

## REGULAR CITY COUNCIL MEETING

March 6, 2017

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

**CITY MANAGER/CLERK:** Leona Vigil

**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 reported that he was asked to remove item 7a from the agenda. With that, Mayor Cordova asked for a motion to approve tonight's agenda. Councilor Ortega made a motion to approve the agenda. Mayor Jerah Cordova asked for a second. Councilor Gallegos seconds 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 Jerah Cordova asked for an approval of the February 20, 2017 minutes. Councilor Ortega motioned to approve. Mayor Jerah Cordova asked for a second. Councilor Gallegos seconds the motion. *Roll Call Vote:*

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

### PUBLIC COMMENT

Mayor Cordova asked if there was anyone present tonight that had a public comment. There were no public comments and this portion of the meeting was closed.

### PRESENTATION

**DOORBELL CAMERA WINNER ANNOUNCEMENT:** *Chief Scott Conner*

Chief Conner presented 12 year old Montana with a doorbell camera. Montana wrote an essay nominating her family to win the free camera. Chief Conner mentioned that he received a donation to purchase two more cameras, and the Schools will be asking students to write an essay for a chance to win.

**PRESENTATION OF THE FY2016 AUDIT:** *Geoff Mamerow, Southwest Accounting Solutions*

A representative from Southwest Accounting was not present at the time for presentation. Mayor Cordova asked to postpone this item until the next meeting.

Geoff apologized for being late, he was stuck in traffic. Geoff is a Manager and Partner for Southwest Accounting Solution. He reported that the City received an unmodified opinion, which is the highest of the 4 levels that an entity can receive.

There were a couple of concerns; he will go through them after he goes over the basic financials. In relation to assets and liabilities the City is doing really well. There were some unrestricted negative balances, but with the loan coverage he is not too concerned about it, and the City does have adequate cash in hand. There is a 5.6 million in added liability for PERA, as required by state.

The City still has one of each type of findings; a material weakness, significant deficiency and a non-compliance. He wanted to note that the City resolved half of its findings for the year. The resolved issues were, internal controls, travel per diem, customer utility accounts, lease property, and accrual balances.

He then went to the findings that still exist: PERA reporting and contribution, which he stressed is a major concern, and he suggested an audit referencing PERA. Various expenses went over budget – Roseann explained it was because she didn't do the adjustments on time. DFA cash report vs cash on-hand; he reported that this is a common finding. 2014-003 anti-donation (in-kind service), the City lacked proper process policies and procedures for in-kind service. The new findings: internal controls to assess fraud weren't properly identified. The City lacked proper procedure and policies. They noted that there was not a secondary person reviewing the bank recs and journal entries. Roseann reported that another person has been hired.

**PUBLIC HEARING WITH POSSIBLE ACTION**

**APPROVAL OR DISAPPROVAL OF THE IRB ORDINANCE FOR KETER:** *Renee Gutierrez-Barela*

Renee Barela-Gutierrez, City Attorney, explained to the Council that the next step to the Keter transaction is the acceptance of the IRB ordinance. The ordinance will approve the form of the lease, the indenture and the bond purchase agreement. She stated that the forms are not in final form as of yet, but will be back prior to the bond closing, which is scheduled April of 2017. She stated that the ordinance will allow the City to move forward with the required documents; the ordinance is for approval of issuing the bonds. Councilor Carter asked for a time table. Eddie Duffy, representative for Keter, clarified that the ordinance in front of the Council is approving substantially the final forms of the agreement and what it authorizes is for the staff to negotiate and finalize the agreements on terms that are not inconsistent with the ordinance. If there are any terms inconsistent with the ordinance, it will have to come back to the Council, but if not they can proceed towards closing. The timing consists of approving the ordinance today, the City's Bond Counsel is still reviewing the documents and then final closing is scheduled for mid April. The real estate transaction will be closed by then and they will transfer the title to the city at that point. The final closing is anticipated for April 27<sup>th</sup>. He advised the Council that there is a 30 day period for objections.

Mayor Cordova opened the issue up for a Public Hearing and asked if there was anyone in the audience for or against the ordinances. There were no public comments and Mayor Cordova closed the public hearing.

Mayor Jerah Cordova asked for an approval or disapproval of the IRB Ordinance. Councilor Gallegos motioned to approve. Mayor Jerah Cordova asked for a second. Councilor Aragon seconds the motion. *Roll Call Vote:*

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

Leona asked Mayor Cordova if it was ok to present the audit at this time. The representative from Southwest Solutions showed up right after they moved on from his announcement off the agenda. Mayor Cordova agreed to let him present.

### **DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL OR DISAPPROVAL OF THE 2018 MAP APPLICATION RESOLUTION:** *John Best*  
John Best asked for approval to submit the applications for MAP and COOP. The funding is from the Department of Transportation. The City will have to pay 25% of the costs. He reported that the projects listed on the applications will include; Third Street from Reinken to Ross, drainage problems on Washington and Desoto, drainage problems on Gilbert and Camino del llano, which has erosion problem at the top.

Mayor Cordova asked for a motion. Councilor Gallegos motioned to approve the MAP application. Mayor Cordova asked for a second. Councilor Aragon seconds the motion. *Roll Call Vote:*

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

**APPROVAL OR DISAPPROVAL OF THE 2018 COOP APPLICATION RESOLUTION:** *John Best*  
Councilor Gallegos clarified that the drainage projects are for the COOP application and the roads are for the MAP application.

Mayor Cordova asked for a motion. Councilor Gallegos motioned to approve the MAP application. Mayor Cordova asked for a second. Councilor Aragon seconds the motion. *Roll Call Vote:*

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

**APPROVAL OR DISAPPROVAL OF THE HAZMAT OUT OF STATE TRAINING:** *Manny Garcia*  
Chief Manny Garcia received a call and had to leave the meeting. Councilor Gallegos motioned to table the issue. Councilor Aragon seconds the motion. *Roll Call Vote:*

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

After being removed from the table, Chief Manny Garcia reported that he received a Hazardous Material Training Grant from the State of New Mexico. He received a sub-grant agreement for a total of \$29,158.00 with a 25% match, which is \$7,200, so it's a little over \$36,000 worth of training.

He is asking for a blanket approval not only to allow the in-kind match of 25%, which will come out of his fire fund for training, but the travel and per diem as well to Pueblo Colorado. He is asking for approval of the sub-grant agreement, the in-kind expense, and overtime expenses to cover shifts. Leona advised the Council that they cannot approve the overtime. Mayor Cordova asked if overtime had to come to the Council; Leona answered no. Mayor Cordova asked if the travel had to come back. Leona answered no, because Chief Garcia already told us the location and where the funding was coming from.

Councilor Ortega motioned to approve. Mayor Cordova stated that he has a motion to approve the Homeland Security Emergency Management Sub-Lease Agreement as presented with obvious travel. Mayor Cordova asked for a second. Councilor Gallegos seconds the motion. Roll Call Vote:

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

### **APPROVAL OR DISAPPROVAL OF THE REVISED SCHOOL RESOURCE OFFICER**

#### **MEMORANDUM OF UNDERSTANDING:** *Councilor David Carter*

Councilor Carter stated that the Council has reviewed this before. He explained that what is highlighted in red has been agreed to by the Schools. There was a q on page 4 that the Schools wanted struck. Councilor Carter changed some numbering. He added indemnity so that the entities will not hold each other liable as result of the action.

Councilor Ortega recognized and welcomed Board Member Max Cordova.

Mayor Cordova asked for a motion. Councilor Ortega motioned to approve SRO contract with the strike-out section as presented by Councilor Carter. Mayor Cordova asked for a second. Councilor Gallegos seconds the motion. *Roll Call Vote:*

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

### **APPROVAL OR DISAPPROVAL OF THE THIRD QUARTER BUDGET ADJUSTMENTS:** *Roseann Peralta*

Roseann explained that this is the first part of the third quarter budget adjustments; the third quarter period will end at the end of the month. She increased property tax, which will go towards the GO BOND, the BNSF grant which will go towards the vehicle purchases for the Police Department. There was an increase for liability insurance to the fire fund, which was calculated wrong. She took out the payment for the revenue bond that was refinanced and an increase for the department of Justice payment which was used for bullet proof vests. She added health insurance to the solid waste fund to cover the new employees. There was an increase to the

Capital outlay for the Solid Waste Department for the chipper, excavator and trailer. Another increase was added to road project fund for the old River Road project and Wisconsin, from the 2015 COOP monies and City monies. Councilor Ortega asked Roseann to stay informed on the on-line tax bill that is up for approval.

Mayor Cordova asked for a motion. Councilor Ortega motioned to approve the Budget Adjustment Resolution. Mayor Cordova asked for a second. Councilor Carter seconds the motion. *Roll Call Vote:*

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

**APPROVAL OR DISAPPROVAL OF THE 2017 OPEN MEETINGS ACT RESOLUTION:** *Leona Vigil*  
Leona Vigil advised the Council that Chief Manny Garcia was back from his call, and asked the Council if they would like to take it off the table. Councilor Wayne Gallegos motioned to take item 9C off the table. Councilor Carter seconds the motion. *Roll Call Vote:*

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

Leona Vigil informed the Council that the Open Meetings Act must be approved annually by each municipality. She reported the OMA Resolution basically stayed the same as last year's except, she added the stipulation that, if the City was to hold an emergency meeting, she would have to notify the Attorney General's Office to let them know what action took place. She also added the City's web-site address.

Mayor Cordova asked for a motion. Councilor Gallegos motioned to approve. Mayor Cordova asked for a second. Councilor Ortega seconds the motion. *Roll Call Vote:*

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

**APPROVAL OR DISAPPROVAL TO ENTER INTO NEGOTIATIONS WITH THE UNION FOR THE SOLE PURPOSE OF RETENTION INCREASES FOR OFFICERS AND SERGEANTS WITHIN BUDGETARY CONSTRAINTS:** *Chief Scott Conner*

Chief Scott Conner stated that he is looking to get a retention schedule for the officers and some sort of increase. He explained that, if there is a recruit that comes out of the academy, he is making the same money as someone who is his field training officer. He stated that he met with Roseann to discuss the proposed schedule to see what the City could afford. The Police Department just spent \$73,000 to send four officers to training and he wants to be able to keep them on board. He wants them to look forward to an increase. "The retention

plan will put us competitive with other entities throughout the county.” He wanted to take a moment to say we need to look into negotiating to get the officers a little more money.

Councilor Carter reported that the City cannot hand out raises as per the Union Contract. Raises are a required negotiated item. Councilor Carter stated that, with the Council’s approval, we want to allow the Chief to sit down with the Union’s negotiating team to negotiate this schedule. We are restrained by our budget, any amendments to the contract need to be approved. Councilor Carter asked, if it is just an amendment, can the officers sign off or does it have to be ratified. Luis Lopez answered that they can sign an MOU.

Councilor Aragon asked what motion they were going to make. Councilor Carter answered that the motion will permit the Chief and members of the negotiating team to go into talks with the Union. Councilor Aragon asked, “Is that your motion?” Councilor Carter answered, sure. Councilor Aragon seconds.

Mayor Cordova stated that he has a motion to go into negotiations from Councilor Carter and a second from Councilor Aragon. Roll Call Vote:

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

### **EXECUTIVE SESSION**

#### **APPROVAL OR DISAPPROVAL TO ENTER INTO AN EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING, AS ALLOWED PER SECTION 10-15-1 (H-5) AND PENDING AND THREATENED LITIGATION REGARDING THE PROPOSED HOSPITAL, AS ALLOWED PER SECTION 10-15-1 (H-7) OF THE OPEN MEETING ACT.**

Mayor Jerah Cordova asked for a motion to go into a closed meeting from an open meeting. Councilor Gallegos so moved. Councilor Ortega seconds the motion. Roll Call Vote:

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

Mayor Jerah Cordova asked for a motion to reenter an open meeting from a closed meeting. Councilor Ortega so moved. Councilor Carter seconds the motion. Roll Call Vote:

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

Mayor Cordova asked for motion that discussion was limited to collective bargaining, as allowed per section 10-15-1 (h-5) and pending and threatened litigation regarding the proposed hospital, as allowed per section 10-

15-1 (h-7) of the open meeting act. Councilor Ortega made the motion. Councilor Carter seconds the motion.  
Roll Call Vote:

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

**APPROVAL OR DISAPPROVAL OF THE MAYOR PRO-TEM APPOINTMENT:** *Mayor Jerah Cordova*

Mayor Cordova thanked Mayor Pro-Tem Aragon for her service this last year as Pro-Tem. Mayor Cordova reported that it has been tradition that everyone on the Council has an opportunity to be Mayor Pro-Tem and they do this by rotation; this year is Councilor Ortega's term.

With that, Mayor Jerah Cordova asked for a motion to appoint Councilor Ortega as Mayor Pro-Tem. Councilor Aragon so moved. Councilor Gallegos seconds the motion. Roll Call Vote:

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

**DISCUSSION**

**LAWRENCE DRIVE DEDICATION:** *Steve Tomita*

Steve reported that, at the last meeting, the discussion came up about Lawrence Drive. He stated that the City has a possible desire to take ownership and maintenance of Lawrence Drive. The question arose as to what is the City process. What applies in this case is the sub-division ordinance. The way the homes are aligned on Lawrence Drive, makes it a sub-division. Chapter 16 – Subdivision Ordinance applies to the dedication of Lawrence Drive. The installation of public improvement must be improved in conformance to city's standards and approved by the engineer. Requirements include paving, curb and sidewalk, which must be completed by the developer or residents. There is also a charge of \$200 per resident for the City taking on the street. The street calls for a 50 feet right-a-way. The Council has the authority to forego the ordinance. The concern that Steve has is that, if we forego the ordinance, we have to face the conditions we placed on Sunrise Bluffs; we made them come up to city standards for their infrastructure lines. Councilor Gallegos asked the Mayor if we are comparing a sub-division to a street. Steve answered that the street is deemed a part of the subdivision. Steve advised the Council that Lawrence Drive does have water and sewer service. Councilor Ortega asked how Mesita Lane got approved. Steve answered that that was a decision by Council at the time. Mayor Cordova asked, if we accept the road under hardship provisions, will the City be required to pave it. Steve answered that he does not know.

Renee Barela-Gutierrez advised the Council, if you accept the road, you are accepting the maintenance and the liability that comes with it which is why cities only accept roads when they are conformed to city standard. Renee suggested that the City ask the residents that the road be brought up to City standards. Renee added that it is discouraged to accept a road that does not meet City standards. Leona stated that accepting a private road is

more complicated than she thought. Leona suggested passing an ordinance or resolution that would allow the City to maintain the road because our infrastructure lies underneath. Mayor Cordova asked if there is an issue with taking dirt to Mesita Road. Renee answered that using public funds for a private road is in violation to the anti-donation clause. Steve stated that he asked Chief Garcia, if the City was to maintain the road, would it improve his ability to serve that area to respond. Chief Garcia advised him that it would. Steve stated that residents would have to grant a bigger easement or right-a-way. Steve asked Renee, if we take over the road, can we add a stipulation that we will not pave it. Renee answered that, once it's the City's road, you can do what you want with it. Renee explained that there are two things here; one, is accepting the road and the other is maintaining the road. In order to conclude, Mayor Cordova asked the question, if Leona directs staff to take dirt to that road tomorrow can the City get into trouble. Renee is hesitant to answer because of the anti-donation issue. She added it's not your road. She would like to think about the infrastructure issue. Renee stated there are two options; one, accept dedication of the road or second, recognize the infrastructure and keep it safe, but she has to think about that. Councilor Ortega asked the Mayor if the City could send letters to the residents notifying them. Councilor Aragon asked, what are we notifying them about. Councilor Ortega answered that we are either dedicating it or maintaining our utilities and if they have concerns contact the City Manager. Clara Garcia asked if the residents could pay for a load of dirt. Mayor Cordova answered they could, but it is a hardship case, which is why they are asking for it. Councilor Ortega stated that he doesn't feel they should pay for it, because the City should maintain our sewer and water lines. "If those lines break, we will have to take care of it anyway."

### **City Manager Report**

Leona stated that she sent the Council an update last week. Leona reported that Steve Tomita received approval to use Jim Rende as a consultant for the VA Memorial; he already issued a P.O. Councilor Ortega asked why the City is refrained from using volunteers on the project. Leona answered because of the grant stipulations. Leona stated that once the \$70,000 is used up, they can use volunteers. She reported that the hearing that was scheduled for Friday was cancelled; the attorney suing the City scheduled the hearing for the wrong courthouse. The St. Patrick's Day Balloon Rally will be held on March 18<sup>th</sup> and 19<sup>th</sup>. She met with Harmonix earlier today; their company can provide an "architectural outline of the City's IT system" for around \$12,000.

Councilor Ortega asked about the soil testing that took place for the Fire Station location. Leona answered that John Best is working with the Environment Department and our engineer. John has reported that they will be removing 4 feet of dirt for the construction, which may remove the fuel that they located. Councilor Gallegos added, if that doesn't cover it, they will have to go down one more foot.

### **Communications from the City Council**

**Councilor Ortega:** He attended the IPRA and Open Meetings Act training. He caught a car accident on his dash cam, and the police are using it in their investigation. A large tree was knocked down at Our Lady of Belen, he and Councilor Gallegos helped remove the tree. He announced the passing of Abel Garcia who worked many years with the City. He asked that we keep everyone in prayer. St. Vincent de Paul formed a committee to help with Bridges out of Poverty; he now serves on that committee. He attended Morgan Cakes Ribbon Cutting.

**Councilor Aragon:** She reported that she has been busy with real estate. She attended the IPRA meeting in Los Lunas and the staff there took her and Leona on a tour of Administration Building. She showed an article "On a Tank of Gas" that was published in "Albuquerque Free Press", they listed places to see with a tank of gas; Belen was one of the destinations which featured Morgan's Cakes & More, Harvey House and the



Brewery. There was another article in the Travel Section in the Albuquerque Journal that featured Valencia County; the Harvey House, Whitfield Wildlife and Tome Hill.

**Councilor Gallegos:** On the 21<sup>st</sup> he met with Fire Department regarding fire inspections; they are working on a comprehensive plan on who handles the money. Belen Senior Center received an inspection from AAA, and the Center was shut down. There are a lot of plumbing issues at the Senior Center, and the program is on probation.

**Councilor Carter:** He went to the UNM VC Gala last Saturday, a fund raiser for the students.

**Mayor Cordova:** He met with Rio Metro MRCOG about the schedule changes to the Railrunner. He had a meeting with Senator Udall's Office; they talked about funding and she is helping the City out with the truck stop issue. He attended a Main Street meeting to discuss ideas for Belen. He did the City Manager's evaluation on the 28<sup>th</sup>. He has a meeting to discuss the Bugg Lights and Miracle on Main Street. He met with Paul Tabet; he wants to help out. He attended the Ribbon Cutting at Morgan's Cake & More.

**ADJOURNMENT**

Mayor Jerah Cordova asked for a motion to adjourn tonight's Regular Council Meeting. Councilor Carter motioned to adjourn. Councilor Aragon seconds 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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Jerah Cordova, Mayor

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Leona Vigil, CMC  
City Manager