

**BELEN CITY COUNCIL REGULAR MEETING**  
**November 19, 2018**  
**6:00 p.m.**

Mayor Jerah Cordova called the Regular Meeting of the Belen City Council to order at 6:01 p.m. Roll Call taken by Brian McBain, City Clerk.

**PRESENT:** Councilor Frank F. Ortega  
Mayor Pro-Tem David Carter  
Mayor Jerah R. Cordova  
Councilor Ronnie Torres  
Councilor Wayne Gallegos

**CITY MANAGER:** Leona Vigil

**CITY CLERK:** Brian McBain

**REPORTER:** Clara Garcia, VC News Bulletin

**OTHERS:** See attached Sign-in Sheet

**PLEDGE OF ALLEGIANCE**

Mayor Cordova led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mayor Cordova asked for a motion to approve the agenda. Councilor Ortega made a motion. Mayor Cordova asked for a second. Councilor Torres seconded the motion.

Roll Call Vote:

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

**APPROVAL OF MINUTES**

Mayor Cordova asked for a motion to approve the minutes dated November 5, 2018 as presented. Councilor Ortega made a motion. Mayor Cordova asked for a second. Councilor Torres seconded the motion.

Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Abstain	
Councilor David Carter	Yes	Motion Carried

**PUBIC COMMENTS**

Mayor Cordova asked if there was anyone with a public comment and advised that if you would like to comment about the discussion items on the agenda, there will be time allowed for this during that item, this section will be for other comments.

**Marie Foreman:** A resident of Sausalito Estates in Belen, this is inspiring, thank you for caring about something, I am here tonight because of an article in the News Bulletin on November 8<sup>th</sup> about the Town of Peralta for the year round sales of fireworks, this is dangerous for the community in Valencia, all areas will be effected by this passage, opening it up to fire year round if this is done. People will buy them in Peralta and transport them all around the community, even if they are purchased legally, they are illegal elsewhere. I am asking that this Council support the cause to ensure this does not get passed in Peralta.

Susan Schuurman: I am here to support the resolution opposing the transport of radioactive waste, this will protect the community and the animals, especially the goats at Margarita Sanchez's house.

Ilene Shawnacy: here with the nuclear study group, will thank you in advance because I will assume that you will pass this proposed resolution, there is no reason for this waste in your communities, this will protect the community and future generations, this is the highest radioactive waste transport, there is no need to move this, especially through populated towns, the southwest is being targeted as a dumping ground and this needs to stop.

There being no other public comments, this portion of the meeting was closed.

## **PRESENTATIONS**

### **A) EMPLOYEE OF THE 3<sup>RD</sup> QUARTER 2018**

Mayor Pro-Tem David Carter presented Administrative Assistant Rose Mary Sandoval as the employee of the 3<sup>rd</sup> quarter.

## **DISCUSSION**

### **A) AC DISPOSAL AND UNIVERSAL WASTE MERGER**

Mr. Charles Montoya, owner of AC Disposal advised the Council that he is here tonight on behalf of AC Disposal to officially verbally withdraw the request for the transaction and transfer to UWS, we entered into a letter of intent and we were premature in speaking about this offer, the offer has been officially tabled and in no way did we withdraw from our contract obligations with the City of Belen, we are committed to serving our customers with the City of Belen, it will be business as usual.

### **B) BUILDING RENTAL LEASE AND NEW PART-TIME EMPLOYEE FOR MUSEUM**

Mayor Jerah Cordova advised that we will have a presentation from myself and other speakers detailing the plan and information of this proposed museum, then we will allow 30 minutes for public comments with 2 minute comments from the audience here tonight.

Mayor Jerah Cordova then presented a PowerPoint, detailing the plan of operations for this Judy Chicago and Donald Woodman museum, advising that this would be more of a biographical story, rather than an official art display.

Councilor Ronnie Torres: advised that when he spoke to Judy, she advised that she does have art that scares people, but the intention is to put items in the museum that will fit Belen, we will require that what is placed in this museum is G rated, the city will have input on this should we partner with Through the Flower, this is about succeeding in art in Belen and nothing else, we already have books about this art in the library already, and we will have books in the museum that will be uncensored, this all depends on what you want to look at, that is up to you.

Ms. Alicia Guzman: presented information on Judy Chicago titled 20<sup>th</sup> Century Icon, detailing the less controversial work and diversity of Ms. Chicago in her art, detailing the work that is put into this art, and explaining American Art History, showing the importance of women in the arts, and how advising how important this museum would be for that cause and this community.

Ms. Paula Castillo: spoke about how this art would focus more on community development, and detailed how important art is in the community itself, through expression. Economics is one piece of how this art would help the community, however, the development of this community would take center stage in this proposed museum.

Mr. Mike Racine: advised that he is a Board Member of Through the Flower and past president of Blue Skies, a local business at the airport. This proposed museum would promote cultural dialogue in the area, sharing the stories of these world renowned artists.

Councilor David Carter: advised that if this information was provided the first time, things may have been different, we would not be in this mess now, and at the workshop we did not receive this type of information. I am

still concerned with public money going to a 501-C-3, it would give the appearance of the City of Belen going into business. The Council was thrown under the bus by the Mayor on TV, the Council did their job in checking the pulse of the community and how they felt about this item. Art is in the eye of the beholder, I can now see, given this new information, that there may be some middle ground but we must look into the finances of us doing something like this. I do want to thank Ms. Castillo for her information and the fact that she met with me to detail this project, maybe Ms. Castillo can take the lead on this and help us move forward.

Councilor Wayne Gallegos: advised we had a workshop, I was not blindsided, I was concerned with what has Judy done for Belen, my main concern however, is the anti-donation laws. When we had the floods we could not even enter the private property of citizens in need, but we are now being asked to provide public funds for a private museum, is this even legal, are we ready as a city for this, and can we even financially handle this as a city with the needs that we have in the community itself. I am seeing a different perspective here tonight, as a city we can be reactive to things, but we can be creative in this, getting the people involved, maybe we even need a new board for this, allowing for greater input from both sides. Social media has pitted us against each other, we have been divided on issues in the county before, and now it is happening in our own community, we all need to meet together and talk together to come up with solutions, this social media stuff is junk, I will meet with you in person so that we can discuss the issues.

Councilor Frank F. Ortega: advised that he was concerned because we still have massive needs in the city that need to be addressed, we still need more law enforcement, as was a concern during the last election, we also still have flooding issues that devastate people's homes, we need to fund the things that benefit the town and move us forward.

Councilor Ronnie Torres: advised that he was glad to see everyone here at the meeting tonight, there are no sides here, the people here all want Belen to prosper, the cleanest way to grow Belen is through tourism, that will help bring economic development, we need to salvage what we have going now, we need to bring people in.

Mayor Jerah Cordova then opened this discussion to public comment for 32 minutes, and invited the public to speak on this topic for 2 minutes each, he also advised rules of how this will be handled.

Marie Francis-Wells: I have lived here in Belen all my life, with many generations calling this home, I want to know there is a guarantee that some of this art work would be G rated, but just like on TV, this changes, if changes without even knowing what happened, this is a fear, our town is prided on the love we have for Belen, a good Christian town. I am wondering if the money should go to other things, the money is a big deal, we need it for our police.

Lisa Chavez: I live in Los Chavez but am in Belen every day, this museum is being objected by family values, but these values are how you choose your life, the arts should not have an impact on your own values, you do not have to expose yourself if you do not want to, but do not limit others expression, this is art, Belen is made up of diversity, and our community should reflect this, I support the museum and the nativity scene we have in our town.

Lacey Greer: I would like to speak on behalf of the Christian view in the community, we are for protecting the eyes of the innocent, I believe that some of this presented art is pornographic to allow for this to be in a family centered community, the women's body should be kept sacred and not put on display, Ms. Chicago's willingness to express herself through art is a very beautiful thing, however, some of her methods draw concern to the community and the viewers of this community.

Molly Madden: I am a retired Belen teacher, I want to speak about the education aspect, and Judy Chicago has been here for 18 years and done something, workshops and other classes, that were free of charge, she educates the community. The dinner party display is fantastic and details the history of women, which is also educational, as a teacher we need to applaud her efforts, this is education that is free to Belen.

Greg Macpherson: I am a Pastor here in Belen, there are a number of people with stickers who represent family values, we have no problem with freedom of expression, when she opened a gallery in the past and it closed because of lack of funding, we did not do anything, this is concerning from a financial standpoint, this was done and did not work. I have a hard time with people deeming what is inappropriate, we are thankful for meeting with the governing body, they are open to our comment, the lease we are talking about is also a concern for future councils that can change the terms and what is allowable, churches do great things in the community but we never as for the City to pay for employees of the church, if you want to do this then do it, do it on your own with your own funding, the City should not support this financially.

Rosalynn Delgaa: I am honored that Judy and Donald have made this offer to us, we have heard a lot of Judy but this museum will also host works of Donald, his work is great as a photographer, with a strong connection in New Mexico, he is internationally known, this will go a long way as an art district in Belen.

Melissa Ober: I am a 20 year old college student, I am asking that the Council does not fund the gallery, I am a servant of God, a women of science and business owner. My concern that the arts in this museum will possibly show the girls that the way they look is more important than their minds, which is something hard to replace, this gallery focuses on body image and not their character in their communities.

Martina Chavez-Sanchez: I am a grad of Belen High School and work in the public schools, committed to this community, I am happy with the different perspectives, this is a beautiful opportunity to raise my child to value different cultures and views, something we can go to see ever changing art, I understand others point of view and it is great to have this view, but we must be inclusive.

Rick Carbajal: Many questions I had were answered earlier, but there are two things that I am concerned with, one is the anti-donation clause and the 501-C-3, these are very strict laws, especially in the work with private entities, I want to ensure that the Council look into these things. Also the art museum will show her life and contributions, but when I google the name Judy Chicago, there are things that pop up, these are pornographic, I did not see the rest as this is the type of art work she is known for, and I do not know if this should be associated with Belen, the money is also needed in other areas of Belen.

Mike Doyle: I am not a citizen of Belen, as a resident of Los Lunas, I am teased from my friends with all the business in Belen, we have our things but not culture, what you have here is an opportunity to not just expend money, this is an investment, with a possible return, to spend this on other things is short sighted, this is a world class artist, you are instead investing in the culture, one that other people notice, there are public/private agreements, this can be done and has been done in other areas.

Joshua Guerro: I am a resident of Belen and am attending UNM, I am for economic growth, and excited with new business in Belen, an art gallery would be great with these new building, Ms. Chicago is a good artist, but I do know what she is known for in controversy, and I am glad she expresses herself to think freely, but what we stand for in Belen is different, I strive to be pure for my future wife, and I think that this type of art may have a negative view on the woman's body and how it is presented, may not be the best piece of culture to add to Belen.

Jim Greer: I am a youth Pastor at a local church, Ronnie said we cannot censor so when it opens we cannot censor this, can male genitals be displayed, I mean what is the line of what is really art, are we being told that we do not have to look at it, but we must look at it first to see if we approve or disapprove, can we see this controversial art here tonight before we decide, what kind of art do we really support. We are told government support will not be long term, she has been in the community for a while so the bigger the government, the citizens pay for it.

John Thompson: I am here as a lover of art, I have art in my home, but you will not see a vagina on my walls, this is Belen and we are Bethlehem, we should capitalize on this, as I look at her website I see some things that are controversial and could image the city in this term, this could be a Trojan horse, through the flower is a another way of saying into the vagina, and I ask that you do not proceed in this.

Christie Sweeney: I have six kids, I am a foster parent for Valencia County, these children have hardship, poverty is extreme here, with drugs and pornography, this effects the young boys in the community, the books in this museum will have effects on them, including young women, there are no pornography books in the children's section, I would take this out of the library anyway, this is not through the flower it is through the vagina with no exceptions to this, she is known for this type of art, and it will cause continued controversy, it has already caused much controversy here in Belen.

Leslie Earwood: I have been in community of Belen for 50 years, I served in the schools here in Belen, we have a star that represents the community and its members, and I would caution the Council and ensure that you have legal minds on the support of the institutions coming into Belen. The Council passed a resolution to support the Star of Bethlehem, this made a statement to support the culture of this community, and this decision will determine what culture you are supporting.

Mayor Cordova closed public comment at this time, and thanked the citizens for coming out tonight to give the Council an idea of how the community feels about these tough decisions, thank you for keeping the spirit of Belen in mind today.

**C) OPT-IN OR OPT-OUT WITH NEW MUNICIPAL ELECTION INFORMATION**

Mr. Brian McBain presented information to the Council advising the option to opt into the new election laws through a county wide election for municipalities in November of odd numbered years or remain with their own municipal election in March of even numbered years. Mr. McBain advised that a resolution would be presented at the next meeting determining the direction the Council wishes to move forward with, as the clerk, Mr. McBain advised that he is not in favor of opting in at this time, not until more things are worked out and the law itself is corrected in certain places, which will be done this upcoming legislative session.

Jacob Silva: I am here to give my opinion on the new election laws, I am in favor and hope the city opts into the new election process, I think the ballot size is not an issue, and I think these new laws and process would help in voter turnout as well as insuring voter oppression is not present in the process itself.

**DISCUSSION WITH POSSIBLE ACTION**

**APPROVAL/DISAPPROVAL OF CHANGE ORDER #5 FOR THE NEW BELEN FIRE STATION**

Chief Manny Garcia presented these change orders to the Council, however he did not have the full information, and recommended that Molzen-Corbin present themselves to the Council to fully answer questions this change order. City Clerk Brian McBain advised that Molzen was supposed to be here and confirmed, but are now a no-show. The Council was concerned with some of these changes and also was concerned if the work had been done prior to bringing the changes to the Council.

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to table this item until a representative from Molzen-Corbin could be present to answer questions. Mayor Cordova asked for a second. Councilor Carter seconded the motion. Roll Call Vote:

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

**APPROVAL/DISAPPROVAL OF A RESOLUTION OPPOSING THE TRANSPORTATION OF HIGH-LEVEL RADIOACTIVE WASTE VIA RAILWAY THROUGH THE CITY OF BELEN**

Mr. Brian McBain presented this resolution to the Council, advising that the majority of this language came from the City of Albuquerque, who had already passed this resolution, this was also ran through the City Attorney for legality. Ms. Margarita Sanchez advised that this needed to be passed to protect the citizens of Belen, ensuring public safety. Leona Morgan presented information detailing the specifics of the reason this resolution needed to be in place prior to any transportation events. Councilor Wayne Gallegos and Councilor Frank F. Ortega advised their experience of this type of training from their days in the fire service, advising that this is serious and needs to be taken seriously. Councilor David Carter advised that he was not sure about moving forward with this resolution without the information from the other side

of this perspective, transportation of this should be safe and not risky to the citizens, but would like to hear how this can be done or what is going to be done to ensure safety from the transporters themselves.

Mayor Cordova asked for a motion. Councilor Torres made a motion to approve. Mayor Cordova asked for a second. Councilor Ortega seconded the motion. Roll Call Vote:

Councilor Frank Ortega	Yes	
Councilor Ronnie Torres	Yes	
Councilor Wayne Gallegos	Yes	
Councilor David Carter	Abstain	Motion Carried

***\*Resolution 2018-29\****

**APPROVAL/DISAPPROVAL OF A RESOLUTION APPROVING THE SUBMITTAL OF A STP/TIP GRANT FOR IMPROVEMENTS TO CAMINO DEL LLANO FROM MAIN STREET TO MESA ROAD**

Mr. Steve Tomita presented this information to the Council, advising that this would be used for fiscal year 2024/2025, and would allow for work to be done on Camino Del Llano, and given this resolution the Council would be confirming the application and confirming the match which will be 14% (\$145,000).

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to approve. Mayor Cordova asked for a second. Councilor Ortega seconded the motion. Roll Call Vote:

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

***\*Resolution 2018-30\****

**APPROVAL/DISAPPROVAL OF A RESOLUTION CONDEMNING PROPERTY LOCATED AT 112 BECKER AVE**

Mr. Steve Tomita presented this information to the Council, advising that the building in question has collapsed and is deemed unsafe to the citizens and area, voting in favor of this resolution would allow for the city to take action to remedy this public safety issue if it is not resolved by the owner.

Mayor Cordova asked for a motion. Councilor Carter made a motion to approve. Mayor Cordova asked for a second. Councilor Ortega seconded the motion. Roll Call Vote:

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

***\*Resolution 2018-31\****

**CITY MANAGER'S REPORT**

Leona Vigil stated: We will be working on some revisions to the AC Disposal contract, creating a 90 day termination notice, we have hired Brian McBain as the new Compliance/Community Services Director which will start on 1/1/2019. We will be posting the Clerk/Treasurer position. The County is looking at a land swap which we are looking into now. There will be a FEMA training tomorrow, new office furniture has been delivered to the new Fire Station. Miracle on Main Street and Bugg Lights event will be this Saturday, parade will begin at 6pm. We are working on the snowflakes as some of the GFI plugs are in need of repair, which we will be working on. Bertha has issued 300 food baskets in advance of Thanksgiving. Two light poles on Mesa Rd. have been repaired, another will be done by Friday. There was some discussion on fire hydrants in town, we will continue repair and remove one that are not needed if feasible.

**COMMUNICATIONS FROM THE CITY COUNCIL**

Councilor Carter stated: I want to thank the Fire and Police Departments for their participation in the evacuation drill at Jaramillo School and thank you for your response to the real thing at the high school that also happened, this was a great multi-agency response.

Councilor Gallegos stated: On the 12<sup>th</sup> celebrated Veterans Day at Tome and the Harvey House, it was great to present. 13<sup>th</sup> attended a meeting to detail the project worksheets that we will need to turn in for the flooding event and the money we qualified for, this allowed us to prioritize our projects needed. 14<sup>th</sup> attended a workshop for flooding sponsored by MRGCD, this allowed for agencies to come together with a plan in how we can address the flooding issues in Belen.

Councilor Torres passed on his time to speak.

Councilor Ortega: I would like to thank all the volunteers that helped up pull tile and clean up the flooring for the VA Memorial, we have ordered the A/C and Heater unit.

Mayor Cordova: I had a lot of meetings with the art community, the flood meeting accomplished a lot with different agencies, got some really cool letters this week, one from an elementary student who wanted to know more about government, and there was a prisoner that wanted to be close to his family/daughter and I wrote to the warden, which helped in his transfer to be completed, I was glad to be a part of this.

**EXECUTIVE SESSION**

**APPROVAL/DISAPPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE DISCUSSION OF ATTORNEY/CLIENT PRIVILEGED MATTERS CONCERNING PENDING/THREATENED LITIGATION AS ALLOWED PER THE OPEN MEETINGS ACT 10-15-1 (H-7)**

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to enter into Executive Session. Mayor Cordova asked for a second. Councilor Ortega seconded the motion. Roll Call Vote:

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

*\*The Council entered into Closed Session at 9:58 pm\**

Mayor Cordova asked for a motion. Councilor Gallegos made a motion to re-enter into Open Session. Mayor Cordova asked for a second. Councilor Torres seconded the motion. Roll Call Vote:

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

*\*The Council returned to Open Session at 10:15 pm\**

Mayor Cordova asked for a motion to advise that the matters discussed in the closed meeting were limited only to those specified in the motion for closure, and no actions were taken. Councilor Carter made the motion. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

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

**EXECUTIVE SESSION ACTION ITEM(S)**

No action at this time.

Mayor Cordova asked for a motion. Councilor Carter made a motion to table the executive session action or decision until further information can be obtained. Mayor Cordova asked for a second. Councilor Gallegos seconded the motion. Roll Call Vote:

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

**ADJOURNMENT:**

Mayor Cordova asked for a motion to adjourn tonight's Regular Council Meeting. Councilor Carter made a motion to adjourn. Councilor Ortega seconded the motion. Roll Call Vote:

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



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Brian McBain, MPA, City Clerk/Treasurer



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Jerah Cordova, Mayor