in the unincorporated areas of the county, and not collected by municipalities. Mayor Cordova asked about the tracing used to calculate the billing, since Rio Communities and Los Chavez both have the same zip code as Belen. Mayor Cordova asked if dispatch was equipped to allow for text messaging. Ms. Valdez stated that they are currently working on this issue. Ms. Valdez stated that they have a state of the art GPS System and an excellent operator. He also requested that Ms. Valdez work closely with Ms. Vigil and Ms. Peralta. Ms. Valdez stated that a meeting was scheduled for Thursday May 12, 2016. Acting Police Chief Miller, Interim City Manager Leona Vigil and Finance Director Roseann Peralta will be in attendance. Mr. Miller and Ms. Vigil are voting members on this board. Ms. Valdez commented that she would like to have clear lines of communications and is available to attend meetings as needed. Ms. Valdez thanked the Mayor and Council for the opportunity of addressing them. A copy of the packet is attached hereto and made an integral part of these minutes by reference.

### **Electrical Projects Update: Steve Ethridge, APE Electric**

Dale Tafoya, Public Works Director, introduced Mr. Ethridge stating that he had requested an update on projects within the City limits. Mr. Ethridge addressed the Mayor and Council. He provided a list of all these projects. Discussion was held. Councilor Darleen Aragon questioned the cost effectiveness of LED lights, considering the price, the rebates and longevity of these lights. Councilor Frank Ortega stated that we currently have LED lights on the Aragon Bridge, we will have a starting point to calculate these factors. Councilor Wayne Gallegos commented on the Jose Gallegos Park, stating that now that this park has been upgraded, he would like the electricity be repaired/replaced or updated so that the Summer Lunch Program can be re-established in this area. Councilor David Carter stated that he would process the application for the Summer Lunch Program. Councilor Frank Ortega requested that Mr. Ethridge prepare an activity log for future reference, identifying when repairs or replacements are conducted, and to include the locations of the conduits. The issue of the lights on Christopher Road was discussed, the lights have been replaced several times. Dale Tafoya will check with DOT

to ensure that there is not an existing design flaw. Mr. Ethridge reminded the Mayor and Council that there are several lights within the City limits that are owned by PNM. Interim City Manager Leona Vigil, commented that Lisa Miller, Planning & Zoning, conducted an audit a year ago. It will be visited again. Councilor Wayne Gallegos thanked Mr. Ethridge for the report and stated that it was very important that he and Dale Tafoya get together to assure prioritizing, costs, and budget allocations. A copy of the list of project is attached hereto and made an integral part of these minutes by reference

### **Appointed Position Update: Lorenzo Carrillo, HR Manager**

Lorenzo Carrillo, Human Resources Manager addressed the Mayor and Council. He discussed the two vacant appointed positions for the Police Chief and City Manager. He provided the Mayor and Council a copy of an email that he had sent them on April 28, 2016, outlining the current interview plans. 4 candidates will be interviewed for Police Chief and 6 for the City Manager. Mr. Carrillo stated that he and Mayor Cordova had reviewed and screened the applications. He mentioned that Mayor Cordova had requested representation from the Council to sit on the interview panel. The panel will consist of the Mayor, Mr. Carrillo, Dale Tafoya and a representative from the Council. Interviews have been scheduled for Tuesday May 10, 2016 @ 8:30 AM-10:30 AM for Police Chief and 1:00 PM.-4:30 PM for City Manager. He stated that he had received two additional applications for City Manager and one for Police Chief. Because these applications had been received after the deadline they will only be considered if there are no successful candidates after the interviews have been conducted. Councilor Frank Ortega was selected to participate in the morning interviews and Councilor David Carter will be participating in the afternoon interviews. Mr. Carrillo advised Councilors Carter and Ortega that applications are available for review in the HR office.

### **DISCUSSION WITH POSSIBLE ACTION**

#### **Approval of Disapproval of the Notice of Sale General Obligation Bonds Resolution: John Archuleta**

Mr. Archuleta addressed the Mayor and Council, he briefly discussed the Resolution and additional steps regarding the sale of the General Obligation Bonds. Mr. Archuleta introduced Daniel Alsup, with the George K. Baum, Law Firm. Mr. Alsup mentioned that the Resolution presented was the first official action needed for the GO Bond sales, it will be followed by a Notice of Bond Sale which will be distributed to investment banks around the country. Investors will bid for the bonds, the bidder with the lowest interest rate will be considered the best bidder. He stated that The City of Belen currently has an A+ rating issued by Standards and Poor's. A Notice of Adoption will be generated after the June 6, 2016 Council meeting followed by a 30 day Notice of Action. They anticipate the sale will be held June 6, 2016 and the monies will be available July 20, 2016. Mr. Alsup provided a handout detailing the steps required. A copy of the handout is attached hereto and made an integral part of these minutes by reference

Mayor Jerah Cordova asked for a motion to approve the Resolution as presented. Councilor Wayne Gallegos motioned to approve the GO Bond Resolution. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

**Approval or Disapproval of the support of FRA crew size rule Resolution: FRA Representative**

Donald Gallegos, SMART TD Local Union 1687 addressed the Mayor and Council. He presented the resolution for approval. Discussion was held. Councilors Wayne Gallegos and Frank Ortega agreed with the importance of safety on the railways. Councilor David Carter agreed that safety is a major concern but stated there was not enough evidence to support the adoption of the Resolution i.e. public comment, representation from the Railroad, and the lack of expertise on the panel to arrive at a decision. He stated that he would be more comfortable if the board were given more time to review the proposed Resolution.

Mayor Jerah Cordova asked for a motion to approve or disapprove the Resolution Councilor Darleen Aragon motioned to table the resolution pending receipt of additional information. Councilor David Carter seconds the motion. Roll Call Vote:

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

**Approval or Disapproval of the Moratorium Exception Resolution: Interim City Manager Leona Vigil and Renee Barela-Gutierrez, Attorney**

Interim City Manager, Leona Vigil and Renee Barela Gutierrez addressed the Mayor and Council. The Resolution was created to amend by exception the existing moratorium enacted June 15 1982, the purpose of this resolution is to allow the water sewer extension to the Dennis Chavez Sewer line extension. The Resolution was read. Discussion was held. Councilor David Carter recommended that the resolution be amended to add the following statements, even though it is stated as a WHEREAS clause it is recommended that it also be included as a “NOW THEREFORE BE IT RESOLVED that at this time residents, businesses, non-profit organizations and other entities along the 2.7 mile sewer extension will be allowed to tie into the city’s sewer line at their own expense; Renee Barela Gutierrez will amend the language to include the recommendation by Councilor

David Carter. Mike Moreno questioned if the rates were higher for residents outside the city limits. Interim City Manager Leona Vigil assured him that the rates are higher.

Mayor Jerah Cordova asked for a motion to approve the Resolution as amended Councilor Frank Ortega motioned to approve the Resolution. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

**Approval or Disapproval of the Non Annexation Resolution: Interim City Manager Leona Vigil and Renee Barela-Gutierrez, Attorney**

Interim City Manager, Leona Vigil and Renee Barela Gutierrez addressed the Mayor and Council Ms. Vigil stated that Valencia County Commissioners recently adopted an anti-annexation resolution. Their resolution was modified to comply with the City of Belen requirements. The Resolution was read. Discussion was held. Councilor David Carter reiterated that this Resolution needed to be amended to include “NOW THEREFORE BE IT RESOLVED that at this time the sole purpose of this sewer project is to provide Dennis Chavez Elementary students, residents, businesses, non-profit organizations and other entities along the 2.7 mile sewer extension services for the health, safety and welfare of all.

Mayor Jerah Cordova asked for a motion to approve the Resolution as amended. Councilor David Carter motioned to approve the Resolution as amended. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

**Approval or Disapproval of the Community Development Department: Lorenzo Carrillo, HR Manager**

Lorenzo Carrillo Human Resources Manager addressed the Mayor and Council regarding the Community Maintenance Director position. This position would alleviate the current Public Works Director excessive work load, by moving Water and Waste Water Department into a separate category. Currently Dale Tafoya, Public Works Director supervises 28 employees. This position would move out 11 employees: 6 from streets 4 from solid waste 1 from parks. The costs of hiring in house vs new hire was discussed. Currently 2 internal applications have been submitted. There are currently 4 internal

employees who are already at the grade level required for this position, this would result in a \$3.12 salary increase. The Mayor and Council agreed that the 28 employees under the current Public Works Director is excessive. They also stated that the successful candidate must have the knowledge and ability to handle the extensive responsibilities. Councilor Wayne Gallegos mentioned that the presentation was very timely as budget hearings are scheduled for the following day. Councilor Carter suggested that the decision be tabled until the budget was reviewed to ensure that the position was affordable. Roseann Peralta, Finance Manager agreed with that recommendation.

Mayor Jerah Cordova asked for a motion to approve or disapprove the creation of this position. Councilor Darleen Aragon motioned to table the decision pending budget reviews. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

**Approval or Disapproval of the Audit Services Contract: Roseann Peralta, Finance Director**

Roseann Peralta, Finance Manager addressed the Mayor and Council. She stated that she had requested quotes for a new auditor. The current auditor had served for the past 6 years and she felt it was best to acquire services from a new auditor. Ms. Peralta recommended that the audit be awarded to Southwest Accounting Solutions. She stated that because it was “Professional Services” and under the \$60,000 threshold, RFP’s were not required. She opted for the three quotes as allowed by the Procurement Policy. She received several inquiries and 3 serious responses. Discussion was held. A copy of the proposal/quote was provided. Ms. Peralta was asked if this particular auditor was on the list of State Approved Auditors. She replied yes. Interim City Manager stated that she had reviewed the quotes with Ms. Peralta, and recommended that the contract be awarded with a contingency clause. It was determined that the audit would be awarded for a one year period. Ms. Peralta was directed to review the selection, and to award the contract with a contingency clause as discussed. A copy of the proposal/quote is attached hereto and made an integral part of these minutes by reference.

Mayor Jerah Cordova asked for a motion to approve the Award. Councilor Wayne Gallegos motioned to approve the award with a contingency clause as discussed. Councilor Frank Ortega seconds the motion. Roll Call Vote:

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

## INFORMATIONAL ITEMS

### **Interim City Manager's Report**

**Leona Vigil reported:** Budget workshops are scheduled for Wednesday May 11, 2016.

Spraying of the weeds has been delayed due to wind and rain.

She stated that she had received an email from an individual requesting a utility pole at Eagle Park. She asked if anyone had any knowledge of this request. Dale Tafoya stated that he had been unsuccessful in contacting this individual, and would try again.

She mentioned that she had met with Lorenzo Carrillo and discussed the accrued comp time. An email has been generated regarding this issue. The email states that the comp time should be used within 60 days of accrual, at this time it is being requested that the Comp Time be used by the end of the fiscal year.

She commented on the Dump Passes that were generated and mailed out to all City residents. This practice will be reviewed.

Staff has been advised that they are not to proceed with any activities that have not been approved or authorized by the Mayor and Council.

A VALEO meeting will be held on May 4, in Rio Communities.

Open Enrollment is scheduled for May 9, 2016 from 10:00 AM-4:00 PM. Signatures will be required for both obtaining and rejecting services.

A meeting regarding Vivian Fields will be conducted on Tuesday May 3, 2016. An update will be presented upon receipt.

### **Communication from City Council**

**David Carter Reported:** He attended a Rotary Club Meeting. They are working on a scholarship program and an intern summer program.

He reported that he and Councilor Ortega had visited the BNSF/Carter Park site, located on Aragon, and are working on the planning and development of this park.

**Wayne Gallegos Reported:** He attended a meeting on April 20 regarding the Valencia County Senior Program. On April 21 he attended a follow up meeting in Santa Fe. He mentioned that capital outlay funding had been restricted to emergency funding only. Valencia County did not apply for any capital outlay for the upcoming year. He spoke with Jacobo from Valencia County who stated that the Senior Center in Belen is in need



of some repairs, mainly the flooring in one of the bathrooms, it is a City owned building, and therefore we will be asked to assist in the cost of repairs.

On April 22 he met with Fire Chief Manny Garcia and Gloria Sanchez. They are coordinating the 911 Memorial activities

On April 25 he met with a citizen regarding the “junk yards” that were showing up on South Main. Most of the debris had been cleaned up. There is however, a situation, where the resident has the area fenced in, and not visible. He would like for a system to be put in place that will allow follow up on these situations.

On April 26 he and Councilor Ortega met with the group working on the Veteran Memorial plans. The group went out to the proposed site, Eagle Park. Jim Rendi, Architect is preparing to start moving on this project, with the understanding that funding will be available in July.

On April 28 he was involved in meeting with a prospective business that is planning on moving into the County. Even though they will not be situated in the City limits, we are still very interested in promoting this business. We currently have support from the State, the land owner, and the community. He commented that infrastructure is a big concern.

On 28 he met with ITC meeting conducted by Lawrence Keneshiro, the group discussed the wants and needs for their specific departments.

He also attended a Library Employees Retreat. It was well attended.

**Darlene Aragon Reported:**

She and Leona Vigil conducted a ride along, they visited the site of the proposed BNSF/Carter Park. She is concerned that this location might have issues with transients. She mentioned that transients are an issue at El Corazon De Belen Park and foresees it being a bigger issue at BNSF/Carter Park. She mentioned that Ana Becker Park is in need of re-seeding. She was pleased to see that so many families utilize Ann Becker and Eagle Park.

She participated in a Main Street Webinar followed by a Main Street meeting. They inquired about the possibility of placing instructional/directional banners on light poles highlighting attractions such as Historic District, The Harvey House, El Corazon de Belen Park, etc.

On April 28 she attended the Economic Development meeting. Elmo from New Mexico Main Street conducted a tour of the local area they visited Belen High School International Day, Harla Mays, and the Bowling Alley. He recommended that Harla Mays would have to be completely upgraded, He said the screen, the seats and the nostalgic décor would need to be stripped, either for a movie theater or a dinner theater.

He was impressed with the bowling alley. Everything is operable with one downfall, manual score keeping. He said bowlers like the electronic scoring.

**Frank Ortega Reported:**

He attended an event in Santa Fe regarding an Older Americans Proclamation signing by Governor Susanna Martinez.

He is working on the VA Memorial Park. They are trying to have a Ground Breaking around July 4<sup>th</sup>. He and Architect Jim Rendi are working out the plans. They are planning to have a section available for veteran's cremains. Plans should be available in a few weeks.

He and Jim Rendi are in the process of creating an official City of Belen Flag. He has some preliminary ideas and will provide a draft for Council approval in a few weeks. He asked if anyone was aware if a City of Belen Flag existed. He mentioned that he had never seen one. Mayor Cordova commented that there was a previous Belen Flag.

**Mayor Jerah Cordova Reported:**

Mayor Cordova reported that he had been out of the country for three weeks. He mentioned that he got married during that time.

On April 25, He stated that he had met with Interim City Manager, Leona Vigil to review the activities that had had transpired during his absence.

On April 28<sup>th</sup> he met with Lorenzo Carrillo and screened the applications. He also attended a hospital board meeting.

He thanked Mayor Pro Tem Darleen Aragon for a job well done. He also thanked the Council, Leona Vigil and all staff for doing a great job.

**EXECUTIVE SESSION**

An executive session to discuss pending and threatened litigation referencing the proposed hospital as allowed per the Open Meetings Act Section 10-15-1 (H-7) and to discuss and a police misconduct tort-claim, as allowed per the Open Meetings Act Section 10-15-1 (H-7)

Mayor Jerah Cordova asked for a motion to enter into executive session. Councilor Frank Ortega so moved. Mayor Jerah Cordova asked for a second Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

Mayor Jerah Cordova asked for a motion to re-enter into an open meeting from a closed Meeting. Councilor Wayne Gallegos so moved. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

Mayor Jerah Cordova asked for attestation that discussion was limited to discussions of pending and threatened litigation referencing the proposed hospital as allowed per the Open Meetings Act Section 10-15-1 (H-7) and to discuss and a police misconduct tort-claim, as allowed per the Open Meetings Act Section 10-15-1 (H-7) and no action was Taken. Councilor Gallegos so moved. Councilor Darleen Aragon seconds the motion. Roll Call Vote:

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

**ADJOURNMENT:**

Mayor Jerah Cordova asked for a motion to adjourn tonight's Regular City Council Meeting. Councilor David Carter motioned to adjourn. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

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

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Jerah Cordova, Mayor

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Leona Vigil, City Clerk, CMC

