

REGULAR CITY COUNCIL MEETING

October 3, 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

CITY MANAGER: Leona Vigil

DEPUTY CITY CLERK: Charlotte Jaramillo

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 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 Jerah Cordova asked for an approval of the September 19, 2016 minutes Councilor Ortega motioned to approve the September 19, 2016 minutes. 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

Mayor Jerah Cordova asked for an approval of the May 23, 2016 minutes. Councilor Ortega motioned to approve. 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

PUBLIC COMMENTS

Mr. Joel Villareal staff representative with AFSCME, representing the blue collar employees with the City of Belen. Wanted to bring up a few issues, but wanted to introduce myself and put a face behind our union. There has been some concern regarding negotiations and organizing of the union. Some members are concerned about the comments that have been made against them for joining a union. We understand that is a common perception of a new union coming in, we want to let you know that this isn't a foreign entity, these are your workers here. They just wanted to start bargaining collectively rather than the way things have been going in the past. We are looking at this in a positive mindset. We are here to work cooperatively to work with our organization, to serve the need of our citizens. Another big concern is that there has been a consulting firm hired to negotiate against our people here. Our personal experience with it, is that they are a very anti-union organization that has been hired by the City of Belen, we would hope that the City finds it to be able to trust and bargain with its own employees. I do understand that because it is a new relationship that people want to make sure that things are done correctly. This type of action comes with the mindset that is created by this type of action, hiring a firm may construe that the City is worried and that creates worry in its employees and creates arguments. We want to work with the City. These employees are concerned about providing for their families, and being treated fairly at work, like everyone else. The City of Belen will be bargaining with me, and your own employees, and we would hope in that fashion, especially the way that budgets are right now, that the money that is being spent into going into a consulting firm, could be spent in helping your guys' employees. There have been threats that staff members have been told that since they are going with the union that they will not receive certain things. We hope that we can start this in a positive light, and that that is conveyed from City council. The governing bodies decisions really affect the way that the administration works and that their people across the table work. We hope to have a positive relationship to resolve these issues.

Councilor Carter comments that the council has every right to hire(Holcomb Law Firm) and put on their negotiation team anyone that they so choose and I sure hope that you weren't here to try and influence our decision in that, because that would be an unfair labor practice. So we retain the right to hire anyone we want to.

Mr. Joel Villareal, that is certainly true, I cannot force the council to do anything, but bringing up a concern is not an unfair labor practice, on our part we find it ironic that their tax dollars are being used to fight against them.

Councilor Carter comments that they are not fighting against them, but to protect the interest of the tax payers and I have worked with the Holcomb law firm for a lot of years, I've been a lead negotiator, and I sure hope you're not trying to sway and influence our decision on who we hire. I want to put that on the record.

Mr. Joel Villareal, that if fine sir, and like I said we are not bargaining right now, no one has put in the request to bargain and it is our right to be here. That is part of the problem, these guys in the past have been threatened from even showing up here, which sounds ridiculous and as a citizen you would think you should be able to come into your City Council and to be able to address issues that are going on here. By no means am I trying to threaten or anything. We are asking that the City be able to step up to the plate and be able to bargain with us directly rather than hiring a law firm

out there. We have dealt with Holcomb Law Firm several times too, sir. And I can tell you it is a lot different from our relationships from when we are not dealing with them. To me that is a sign of a good faith effort, is trying to see where the sides can meet because again that is money that is being spent by the City to basically negotiate against its own workers.

Councilor Carter comments that we are not negotiating against its workers, but we are negotiating in the best interests of the City, the employees and the tax payers. We start an adversarial relationship by saying that we are negotiating against, no we are negotiating with, and we want the best kind of contract that would afford, and protect the rights of both the employers, the employees and the tax payers, we always forget the third party called the tax payers, or in the private industry, the customers. We can't forget that third party, we are altogether.

Mr. Joel Villareal, yes that is my point exactly, it is all us together. With that being said, thank-you for your time.

Councilor Ortega: Does the City Manager have your information?

Mr. Joel Villareal, no sir, I would be glad to give it to her though, thank-you.

Mr. Steven Ferguson. Belen resident, live off of Jarales Road, the main line. Discussion of a train bridge over Jarales Rd intersection? I live near that intersection; it is very noisy. I looked into the federal requirements, and they are to have a bell system, blinking light and cross arms. The only thing that is missing to make that a quiet zone is a barrier that goes down the center lane of 100ft on either side. There is a 100 trains every 24 hours or more in that area. Supposedly a lot of the engineers don't know the requirement for the signal, they are abusing the ten minute stopping on that intersection constantly. There was a death because a police officer was unable to cross the intersection. Can the City forward a letter recommending in good faith that they put this barricade installed and make it a quiet zone. Every 15 minutes or so, a train goes by blasting their horns. Proper signaling is two longs a short, and continuous long through the intersection, sometimes the guys go through there at 3 a.m. blasting their horns 15 times or more. A lot of abuse going on, I would like to request expediting getting this thing a quiet zone, it would be appreciated by many. Thank-you

EXECUTIVE SESSION:

An Executive Session to discuss the ongoing hospital litigation, and the second is the discussion of disposal of the property on Aragon 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 Gallegos so moved. Mayor Jerah 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	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 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

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

PRESENTATION

Fire Prevention Week- Charles Cox. October 9-15, 2016, Honoring Fire Prevention week. City of Belen hosting the 4th Annual Fire Prevention Week Event on Saturday, October 15th from 12-3 at Anna Becker Park. Theme: “Don’t Wait, Check the Date” replace smoke alarms every ten years. Third year of a three-year campaign that the fire service is trying to educate the public regarding smoke detectors and smoke detector safety. Fire loss statistics given. Sixteen Firefighters lost their lives this year. Hope the council and Mayor attend the event on October 15th. Thank-you.

2016 Fire Prevention Week Proclamation, read by Mayor Cordova presented to Lt. Cox.

Community Service Department Report, Hermann Madrid. Street Department-10th/Esperanza 50% complete on October 5th, to include cross walks. Impala complete, 10 total repairs. Campana complete, 4 repairs there. Campbell complete with sidewalks and several hot mix patches there. Street Department constantly working on pot holes, hard to keep a list of those. Working on a list of pot hole repair priorities. Will have that list ready before next council meeting. Sidewalk repairs- working on Castillo/Miller, 6th street, done October 5th. Repairs on 5th and 6th for Chavez, big project, get with funding to see what to do with that one. Email from Paul, mosquito spray, last spray 9/30/16 for the year. Parks-Reseeding happening on October 17th. Trim trees at Anna Becker Park, October 10th, suckers. Park replacement parts have been ordered, takes 6 weeks to get. Rosedale park had porta potty’s now. Looking at putting the same time of structure as Anna Becker Park. Solid Waste- Daily pick up of illegal dumping’s in all alleys. Put a note in the water bill to remind citizens that we have dump passes. Daily weed control is all the time, 90% pretty well taken care of. Grinder now working, warranty issues. Meeting with NMENV dept. Found minor violations, had all the paperwork, needs to be at City Hall in once central location, next inspection will be here at City Hall. He will send a notice of violation, to be fixed in 30 days.

Gallegos- Transfer station, timeline? Protective roof on that fence, cleaning it? Any enterprise money, use to make it look nice step up and make it look nice. Commissioner supportive of that. Suppose to work on fee schedule for out of City residents are we anywhere on that?

Hermann-did get a quote about putting up the roof, will take 25 days to get that part done. Talking to Andrew Farrell getting started on cleaning up the transfer station trying to update it, take the weeds out, spread mulch that we do have there, help erosion. Want to work on that fee schedule by November.

Ortega- nice porta potty on Rosedale. Holding ponds, weeds? Where are we at with that? These playgrounds that are broken, do you take them out of commission to the kids don’t play on them? Water fountain?

Hermann-haven’t been by Rosedale, silt emptied on the side, Camino will be different we have a different project. Will take some work. There is a sign and the slide is boxed up so the kids don’t play on broken equipment but they vandalize it also. Water fountain on order, 8 weeks to receive.

New City Flag Presentation, Frank Ortega. Star of Bethlehem voted to represent the name of the City. Founded 1741. Flying on all our City businesses and Eagle Park, City Hall, Business Center. Flag designed by Jim Rende. Four flags from Able and Willies, for \$455.

DISCUSSION WITH POSSIBLE ACTION

Approval/Disapproval of the Resolution of Sponsorship to apply for TAP Funds. Steve Tomita

TAP funding has always been in question, where there would be any. Short window given to come up with a project. Eliminated several projects. Aragon East to go through quickly. \$505, 000 funded 2018-2019 Funds, provide 14.56% match, \$73, 528.00. Does not affect Aragon West.

Mayor Cordova asked for a motion to approve Resolution of Sponsorship. Councilor Gallegos motion to approve. 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

Approval/Disapproval of the First Quarter Budget Adjustments. Roseanne Peralta

First quarter ended September 30, Quarterly Report due at the end of this month. Minor budget adjustments, mainly increases to the amount that I had budgeted. Due to the fact that grants have funded more than what we expected. Fire allotment grant large increase, added new line items. Increased maintenance and equipment, travel and materials and supplies. State grant, consumables grant for the airport to help maintain, for bulbs and anything that is needed. Amended adjustment for the fuel farm, page 2, increased. Decreases to expense line items, that was discussed at budget time, monies were moved into general fund. Cost for the union vote, in that the Labor board and putting all that together so each of those departments, Water, Wastewater, Solid Waste, Streets, now have a Union Bargaining and Negotiation line item to cover the cost and will be split by percentage, based on the number of employees that they have towards the union. On the last page, HSIP the last of this money.

Councilor Carter requested that we increase the amount of money going to the Union negotiations

Roseann expressed that the amount listed is for current amounts incurred, per department. That will get adjusted again.

Councilor Gallegos-Over \$15, 000 going to the bargaining, instead of the to the employees

Councilor Ortega- Questions how the dues get paid

Roseann –Currently for the Police Union, dues are deducted out of the employees check, only if the employee signs a deduction form saying that they would like them deducted. We have had issues with the union calling HR, and sending letters saying we demand everybody’s dues, but we don’t pay them unless the employee themselves signs it over for us to pay the Union. There are a few that have come in and signed that, and yes that is deducted. Once a month we send a check to AFSCME

Councilor Gallegos- Is that included in part of the negotiations? That we collect for them, only if the employee tells us to, we don’t force them like the Union wants correct?

Roseann-only if the employee signs to have that deducted

Councilor Carter- How much do we charge for collecting the union dues, a administrative fee?

Roseann- we currently don't charge an administrative fee

Councilor Carter- That is a violation of the Constitution Anti-Donation, you need to start charging them a fee for collecting, doing their work

Mayor Cordova- what is the HSIP related to?

Roseann-the realignment

Mayor Cordova asked for a motion to approve the First Quarter Budget Adjustments. Councilor Carter motion to approve. 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/Disapproval of the MOU between MRCOG (Mid Region Council of Governments) and the City of Belen Assigning Fiscal Agent for Veterans Memorial Appropriation. Presenter: Leona Vigil

Replica of the previous MOU signed between MRCOG, we need a Fiscal Agent for the Veterans Memorial, \$70,000. MRCOG in charge of the oversight of the contracts and the money. Collect 2.5% fee.

Mayor Cordova asked for a motion. Councilor Ortega motion 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

City Manager's Report-Leona Vigil

Department Head Meeting. Not sure of the date. You all received an update of what was discussed. Going to have Department Head Meetings, Tuesdays after Council Meetings, 9:00 a.m. New Evaluation Form for all employees, 2-3 pages. Meeting with the Airforce, Public Announcement/Celebration, October 20th at 11:00 a.m. October 5th-Chamber Luncheon, 11:30-1:00pm. Held at the business incubator. Steve to give small presentation and tour. VA Memorial Groundbreaking at 1:30 p.m. Eagle Park. 3:00 p.m. Sign and Water Ordinance Workshop. 10/6 Willie Chavez Park meeting with Carter and several MRGC reps. School Board meeting, 10/11 for some of the students at Dennis Chavez. October 13, 1: 00p.m workshop for Sewer and Animal Control Ordinance. Drove around the City today.

Councilor Ortega-Sidewalk across from Buckland's not completed. Is there a reason? What is going on there?

Mayor Cordova- spoke with Hermann over the weekend regarding that project at Dalies at 6th street, you said you have two phases to come in and replace that? There are a lot of Senior Citizens that go through there to the Doctors Office, we want to make sure that we are able to keep them safe.

Hermann-yes. Friday sidewalk should be done. Tuesday for the Road

Leona- We have to look into councilors, there some issues.

Communications from the City Council

Councilor Gallegos: 20th Fire Plan Review, we looked at cost, recommendations for drainage. Etc., met with Food Pantry Board. Broadband communications at Infinity High School, Sponsored by Michael Sanchez. Pleateau grant offered to the schools. 23rd Ground breaking in Los Chavez. Hawaiian party at senior Center. 26th met with HUD, I sit on that board, helping a lot of people. Going to reconstruct one of the houses. 27th NM Main street came to town, attended that.

Councilor Carter: 9/20 Committee meeting for follow the star, need to send in an application for a special permit, is that online, or just come by and see Leona? Groundbreaking at DC on the 23rd. Complaints that no media was present. 9/25 Rio Abajo Days. 28 vendors for the Health Fair. Sat in for Employee appraisal plan for employees. 28th Drove new activity bus in homecoming parade. 9/30 sat with Roseann on a Call. GoBond.

Councilor Ortega: Attended Fire Plan Review. Groundbreaking DCE, a lot of people interested in tying in. Thanks to everyone. Schools. Went to conference at Sheraton for ending hunger in NM. Attended Eagle homecoming parade. UFMP committee member. Construction coming from the school areas soon. October 5th, Veterans Memorial, invite everyone.

Councilor Aragon: Met with Chief and Leona regarding statistics. Everything with 87002 zip code shows up in the reporting. Went to County Commission Meeting. Thanks for attendance to the Main street meeting. We received the Building Blocks grant. DCE Sewer line, 23rd. 24th Rio Abajo Days. Planning Fashion Show at the Business Center, November 4th.

Mayor Cordova: everyone covered everything. Attended the Fire station meeting, came to good agreement with Molzen Corbin putting together a design, went with one story building to a two story building. Attended Main street meeting. Attended a meeting with PNM, activities in the area, future plans for their Belen facility here. State legislature meeting in a special session, Senate bill had passed through the senate and house that reverting Capital Outlay money. This does take away from three projects here in Belen: 1) \$425,000 for Flood control 2) \$250,000 for Christopher Road 3) \$100,000 for the North Belen Interchange

ADJOURNMENT

Mayor Jerah Cordova asked for a motion to adjourn tonight's Regular Council Meeting. Councilor Frank Ortega motioned to adjourn. Councilor Darleen 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, CMC