

REGULAR CITY COUNCIL MEETING

December 19, 2016

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 Ortega
Mayor Pro-Tem Darleen Aragon
Mayor Jerah Cordova
Councilor Wayne Gallegos
Councilor David Carter (Via SKYPE)

CITY MANAGER: Leona Vigil

DEPUTY CITY CLERK: Absent

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 a motion to approve the agenda. Councilor Gallegos motioned to approve. Second from Councilor Aragon.

Roll Call Vote:

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

APPROVAL OF MINUTES

Mayor Jerah Cordova asked for an approval of the December 5, 2016 minutes. Councilor Gallegos motioned to approve the December 5, 2016 minutes. Mayor Jerah Cordova asked for a second. Councilor Ortega seconds the motion.

Roll Call Vote:

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

PUBLIC COMMENTS

Steve Ferguson- Requesting yet again the quiet zone in a County area. Requesting a status of the Letter of Intent that the City said they were going to send to the County. Requesting any progress to the letter sent.

Leona Vigil- advised that no contact information was left for Mr. Ferguson so that he could be included in correspondence (Mr. Ferguson's contact information given to City Manager Vigil)

Chief Connor- 2016 JAG Grant Body Worn Camera Project. Grant received for \$10,700 to buy the lapel cameras for the Police Department. Received an email that we notify council of this project during a public meeting. Brief letter provided to Council is attached hereto and made an integral part of these minutes by reference. Looking to buy 30 camera hardware.

Mayor Cordova questions the policy on when/where to use the cameras

Chief Connor- expresses that the policy is extensive and it is part of the guidelines when receiving the grant as part of the application process

Mayor Cordova asked if there were any other public comments. There were none. Mayor Cordova closed the public comment portion of the meeting.

PRESENTATION

a. Ground Diesel Contamination, NMED. Presenter: Ali Furlali presented council with maps of the area to be discussed. BNSF Fueling facility in operation for over 100 years, pretty large facility running North/South. Prior to regulations fuel has overflowed, spills and discharges, etc. History of the site is presented/discussed. Soil contamination was discovered 1991 by NM Gas. That same year BNSF submitted a phase one ground remediation plan. 1993 installed recovery trench, 1000 ft long. Ground water sample showed fairly low concentrations of the dissolved diesel components. Installed a number of monitoring wells and began recovering free product from these places. 2005 upgraded the system to include additional recovery trenches. 2007 installed the first pilot extraction/injection well. This pumps deeper ground water, creating a "depression in the ground water" to cause the free product to flow into the depression and be pulled out by a second pump, recovery mechanism to get out the old diesel. Currently operation is 4 extraction wells, that have been added to the sight, plan to put a 5th in place. Added recovery trenches over the course of time also. Couple more proposed to be installed soon. 2010 identified soil and groundwater contamination in an adjacent residential property. BNSF in conjunction with NMED went out and collected ground water and soil samples there to get a handle on the extent of contamination there. Eight monitoring wells installed at that sight, that are sampled semi-annually in addition to the wells. NMED broached with BNSF the possibility of collecting water-soil vapor samples from the property, about three years ago. At the time we didn't have any regulatory mechanism for acceptable levels, so this sampling wasn't conducted. In the years since we have created screening levels that would allow us evaluate those concentrations and resulted action if they are exceeded. Working with BNSF to conduct sampling in early 2017. BNSF does report occasional releases to us, that they manage and send reports on the actions that they take on those releases. 127 wells on site and on the adjacent property. 2010 and 2013 on the adjacent property, numerous soil samples taken. One of the monitoring wells over on the North Central part of the property does ground water contamination that exceeds State Standards, and has exceeded that since the inception of sampling there. Over 5,000 gallons of free product were recovered over the past year. Efforts continue. On some plumes free product recovery did not occur in the last six months as the rate of recovery has significantly slowed. Associated with this property are two ground water discharge permits. DPT278 for two lagoons which collect water and mixed oily water from overflow of secondary containment, they are fueling tanks, process runoff. DPT1715-related to extraction and rejection wells, when pumping is done to ground water to pull down the water table, the water that they pump out has to be discharged. Some are running through a treatment system,

others are characterized as below standard are re-injected and go through activated-carbon filters, water is put back into the aquifer as to not deplete it. BNSF has submitted renewals for both of these permits this year.

Councilor Ortega questions the effect of public water supply on the aquifer

Ali Furmali answers that she believes not, wells are fairly shallow, 40 ft below ground surface, public water supply wells are drilled very deep and screened over a great interval. This influence in these shallow aquifers should not affect the deeper wells and they are not pumped at a high rate so that radius of influence that they are pumped at should not affect the public water supply well that is of sight by a mile. Contaminants are actually lighter than water, so they stay at the top of the water table.

Councilor Ortega questions the process for decontaminating the soil

Ali Furmali answers that the residual contamination in the soil will naturally bio-grade to a certain extent over time, with the microbes that are in the sub-surface. Soil contamination will not migrate the way water will. If the water table comes up to a soil level that is contaminated it could contaminate the water.

Councilor Ortega questions testing the residents private well water

Ali Furmali answers that residents can take their water to be tested and we could explore if there is a source of funding to assist with that and we can provide a list of places for people to take the water for testing. Many residents are on public supply water and of course those are tested.

Allison Majure explains that free water testing was provided at the Valencia County fair a few months ago, provided by the NMED as a State Wide preventative measure that is provided regularly. Advertised via social media and website posting and email distribution lists. NMED does not have jurisdiction over private wells, done 10 of those throughout the State, every year that are often times scheduled within an event already scheduled within the county so that all residents are surely to be advised by that event as well of the water testing.

Councilor Gallegos informs that the City is going into new water meters and that area is included in this. Precautions?

Ali Furmali –we wouldn't expect the system to be contaminated from residual contamination, we are talking about a sealed piping system with a meter that is attached to it, it shouldn't be an issue. If there is some digging that is associated with setting the meters and they observe a diesel odor, I would encourage you to notify myself so that we can evaluate the area. NMED will continue to work with BNSF to ensure they are being pro-active, soil vapor survey on the adjacent property

Councilor Aragon request the hand out of NMED staff contact information to the citizens that came to the meeting to sign up for the notifications, Q & A, etc.

Mayor Cordova-how confident is NMED that you have found all the plumes?

Ali Furmali- there have been extensive characterization over the last 25 years and based on the number of monitoring wells, I believe we have the extent on-site characterized, historic investigations from the 90's I am less familiar with, we have been working with BNSF for a number of years, we are pretty comfortable that we have the extent characterized

Mayor Cordova- in terms of history, is there any date or documentation that shows when the contamination actually occurred and whether or not it is continuing in any way?

Ali Furmali- the legacy contamination that you see occurred probably nearly continually in the early history of the sights operations, there was no OSHA or environmental regulations that controlled the way people operated. Fuel spills were not acknowledged or even concerned with then. Now when they have a spill, we believe they are up front with this, they report us to us and they report their corrective action that they conduct in response to it. We take it on faith that they continue to be upfront with us.

Mayor Cordova- When there is a spill, now days they are legally obligated to report that to you and remediate it immediately correct?

Ali Furmali- yes there are specific guidelines to report and respond to correct and implement corrective action

Open Citizen Comment/Discussion pursuant to individual property and NMED

EXECUTIVE SESSION:

An Executive Session to discuss the ongoing hospital litigation, per the Open Meetings Act Section 10-15-1(H-7) and Land Acquisition for a LEDA project as per section 10-15-1 (H-8).

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

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

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

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

Mayor Jerah Cordova asked for attestation that discussion was limited to discussion of the ongoing hospital litigation as allowed per the Open Meetings Act Section 10-15—1 (H-7) as well as Land Acquisition for a LEDA project allowed per section 10-151 (H-8) and no action was taken. Councilor Gallegos so moved. Councilor Aragon seconds the motion. Roll Call Vote:

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

DISCUSSION WITH ACTION

a. Exchange of Assets to acquire property within the Rio Grande Industrial Park. Presenter: Steve Tomita

This item was discussed in Executive Session.

Mayor Cordova asked for a motion to approve the exchange of assets to acquire property within the Rio Grande Industrial Park in compliance with LEDA. Councilor Aragon motions to approve. Councilor Carter seconds the motion to approve.

Roll Call Vote:

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

Mayor Cordova expands that the Council approved what is part of a complete package to further induce and provide where the location, of the company previously discussed in the IRB meeting, there into the Solo Cup facility. The City of Belen does not have money to put forward into the deal, so we did identify assets which would include a mix of land and water rights to be able to further induce that project. The land and water rights will be, as it says there on the motion, will be exchanged for property that exists in the industrial park, for property that is needed by the company.

INFORMATIONAL ITEMS

a. City Manager’s Report- Construction wrapping up here at City Hall. Merry Christmas everyone.

Communications from the City Council

Councilor Carter-Follow the Star had a lot of people

Councilor Gallegos- Volunteered at the Harvey House a couple of times with the City, Martin Luther King going good a lot of people from out of state coming in, City luncheon, Follow the Star went great. Legislative meeting went ok. Workshop last Friday, everything is good. Merry Christmas to everybody.

Councilor Aragon- Pretty much same thing, Legislative meeting, Harvey house couple of times, awesome, everyone should go. Merry Christmas and Happy New Year.

Councilor Ortega- Sang: We wish you a Merry Christmas and Happy New Year.

Mayor Cordova- Legislative dinner last Thursday-put a very strong face for the City, projects completed for 2016, anticipations for 2017. Legislatures were clear, not a lot of money to come from Legislation. Acknowledged the passing of Deputy Ryan Thomas, attended the funeral on Saturday, presented a proclamation to the family.

ADJOURNMENT

Mayor Jerah Cordova asked for a motion to adjourn tonight’s Regular Council Meeting. Councilor Ortega motioned to adjourn. Councilor Aragon seconds the motion. Roll Call Vote:

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

Jerah Cordova, Mayor

Leona Vigil, City Manager

