

REGULAR CITY COUNCIL MEETING

November 21, 2016

6:00 p.m.

Mayor Pro-tem Darleen Aragon 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 (in conference room, at start of meeting)
Councilor David Carter
Councilor Wayne Gallegos

CITY MANAGER: Leona Vigil

DEPUTY CITY CLERK: Charlotte Jaramillo

REPORTER: Julia Dendinger, VC News Bulletin

OTHERS: See attached Sign-in Sheet

PLEDGE OF ALLEGIANCE

Mayor Pro-tem Darleen Aragon led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Pro-tem Darleen Aragon asked for a motion to approve the agenda. Councilor Gallegos motions. Second from Councilor Carter.

Roll Call Vote:

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

APPROVAL OF MINUTES

Mayor Pro-tem Darleen Aragon asked for an approval of the November 7, 2016 minutes Councilor Ortega motioned to approve the November 7, 2016 minutes. Mayor Pro-tem Darleen Aragon asked for a second. Councilor Carter seconds the motion.

Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Darleen Aragon	Yes	
Councilor Wayne Gallegos	Abstained (not present at November 7th meeting)	

Councilor David Carter Yes Motioned Carried

PUBLIC COMMENTS

Mr. Kim Blum- Sunrise Bluffs, needed stop signs and City took care of it immediately, thank-you. Grounds were all cleared on each side. Citizens still run through the stop signs. Presented a thank-you card to the council from the residents at Sunrise Bluffs.

Steve Tomita- Announced that the SW Model Railroad Club is now all set up in the Belen Business Center, 719 South Main Street, inviting all to come see, one of the largest exhibits that they have put up. There until the 10th of December, open every day from 12:30-5:00 p.m.

Mayor Pro-tem Darleen Aragon closes the public comments section of the meeting.

PRESENTATION

Bridges Out of Poverty, through St. Vincent de Paul- Manuel Rodriguez

Thank-you for inviting us. Introductions of Cynthia Chavez, Suzanne Zombrano, Dennis Mummert, Nelly Olona. Discussed the overview of the program and the handouts which are attached hereto and made an integral part of these minutes by reference. Suzanne Zombrano spoke of how her husband died and she was left in poverty, this program has helped her. Nelly Orona spoke of how she was living in her car with her child and this program has really helped her to get a place to live and provide for her family.

Councilor Gallegos comments on his own family members that do not want to better themselves and asks the Bridges out of Poverty how to motivate those that do not wish to better themselves.

Cynthia Chavez comments that all participants are given a \$25 gift card (funded by the National Council) to those that show up for classes, so that they can buy food or clothing and learn how to better themselves. Additional money is provided to have lunch with participants as well. This serves as an incentive for the participants in hopes that they will learn to better themselves and get the resources that they might need to better themselves within our community.

Councilor Ortega thanks St Vincent de Paul for coming and notes that last meeting there were many people that showed up to hear the negative things of our community, but not very many showed up to hear about this positive program that has been in our community all this time. He hopes to change that, and hopes to spread the word about this wonderful program. A program that has raised over \$63, 000 to help with utilities, food, clothing for these people. Thank-you for all that you do for our community, I commend you.

Cynthia Chavez would like to collaborate with Council as a team, to talk more about the program

Councilor Carter comments that the packet didn't have any contact information, (864-2222, or 864-0808 Store on Castillo Rd)

EXECUTIVE SESSION:

An Executive Session to discuss the ongoing hospital litigation, per the Open Meetings Act Section 10-15-1(H-7).

Mayor Jerah Cordova asked for a motion to enter into executive session. Councilor Carter so moved. 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 Motioned Carried

Mayor Jerah Cordova asked for a motion to re-enter into an open meeting from a closed Meeting. Councilor Gallegos 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 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) and no action was taken. 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 Motioned Carried

PUBLIC HEARING WITH POSSIBLE ACTION

Approval or Disapproval of the Revised Animal Ordinance. Presenter: Leona Vigil

Over several workshops and meetings, last month workshop conducted with Chief Connor and ACO Vidal Torres. Sent to Attorney for review. Agreed with all of her recommendations. Added a few of our own: page 7, no permit fees for FFA, or educational animal programs. Page 8, added “or animal”, page 12 added “and/or”, Section B permits issues annually page 12, page 20 fees for impounding, we were currently paying the county but it will now read: “it shall be the responsibility of an animal owner redeeming an animal legally impounded under the provisions of this chapter.... The ACO shall establish appropriate procedures for collecting fees those who reclaim animals...” Chief Connor explained that we identified issues with that: before we were trying to determine fees for animals running at large, we pay the county to take care of the animals for us, and then the public has to pay the county to get the animals out. We fill it more appropriate for the citizen to pay ACO Vidal, he will issue a payment slip that they will present to the county so that the animal can be retrieved. \$25 for the first offense, \$50 for the second offense. On number 5: “any animal suspected of rabies shall be boarded at a regular rate plus \$6 special handling fee for all additional cost whichever is greater” We also added a kennel license, commercial license and a livestock permit-\$50 annually

Mayor Cordova asked for public comment on the issue, no one objected. Public hearing closed.

Mayor Jerah Cordova asked for an approval of the Revised Animal Ordinance. Councilor Carter motioned to approve the Ordinance. 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 Motioned Carried

Approval or Disapproval of the Revised Public(Utility) Services Ordinance. Presenter: Leona Vigil

Came to the council several months ago, from tampering fees led into discussions of deposits, compared to other municipalities. Water rates committing meeting met a few times, came to a consensus of these rates. In our Municode right now Section 13-12-0-80 titled: "Tampering and damage to meter or city owned utility fees", we will no longer handle tampering, fee's penalty's to the police department. Will now read: "Tampering is when the account holder turns on a utility without authorization or "direct" connecting water service without a water meter, any individual caught tampering with a City meter and/or property will be referred to the Police Department for court proceedings, pursuant to a criminal damage to property charge. Appendix Rates and Fees, Title change from "Deposits for water and sewer service "to "Utility Deposits". Section A, meter deposits change: owner occupied stays at \$50, non-owner from \$160 to \$100 Commercial from \$300 to \$125 and remove the language "intuitional" Delete 13.12.080 police department to handle Damage to property. Reconnection of services due to delinquency changed the \$200 max to a flat rate of \$50.00 each offense.

Councilor Carter asked what happens to all the meter deposits currently on file in the fund. Are we refunding that \$70?(Leona answered no because when it was at \$90 and we moved it to \$120 we didn't have anyone come in and pay the difference)

Councilor Ortega and Gallegos both comment on the rate change to help economic development with lower rates and more citizens maybe wanting to live here. Further extensive discussion held on how this "helps citizens"

Mayor Cordova asked for public comment on the issue, no one objected. Public hearing closed.

Mayor Jerah Cordova asked for an approval of the Revised Public Utility Services Ordinance. Councilor Ortega motioned to approve the Ordinance. 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 Motioned Carried

Approval or Disapproval of the Fiscal Agent MOU for San Lorenzo/La Luz CDBG. Presenter: Leona Vigil

City of Belen currently has a CDBG grant for the San Lorenzo/La Luz project, \$500, 000, we need a fiscal agent for this. Oversight of the money, 2.5%

Mayor Jerah Cordova asked for an approval of the MOU. Councilor Ortega motioned to approve the MOU. 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 Motioned Carried

Approval or Disapproval of the Resolution Adopting and Approving Disclosure Compliance for Bonds and Loans.

Presenter: Katherine Creagan

Discussion held regarding the Resolution adopting procedures for continuing disclosure related to outstanding bonds. When bonds are initially issued there is information that the market uses to determine whether or not to invest in the bonds. The securities and exchange commission has become very interested in issuers and really they regulate underwriters, they want to be sure that the City and issuers are keeping the information that is available to potential investors, fresh and up to date. What this resolution does is provides procedures for the City to keep the information out there up to date.

Councilor Carter asks what the avenue that is expected out of the City to disclose our finances, via website, letter to them directly, or in the paper?

Katherine: The dissemination of the information is through a site called EMMA, run by the MSRP, Municipal Securities Rulemaking Board, City uploads their audit yearly to it and certain events to it, in this instance the City had a rating upgrade you would upload information relating to the upgrade of the City's bond rating or if you are redeeming bonds we also posted that on EMMA. IRB's are generally not uploaded it would be disclosed in your audit, unless it's a publicly marketed.

Councilor Carter asked Roseann is she is familiar with EMMA (Roseann answers no, that in January after the audit is approved from the State we submit the information to George K Baum, and they upload that information for us, audit report etc...)

Mayor Jerah Cordova asked for an approval of the Resolution. Councilor Gallegos motioned to approve the Resolution. 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	Motioned Carried

Approval or Disapproval of the Resolution Adopting and Approving Tax Procedures for Bonds and Loans. Presenter: Katherine Creagan

Discussion held regarding the Resolution to approve tax procedures for bonds. Federal tax implications related to City bonds. Most public issuances, general obligation bonds, the gross receipts tax bonds are issued on a tax exempt basis. Because of the favorable tax treatment of the interest on the bonds the federal government, IRS is interested in how you spend the monies on the bonds, how you use the projects that you fund with bond proceeds, that you are not investing proceeds in a way that is allowing you to get arbitrage, earning more than your having to pay out. What these procedures will do is set in a place the mechanisms to keep track of how your using the facilities, how you're investing the proceeds, whose keeping the records and that any changes are noted and there is continual review of the investment and the use of the proceeds. Nice to have these procedures in place for the City, for when we submit and information return to the IRS on there indicates a place to check a box weather the city has in place written procedures related to arbitrage. This avoids any red flags for audits.

Councilor Gallegos comments that these bonds were elected by the citizens for the fire station and sidewalk repair.

Councilor Carter questions the 2005 bonds and obligations to report on these that was used for infrastructure projects?

Katherine: The outstanding 2005 bonds will be redeemed tomorrow, on November 30 when the refunding bonds close, your 2008 bonds will be defeased,(no longer outstanding under the ordinance) you will continue to have obligations for disclosure and to be tracking how your using those infrastructure projects, until these refunding bonds will be paid off. There is a pledge in place of your municipal GRT and State share on those and that same pledge was carried over for your 2008 bonds and now these bonds, that same pledge is in place, it is not as though you releasing... (interrupted by Councilor Carter)....it is all the same revenue stream, what you have pledged you still have to keep in place and collect for the benefit of the bond holders

Roseann explains that it reverts to the original ordinance. The 2005 bond and the 2008 bond both had two separate portions of the municipal GRT that was pledged towards them to pay off the bonds, now that 2005 is going to be paid off completely, now it reverts back to the original ordinance where it says that that pledged revenue was collected for infrastructure and maintaining a water/wastewater and solid waste facilities. The 2008 that is now refunding and being refinanced to the 2016, whatever was pledged to pay that will now go to the 2016.

Mayor Jerah Cordova asked for an approval of the Resolution. Councilor Gallegos motioned to approve the Resolution. 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	Motioned Carried

Approval or Disapproval of the Inducement Resolution “Project Nick”. Presenter: Steve Tomita

Inducement, IRB, Industrial Revenue Bond referred as “Project Nick” at this time as they do not want their name prematurely disclosed. Plastics manufacturing company, injection mold manufacturing outdoor furniture, storage units, shelving units, they are one of the largest in the world, \$2 billion a year, international company, most of their operations are over seas, one plant near Indianapolis, planning on having a total of 3 in the US, one in Central and in the West. If they do build the plant here, this will be their Western operation, presently competing Tuscan/Inland Port, Reno and their industrial park and someplace in California. California will be their largest market, but surprising enough we are on the top because of NM tax incentives and there is an existing building on the property, Solo Cup building. This company will use the Solo cup building will be used for warehousing and distribution. They will build another 80-100,000 sq. ft plant that will do the production, new standards are a minimum 45ft high ceilings. IRB, the City is not financially responsible it is up to the City and then the State to approve the issue of the bond. They will have to qualify for the bond through their financial statements. We will take possession of whatever is encumbered by the IRB and then their tax incentives that come back and other items will reimburse that bond over time. Offered to them was a 67% on the tax over 20 years. 100-200 hired people to start, hoping to achieve 300. They will be self-funded. October 18th came to look at the plant, prepared to make an offer over the next week or so. Depends on how fast we can get the IRB done, 90-120 days. Water consumption is 140, 000 gallons a month, fully automated system. Train rail is imperative to bring in the resins, taken into a tunnel system to the new plant to manufacture. Distributed out by truck.

Councilor Carter comments that IRB’s are reviewed by the State, by no means is the City of Belen doing any financial review here locally, all we are saying is support to looking at passing the IRB and support this business, predicated on

reviews and approvals by the State, and we are not pledging its assets or going to underwrite this bond. We are committed to support the building/reconstruction.

Mayor Jerah Cordova asked for an approval of the Resolution. Councilor Carter motioned to approve the Resolution. 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	Motioned Carried

Approval or Disapproval of the CDBG Resolution for Comprehensive Plan. Presenter: Steve Tomita

This we went over last meeting and Council approved for the comprehensive plan, that is on our ICIP. \$50,000 our match would be 10%, which is already budgeted. We are submitting a resolution to submit the application for the grant for the comprehensive plan.

Mayor Jerah Cordova asked for an approval of the Resolution. Councilor Ortega motioned to approve the Resolution. 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	Motioned Carried

Approval or Disapproval of the TIP Resolution for Road Improvements. Presenter: Steve Tomita

Will not be approving an actual TIP resolution tonight. Jay Ashbacher with Molzen/Corbin here to present the two options that have investigated, estimated costs of construction address the drainage concerns. There is not a resolution format that has been issued as of yet, from the State. Tonight we are only asking approval to submit the application. Two projects proposed was Aragon Road continuing West from Mesa Rd up to I-25, big concern council had concerning that is the flooding in that area, Molzen/Corbin looked at that, they will present a solution and the amounts on that. The other project was to continue Mesa Road, South of Camino del Llano down to Cannon Road. Both would implement paving, curb and gutter, sidewalk and any drainage that is now required to be complete when you go after these projects, they have to be complete projects. Funds are limited at this time for TIP for the whole rural, small projects to about \$5 million, we are very limited. Submittal is due on November 28, 2016.

Jay Ashbacher- Applications are complete, can be revised if you so decide. What I propose for West Aragon to pave, curb and gutter, sidewalks on both sides to meet ADA compliance, flooding, similar to West Delgado pond, looking at doing something similar to that. This is 5 years out, propose to do a retention pond there for the 2022-2023 year. Alleviate any flooding in that area, West Aragon road itself to retain water, to alleviate flooding there. \$1million to design (2022) and

construct(2023) Staggered so that we meet the DOT requirements, contingencies are accounted for, inflation, etc.. cost can go up. 15.56% match on a \$1million project, \$150,000.

Councilor Gallegos expresses concern about following the “same master plan” for the City on the drainage. Chief Manny Garcia and Molzen Corbin were to work on a Federal Grant for the pond on Aragon, we still have two on the mesa to be done, the Mae Reid pond. Please look into all the proper FEMA paperwork and time limits and constraint as there should be funding out there for this project already, mitigation funding. We want to make sure that we have more than one resource, avenue for funding for this project, in case one falls through.

Jay Ashbacher-2nd job is South Mesa, proposing to start from Morning Star to Cannon Road. Addressing paving, curb and gutter on both sides, 5ft sidewalk on the West side to match, multi-purpose path on the East side to continue with the continuity of Mesa and street lighting as well. Include the appropriate drainage improvements. \$1.5-\$2 million

Councilor Gallegos again questions where that street came from and if it is listed in the ICIP

Jay Ashbacher expresses that West Aragon is on the ICIP, can’t remember if South Mesa Road is.

Councilor Gallegos again expresses that it should be on the ICIP. Further discussion lingers. Councilor Carter agrees to keep to roads ONLY on the ICIP

Steve Tomita expresses that the City is limited to “major collector Roads and higher” Belen doesn’t have very many roads that meet that qualification, to even apply for this funding. We want to make sure that it is a large enough project to justify going through all that we have to, to comply with everything. That was the other reason that these two were selected at the previous November 7th meeting. We must indicate the projects when we apply for the funding. Applications came out very late from the State.

Mayor Cordova agrees to follow ICIP. Also suggests that Council make a motion to put one project as priority over the other, as the Aragon is on the ICIP and South Mesa is not.

Mayor Jerah Cordova asked for a motion. Councilor Carter motioned to approve the TIP Application for Aragon Road, Mesa Road going West to I-25. 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	Motioned Carried

Approval or Disapproval of a Reallocation Budget Adjustment for the Municipal Environmental Services Gross Receipts Tax. Presenter: Roseann Peralta.

Imposed on any person engaging in business here within the municipality is charged an excise tax equal to 1/16th of 1% of their GRT that is reported, this is known as the Municipal Environmental Services Gross Receipts Tax. That tax is collected and as per the ordinance the dedication for that tax is to be used for acquisition, construction, operation and maintenance of solid waste facilities, water facilities, waste water facilities and sewer systems and related facilities. Currently right now this revenue that is collected is being posted into the Solid Waste Fund. As we know, we have seen that the Solid Waste Fund has a large amount of money in it. It has enough to sustain itself, because we are shifting

towards Wastewater, permit almost done to start the renovation and expansion of the plant, I recommend diverting this tax over into Wastewater to start building up that fund. When we do get the funding for the renovations we will have a match, if not some other monies to go towards that renovation project. This is only a budget transfer and Resolution 2016-31 is attached hereto and made an integral part of these minutes by reference.

Councilor Carter and Leona commend Ms. Peralta for thinking ahead and getting ready for the future

Mayor Jerah Cordova asked for a motion. Councilor Carter motioned to approve the Budget Adjustment. 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	Motioned Carried

Approval or Disapproval of the Detective Sergeant Position for the Belen Police Department. Presenter: Scott Connor

Following up on last week's meeting, here to request a Sergeant position for the BPD in a attempt to combat crime. One Detective to assist Lt. Portillo with follow-up on cases. Currently we have Portillo as the only Detective in the PD. To help with budget constraints, Det. Sgt. thought up. This position would help Portillo 80% of the time the other % of the time will be utilized as the Patrol Sgt. when the other Sgt is unavailable. No immediate equipment needs associated with this position. Wanting to increase the squad from 21 to 22, conferred with Roseann, and we believe it would be sustainable to years to come. This position will have a modified schedule, 10:00 a.m. to 7:00 p.m. or noon till later in the evening. Monday thru Friday.

Councilor Aragon comments that the public is noticing the presence of the Police Force more in the community.

Councilor Gallegos encourages being creative with positions and vacancies, and grants for police officers

Chief Connor to look into further funding for Police Department, commented on 4 cadets that graduated, hope to be out on their own in January

Mayor Jerah Cordova asked for a motion. Councilor Gallegos motioned to approve and additional Det. Sgt. Position for the Belen PD. 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	Motioned Carried

Communications from the City Council

Leona- Review fire ordinance with Charles Cox, possible amendment. Might invite Charlotte. Met with Larry Geer with Sunrise Bluffs-submitted a map of all the stop signs within the sub-division. After Thanksgiving City Hall supposed to get painted and new carpet. RSVP will get new Clerk, starting November 28th, Celina Carrillo. Legislative Luncheon will be December 5th-9th. Molzen Corbin contacted to get some packets ready for that.

Mayor Cordova comments that he will be out December 9th, 5-8th would work better for him.

Councilor Aragon-Happy Thanksgiving

Councilor Ortega-Happy Thanksgiving

Councilor Carter-November 8th, voted. Chief-the running of the bus stop sign, I drove a route the other day, training on Mesa Road, oncoming car ignored bus signals and went completely around, can watch the kids in town

Councilor Gallegos-Voted Nov 8th, Veterans dinner was really nice on the Saturday, on the 17th met with DOT bi-monthly coordination meeting. Leona has notes. Issues on funding, lost three of the funding sources that were left up there. Christopher Road..I-25 interchange, discussed on the lights and the damage on the North bridge walkway , Signals on Camino del Llano and Christopher Road, they want impact studies and where its coming from the advice that Steve gave us on the freeways, we have to comply with that. Leona and Jill Moser talking hand and hand on that issue until it gets resolved for that area

Mayor Cordova- Last Saturday went on a tour of the Kuhn Hotel, pretty bad shape. Very stable, roof issues, water damage, pigeon odor a lot of work to clean that up. Tomorrow the Community watch meeting at 6:00 p.m. at the Community Center. Had a conversation today with a member of the Alexander family(granddaughter) re: airport name, went very well, have given direction to Leona on to approach the re-naming, only changing “municipal” to “regional”

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

Jerah Cordova, Mayor

Leona Vigil, City Manager

