

REGULAR CITY COUNCIL MEETING

September 6, 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. Request to add an Executive Session, for limited Personnel matters, related to an individual employee. Put this as Item number 12, put Adjournment to number 13. Councilor Gallegos made a motion to approve the agenda with changes. Mayor Jerah Cordova asked for a second. Councilor Frank 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

APPROVAL OF MINUTES

Mayor Jerah Cordova asked for an approval of the minutes Councilor Frank Ortega motioned to approve the July 18, 2016 minutes. Mayor Cordova asked for a second. Councilor Wayne 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 minutes Councilor Frank Ortega motioned to approve the July 25, 2016 minutes. Mayor Cordova asked for a second. 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

Mayor Jerah Cordova asked for an approval of the minutes Councilor Frank Ortega motioned to approve the August 1, 2016 minutes. Mayor Cordova asked for a second. 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

Mayor Jerah Cordova asked for an approval of the minutes Councilor Frank Ortega motioned to approve the August 15, 2016 minutes. Mayor Cordova asked for a second. Councilor Wayne 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

PUBLIC COMMENTS

Mayor Cordova asked if there was anyone with a public comment.

Bill Whatley- Lions Club to open a new Chapter in Belen, Los Lunas Area. 1.4 million members, worldwide. Lions Started in 1917, international in 1920. We do Statewide screening for vision. Good to businesses to be a part of the Lion's community. Cost \$35 to join, \$70 a year. Applications handed out to Council. Business card given to Councilor Carter to be given to the Health Coordinator with the schools.

Randy Gettings- Upset with the Council regarding Esperanza Dr, states that the Council elected people that lie to the citizens. Dale Tafoya stated his street would be paved by July of this year, to make the crossing safe for our children. Still not done. City Manager looked at it and still nothing has been done. This is a health and safety issue for our children and handicapped people that pass through that area every day. Four-decade problem, my grandchild is wading through the same water I waded through as a child. I was supposed to have a report on that two weeks ago from the City Manager and haven't seen nothing. What kind of funding are you putting towards that? How are you going to fix a drainage problem with only \$20,000? It won't fix anything, why waste the \$20,000? Why not get all the funding and just get it

done already? This is the excuse I get every time from this council and this City is to put it on the back burner. I am standing here to ask for your all's resignation, including the City Manager and including Dale Tafoya, because it is wrong. Endangering children right now. I will be here next month and the next month after that until it is fixed.

Mayor Cordova advised that the funding for all Street improvements became available as of July 1st. City Manager and I have discussed your visit and your issues. We are aware of the situation and the need and we are working on funding priorities to ensure we have enough money for all the critical projects that we have in town. Right now we are looking around \$20,000 needed for that repair. The asphalt is in bad shape and it does need a repair so we are going to have to do something.

Mayor Cordova thanked all of those with public comments. Asked anyone else if there were any other Public Comments.

No one else came forward. Public Comments is closed.

PRESENTATIONS

Presentation of the 2016 9/121 Memorial Ceremony Program, Presenter: Manny J Garcia and Gloria Sanchez.

Ceremony every year. Manny Garcia read the program. Program attached to minutes. Three ceremonial bricks will be presenting to three families that have passed away that have ties to NM. Their names will be placed on the Freedom Wall at a later date. Each of the families have confirmed their attendance. Families from Albuquerque, Lexington, KY, and Colorado to make the trip for the event. Invited all the public to attend the event. 96 names on the wall, to include the three we will be installing soon.

Gloria Sanchez- Belen City Volunteer. Organized the 9/11 ceremony. Thanks to this year's committee. Easy to work with. Restorations are needed, last year we had the wall re-stuccoed, free of charge by Lawrence Lovato. Abenicio Sisneros refreshed the grounds and helped with upkeep. Several businesses donated to this cause. \$10,000 grant received from Legislature with help from retired Connie Cordova. 11 of the memorial bricks are from Valencia County. Thanks to the City for the NM flag that was added to the flag pole.

Introduction of the 919th Military Company, Presenter: Manny J Garcia

Used to be the 515th Combat Support Battalion, CSSB, was the former unit that accompanied the Belen Armory, they have relocated. We have a new Military Unit in Belen, they are the 919th Military Police Company. Sgt. Hector Saillant with us today. Sgt. Saillant introduced. Informed us they were in Rio Rancho, detachment in Farmington, main headquarters. Looking into bringing in another unit from Albuquerque. Short term goal, to bring another unit, be a part of the community to train with local law enforcement.

National Literacy Day Proclamation, Presenter: Jerah Cordova.

Mayor read Proclamation, presented to Dolores Padilla, Valencia County Literacy Council. The 29th annual Literacy week celebration. September 4-10th Proclaim as Literacy Week here in Belen.

School Attendance Awareness Month Proclamation, Presenter: Jeff Aragon

Mayor read Proclamation, presented to Jeff Aragon, Truancy Liaison Belen Schools. Mayor Cordova stands with the nation as September is Attendance Awareness Month as well as in Belen.

BNSF Ground Contamination of Diesel, Presenter: Josephine Gallucci

Issued address in 2011, January that the Railroad has contaminated their property as well as ours. They are not being monitored the way they should be, I spoke with you Mayor and you guys have never made a visit. I am meeting with NM Environment Department tomorrow morning. ERM is the subcontractor for the Railroad, started the project of pumping the contaminated water, not to the soil yet. 600,000 gallons estimated by Gary Henderson, ERM. Bart Faris stated it was way underestimated, 1 million is what is estimated as damaged. Are you aware that they still have open pits?

(Councilor Ortega confirmed that they are aware of ones in Jarales) They are lined, but the vapors are hydro-carbons, that are carcinogenic which cause cancer. What can the council do to fight the Railroad, as they are not responding to our emails. Bart Faris paid a surprise visit to them in 2014 and caught them pushing contaminated water back in to take out contaminated diesel, so he stopped them on the spot and they were supposed to order a hydro-carbon filter to stop the hydrocarbons from passing through. I am unaware if they got the filter and resumed pumping. Hundreds of trucks with tankers carrying actual diesel, and they have fueling stations all along our properties. For safety purposes these tankers are supposed to honk twice every time they enter or leave. So twenty tankers per day, 24 hours a day we don't get to sleep. Is there an ordinance pertaining to this?

Mayor Cordova advised that there likely a noise ordinance that could pertain to this situation and if they are in any violation, code enforcement could look into it.

Josephine further claims that the contamination is so bad that you cannot see the trains that border their property. Environment Control is aware of this and they are supposed to be installing monitors in our homes to actually see how much of these chemicals we are ingesting. The permit to be drawing these soil and groundwater up expired in 2015 or early 2016, have they obtained a new permit? Are they now conducting business without a permit, or was there another one issued?

Mayor Cordova advised that he is unaware of a permit, we would need to research our documents and see if we have anything pertaining to that.

Josephine complains further of the route of the trucks, as they are leaving their contaminates going and coming as they drop off and pick up. Environment Barker transferred out and Justin Ball replaced him and I have not had any luck contacting him. Implied that the City would overlook this project. Santa Fe has no record of BNSF registering with them at all regarding removing the contaminates, which is mandatory unless it is moved out of state. The contaminates are supposed to be sealed in barrels, presented pictures dated 2014 showing piles of dirt and the ground. Reports and few pictures are attached to these minutes. Ditch alongside our property closed. We don't plant gardens, or eat the fruit. Wrecked tanker parked behind our property. Clovis has moved all their filling pumps from there to here. They are using microbial, but research shows that that might be worse than the diesel contamination.

Mayor Cordova requested that City Manager Vigil request a status presentation from the NMED and schedule a future meeting as soon as possible invite BNSF to that meeting as a courtesy. Invite ERM, they are the ones doing the remediation. Thank-you.

PUBLIC HEARING WITH POSSIBLE ACTION:

Campaign Sign Ordinance: Mayor Jerah Cordova

Quite some time ago the Council approved by recommendation of the City Attorney, a new Campaign Sign Ordinance. Council accidentally overrode that section, by pre-approving all of Title 17. Need to re-approve that campaign sign ordinance that was previously approved and sent to Muni-code. I added some additional concerns that was brought up by code enforcement, and planning and zoning.

First issue is that there a lot of signs around town that are in violation of the ordinance, several property owners trying to enforce the ordinance, but that the apparatus of the sign was not addressed. I added language pertaining to this.

Another issues were interstate signs, 3-4 years ago a bulletin board was advertising for the Holiday Inn in Socorro. That is how Holiday Inn promotes, there should be a sign somewhere in Albuquerque promoting Belen's. I created a new category for interstate signs that would allow signs within a certain distance of the interstate to be a little higher than the standard sign. Would be more visible for any business.

The last piece was how to enforce a sign ordinance for a property owner who just recently purchased the property. KFC started this, because of the recent purchase of the business. But the ugly structure of the previous sign remained. Wanted to provide some leeway. I added language to grant and exemption of that particular part of the ordinance, giving 12 months to figure out any sign structures.

Councilor Gallegos: The attempt of the change was to make sure we had that 30 day clause of the election day, and that is why it was changed but when the new Title 17 came in it was a bigger part of it, that it overrode, that was done through planning and zoning. Its cleaner now, but the timing is bad now since election is around the corner.

Mayor Cordova-suggested putting a clause that would say the ordinance wouldn't be in effect until after the election.

Councilor Carter-Significant amount of changes within a few hours, a few hours to digest all this, 100 ft interstate signs are pretty high. Illumination, fee's. \$15 per sign, page 5B. Is everyone is compliance with that?

Leona: There is a charge, but unaware of the compliance to the fee for a sign.

Councilor Carter suggests we digest and review with a fine tooth comb before we take a vote on it. I would like to see a collection process on the charging for signs.

Mayor Cordova: Our attorney can take a look at the ordinance more comprehensively.

Councilor Ortega: Too much to digest right now, have attorney look at and come into a workshop for this with us. I thought we had this all taken care of with this but apparently not. Involve the police chief with this as he will be enforcing this along with the P & Z. Recommend Table this, for a workshop.

Councilor Aragon: We don't have time constraints anyway since it wouldn't be ready for this election.

Mayor Cordova: Leona to schedule a workshop in the near future. This is a public hearing, no action taken at this time, any suggestions from the public?

DISCUSSION WITH POSSIBLE ACTION

Approval/Disapproval of the Auction Listing. Action Item. Presenter: Ashley Perez

Listing attached to the minutes. Additional request to add a K9 cage to donate the cage to another department. Also requesting to add an old 19-inch Emerson television that Administration has in the conference room.

Councilor Carter raised a concern about a private buyer purchasing police car lights. Ashley informed that the lights get sold through the public surplus and other government agencies.

Police Chief Conner advised that wreckers will buy the lights and change the lenses. Some counties use them for volunteer fire fighters, I don't believe that there is huge liability selling them on surplus because it is done quite often. There will be some more available soon.

Mayor Cordova asked for a motion to approve the listing with two changes. Councilor Carter motion to approve the Auction Listing. 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/Disapproval of the Resolution, assigning a Fiscal Agent for Special Appropriation Project (Belen Sewer, Dennis Chavez Elementary). Presenter: Leona Vigil

Resolution was previously brought before the council, it was incorrect, we put that Roseanne Peralta as one of the Fiscal Agents, we have chosen MRCOG as our Fiscal Agent. Mayor Jerah Cordova as signature authority, and Dewey Cave of MRCOG, Executive Director.

Mayor Cordova asked for a motion to approve the Resolution. Councilor Ortega motion to approve. 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/Disapproval of the MOU between the City of Belen and Fiscal Agent MRCOG(Mid Region Council of Governments). Presenter: Leona Vigil

Met with Sandy Gaiser of MRCOG, assured me that they are just to oversee pay requests that come through. They will in no way look over the project, which is stated in the MOU, that the City is responsible for oversight of the construction of the Dennis Chavez Sewer Line Project and to operate any improvements. They will only charge us on the time spent on creating the MOU, they will have a time management and then charge/bill the City accordingly.

Councilor Carter: how does this affect our agreement to invoice the Schools for their portion of it? Just an oversight of disbursements?

Roseann: Yes. it won't affect anything as MRCOG is just oversight, all pay requests and paperwork has to go through them and they verify it. They are not even holding the actual money. I am still holding it. We are going to try and invoice one time so we can clear out that \$300,000.

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

Approval/Disapproval of the Amended JPA between City of Belen, Village of Los Lunas, Village of Bosque Farms and Valencia County. Presenter: Shirley Valdez and Aaron Chavez

Aaron Chavez, Administrative Services Director at VRCC. We are here to seek an amended JPA between he VRCC and the Villages. We want to add Rio Communities. We had a road block in our loan process, using the GRT's and the way our ordinance is written up, we cannot use it for construction purposes. Village of Los Lunas passed a resolution to pledge the portion of their GRT for this loan, contingent upon the other agencies approving this amended JPA. Main changes are that the Village of Los Lunas is applying for the loan and we are adding Rio Communities. Town of Peralta has been dropped from the plan as they did not respond to our emails or phone calls and didn't show up to the board meeting, so at the request of our board they are not to be added to the new JPA. They will continue to be serviced at the rate of \$8.46 per call.

Councilor Gallegos asked if the payment schedule would change a lot. When would it take effect? The funding.

Aaron Chavez advised that it would stay about the same and it would be entertaining a new building. The funding is already included in our budget for the construction. Next year the debt service will kick in.

Roseanne: Our payment for the next fiscal year, will be at or below what it currently is now correct?

Aaron Chavez: estimated of \$10, 000 increase with the debt service, per year, over all. That doesn't include Rio Communities, that could go down. We are still in ongoing litigation with Living Cross, the outstanding is still due to us, they get invoiced like everyone else.

Mayor Cordova-rent due on lease? Please explain

Aaron Chavez: With this VRCC we will have to enter into a lease agreement with Los Lunas for the term of the loan and once the loan is paid off the building will still belong to VRCC.

Mayor Cordova: What efforts were put into finding a vacant building to house this operation vs. new construction?

Aaron Chavez: All of our communication lines are currently housed on the Los Lunas Tiger tank and if we relocated, we would have significant investment to the moving of that infrastructure, ethereal, 911 circuits, microwave link, fiber link lines. Etc..

Shirley Valdez: Started the project in 2014. Looked at every building possible. Even some that we could lease. That wasn't going to work because we are putting a lot of infrastructure into that and we can't just get up and leave if we can't pay the lease. Very costly to install all of this infrastructure to vacant buildings that may or may not need further repairs already. The board agreed that this was the cheapest way to go.

Mayor Cordova asked for a motion. Councilor Aragon motion to approve the amended JPA. 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	Motioned Carried

DISCUSSION

Animal Control Ordinance. Leona Vigil

Workshops been held on this topic. Attorney made some recommendations and reviewed it based on our changes. Three things that caught my attention. Livestock permit, \$50, Commercial Kennel and a Hobby Kennel. Added to rate schedule. Omit or keep in the ordinance. Mayor reviewed/changed things as well.

Mayor Cordova: inconsistencies with the language, tried to focus on that. Service animals for the disabled, broaden that to include people with mental health conditions as well as veterans, and animal testing issues? Councilor Aragon to read further into that.

Leona-animal control officer wanted to eliminate roosters within City limits? Consensus from the Council that roosters in City limits are fine.

Mayor Cordova: Currently we have a ban on roosters already, but it can be added in to the ordinance. Consideration of the council.

Leona-Hobby kennel, 4 or more as a hobby, \$25 permit fee? Keep? Commercial Kennel, \$100/ Mayor to \$35 equivalent of a business license, Livestock permit we currently don't do, put it is listed as \$50 per livestock unit.

Councilor Gallegos: The kids doing 4H, \$50 annual fee?

Councilor Carter: How does that affect the educational farm out there? Willie Chavez, Dahl Sheep Farm?

Council Ortega: I think we would exempt them anyway. These kids work too hard to be charged for something like this.

Mayor Cordova: Can we implement and exemption

Rene (Attorney): Yes we could put an exemption for educational purposes. I compared this ordinance to what Valencia County is doing. Rather than specifically counting chickens, cow, goats, put it as a small family farm and one fee for the whole unit, whether it be chickens, or cows, or goats..as using the permit goes with the land, not the specific animal.

Leona Vigil- when we do the Sign Ordinance Workshop, do the animal workshop as well.

City Manager's Report-Leona Vigil

Attended the NMML Annual Conference in Hobbs, NM last week. Charlotte and I attended Records Retention Training in Santa Fe. She will be attending the NMML Clerks training in October. Sent an update before I left, working on the Water, Animal and Campaign Sign Ordinances.

Communications from the City Council

Councilor Carter: Councilor Gallegos provided me a Middle Rio Grande Conservancy Board member contact in our district. Setting up a meeting concerning opening the park on the other side of Willie Chavez Park. Went to the Community meeting at DCE regarding the Sewer Line. A lot of people signed up for service and stub outs. Would like to implement a animal waste pick-up rule in the ordinance.

Councilor Gallegos: Met on the 8th regarding some issues with Waste Management and the City. Started to straighten out some issues and looking into the reoccurring issues. Looking at different routes and communication with the public. 10th Older American Advisory Meeting in Bosque Farms. A lot of plans for the Senior Center. Please look at when you start to post signs as the seniors are not having room to park, before you put "business center parking only" please look at that, it isn't safe for Seniors to park across Main St. Recommend parking in the rear that just got paved. 11th met with NMDOT, facing issues on sidewalks. Repaired the sidewalk in front of the Family Dollar. Lighting issues were addressed, emails forwarded to Jill Moser. Sign issues we discussed. Attended a conference on aging for seniors. 28th a Senior Day at the Valencia County Fair, 2nd annual, great success, thanks to RSVP.

Councilor Aragon: Went to Cowbelle's for the opening and ribbon cutting here in the Anew Shopping Center. Businesses happy to have a welcome from the City. Working on and finished/sent off the Building Blocks grant. Attended the Main Street Meeting, board meeting. Watered the garden. Garden Tour this Sunday. September 27, 9:00 a.m. NM Main Street Review meeting. Attended the Fiestas.

Councilor Ortega: Attended the ribbon cutting at the incubator. RSVP moved out there today I believe. Had a sidewalk workshop that went well. We are supposed to have another one soon, not sure when, the City Manager to set up soon, and when we do we will let everyone know when that will be. 1.2 million to repair sidewalks. Attended Fiestas. Thanks to the City for providing bleachers for the people to sit. RSVP meeting. Workshop for the buildings went well. Attended the DOT meeting, concerned about the sidewalk. Looking into the light pollution complaints. 31st Sewer line meeting, DCE meeting, thanks to everyone. Started in 2010. Groundbreaking is September 23rd at 9:30 a.m. DCE by the gym area.

A lot of people to sign up, 60 sleeves available for hook up. Missed a Martin Luther King meeting had another engagement.

Mayor Cordova: Business Center Grand Opening. Meeting with Hispano Chamber of Commerce regarding the upcoming Matanza, they like Eagle Park. Sidewalk meeting very productive. Hoping to have a workshop on that Leona, we need to formulate a better plan on that before we come out with a public meeting. Had a Citizen meeting on the 20th, went well, no big issues, ongoing discussion regarding the Rail runner and the situation there, regarding people who use the Rail runner, would like to tackle that with MRCOG since they oversee that facility. Fiestas, loved the new set up. Meeting on the 25th, Rio Grande Valley Basketball Organization nonprofit, new group that is forming, local in Belen, looking to get Belen involved. Hoping to get this organization to assist us in getting Recreation around basketball. Looking for gyms and school support. Fair Queen Judging at the Posse. Saturday the 27th Parade, horsemanship judging there. The DCE meeting 31st. Today had a meeting regarding a vigil on 9/14 at the Our Lady of Belen regarding Child abuse. Been in negotiations for a hospital for quite some time now, started in the Spring until the late of July. We submitted a counter proposal on the hospital to the Villages original proposal, we haven't heard back, five or six weeks. At this point the City has issues a letter to the County requesting action on our proposal. We are hopeful that this will spur some action in settlement negotiations.

EXECUTIVE SESSION

An Executive Session to discuss limited personnel matters referencing a staff member, as allowed per the Open Meetings Act Section 10-15-1(H-2)

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 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 Frank Ortega so moved. Councilor David 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 personnel matter referencing and individual employee as allowed per the Open Meetings Act Section 10-15—1 (H-2) and no action was taken. Councilor Otega 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

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

