

**REGULAR CITY COUNCIL MEETING**

**December 2, 2013**

**6:00 P.M.**

Mayor Rudy Jaramillo called the Regular Meeting of the Belen City Council to order at 6:00 P.M. Roll call taken by Leona Vigil, Deputy Clerk.

**PRESENT:** Councilor David Carter  
Mayor Pro-Tem Jerah Cordova  
Mayor Rudy Jaramillo  
Councilor Audrey Torres-Vallejos  
Councilor Wayne Gallegos

**CITY MANAGER, CMC:** Mary Lucy Baca, City Manager

**DEPUTY CLERK:** Leona Vigil, Deputy Clerk

**CITY STAFF:** See Attached Sign-In Sheet

**REPORTER:** Barron Jones, VC News Bulletin

**OTHERS:** See Attached sign-In sheet

**PLEDGE OF ALLEGIANCE:**

Mayor Rudy Jaramillo led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mayor Jaramillo asked for an approval of tonight’s Agenda. Councilor Audrey Torres-Vallejos made a motion to approve tonight’s Agenda. Mayor Jaramillo asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes  
Councilor Audrey Torres-Vallejos Yes  
Councilor Jerah Cordova Yes  
Councilor David Carter Yes Motion carried

**APPROVAL OF MINUTES**

Mayor Jaramillo asked for an approval or disapproval of the minutes taken from November 4, 2013. Councilor Wayne Gallegos moved to approve the minutes. Councilor Jerah Cordova seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes  
Councilor Audrey Torres-Vallejos Yes  
Councilor Jerah Cordova Yes  
Councilor David Carter Yes Motion carried

Mayor Jaramillo asked for an approval or disapproval of the minutes taken from November 18, 2013. Councilor David Carter moved to approve the minutes with the correction that the 7<sup>th</sup> grade girls won their first game not district. Mayor Jaramillo asked for a second. Councilor Audrey Torres-Vallejos seconds the motion with the said correction. Roll Call Vote:

Councilor Wayne Gallegos Yes  
Councilor Audrey Torres-Vallejos Yes

Councilor Jerah Cordova Yes  
Councilor David Carter Yes Motion carried

**PUBLIC COMMENTS**

**Margarita Sanchez:** She attended the State’s first rehabilitation reform and she gave a summary of the session.

**Jan Johnson:** Announced that Celebrate Belen is hosting and working on its first annual Follow the Star Event. Jan stressed that Celebrate Belen is a non-profit organization, and is not part of the City of Belen.

**Rudy Jaramillo:** Mayor Rudy Jaramillo stressed his frustration with the Valencia County News Bulletin. He articulated that this community takes the biggest hit, and it disturbs him when he reads articles that down-grade his community. He mentioned that the City has a Public Information Officer (PIO) and a City Manager, and he does not have to nor wants to talk to the media. He wanted to make a correction that was reported in the newspaper; he is NOT a pastor. He stated that the article in the News Bulletin was totally uncalled for.

**Mary Lucy Baca:** She factiously thanked Reporter Barron Jones for the interesting article in the paper. She stressed that every decision she has made while upholding the title of City Manager has been in the best interest of the City of Belen and its citizens. She also stressed that she has a clear conscious. She hopes the bulletin will quote what she presented in the next City article.

**PRESENTATIONS**

**PROPOSED PLACEMENT OF A LOCAL SUBSTANCE ABUSE CENTER: JOANN SANCHEZ**

Joann Cordova-Sanchez is a licensed alcohol and drug counselor, and she claims she wants to make a difference in this community. She has been in the field since 1986. Her project is to start her own substance abuse program, and she opened up her office at 1500 Mesa Rd today. She will be applying for Medicaid funding. She is asking for the Council’s support. Councilor Gallegos mentioned that 1500 Mesa Rd. is out in the County. The Mayor stressed that there is a need for this service in this community. Councilor Jerah Cordova suggested she meet with Judge Savilla and ask her for assistance.

**DISCUSSIONS WITH ACTION REQUIRED**

**APPROVAL OR DISAPPROVAL OF THE ISSUANCE OF LIQUOR LICENSE WITH ON PREMISE CONSUMPTION ONLY FOR APPLICANT SECUNDINO BALDONALDO AMERICAN LEGION POST 81: STEVE TOMITA, P & Z DIRECTOR**

Steve Tomita mentioned that this issue was heard at a public hearing held at the last Council Meeting. The issue is up tonight for approval or disapproval. He reminded that all P & Z codes and criteria have been met.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the issuance of the Liquor License with on premise consumption only for applicant Secundino Baldonado American Legion Post 81. Councilor David Carter made a motion to approve. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos Yes  
Councilor Audrey Torres-Vallejos Yes  
Councilor Jerah Cordova Yes  
Councilor David Carter Yes Motion carried

**APPROVAL OR DISAPPROVAL OF THE LEASE AGREEMENT BETWEEN THE CITY OF BELEN AND BELEN AREA FOOD PANTRY: MARY LUCY BACA, CITY MANAGER**

Mary Lucy Baca had the Council look over the section of utilities and services on page three of the Draft Lease Agreement; a copy of which is attached hereto and made an integral part of these minutes by reference. Mayor Jaramillo asked the Council if there were any questions or concerns with the agreement. Councilor Audrey Torres-Vallejos' main concern is that there is no "hold harmless" clause in the agreement. Councilor Torres-Vallejos mentioned that on top of the Agreement it says "Lease", however in the first paragraph, first sentence it says "Lease Agreement". Her other concern was the date is dated the first, and in the fourth paragraph the word "the" needs to be removed. She questioned the current condition of the property; the lease is requesting that the City grade the vacant land to promote the drainage of ground water away from the building adjacent to such land, but she would like to know what the liability would be if it was not drained properly. Mary Lucy answered that they are going to be working on the gutters and placing a cement platform. Mayor Jaramillo added that it is City property and the City needs to be good stewards of the property also. Councilor Torres-Jaramillo also inquired about "other purposes" the BFP would use the building for, as stated in the agreement. Lori Duffy replied at this point she is not sure, but it is possible of maybe having a counseling service, or a nutrition class. Councilor Torres-Vallejos just wanted to make sure that BFP does not sublease the building. Councilor Torres-Vallejos wants to make sure there are no problems with anti-donation due to the utility clause in the agreement. Councilor Gallegos had a concern with, landlord shall be responsible for the following utilities for the first 18 months of lease. After that, the tenant is only going to pay the lesser of \$200.00 per quarter for water, sewer and trash or 50% of the actual charge to the City. Councilor Gallegos stated that the City needs to make sure we don't hurt the program or the City of Belen later on down the line. Mayor Jaramillo understands Councilor Gallegos concern, but he does not think BFP will use that much utilities. Ms. Lori Duffy informed the Council that she filed for TFAP (Emergency Food Program) with Roadrunner. Councilor Cordova stated he would like to see 6 months changed and referenced to days. Councilor Cordova pointed out that the use of premises on page one talks about notification for extended absence, but does not define extended absence; he would like to see that put in days. He also stated that on Page two use of the "front of the building" need to defined; Lori mentioned that she has a sketch of the building and she will attach it to the lease agreement as exhibit A. Councilor Cordova would also like to see directional signs in the agreement for individuals to go around the building instead of using Becker Avenue. Margarita Sanchez shared with the Council that the food stamp program has lowered their benefits from 200 to 189.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the lease agreement with the corrections. Councilor Wayne Gallegos made a motion to approve the lease agreement with all the corrections that were talked about and with the mentioned attachment. Mayor Jaramillo asked for a second. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

### **APPROVAL OR DISAPPROVAL OF THE ELECTION RESOLUTION: LEONA VIGIL, DEPUTY CLERK**

Leona informed the Council that every municipality is required to adopt a resolution calling for a regular election. Leona verified that the positions up for election are one mayor, two councilors, and one municipal judge. She added that precincts 23, 25, 27 & 31 will vote at the Belen Community Center; and precincts 21, 26 & 35 will be held at the Belen Public Library. Fire Chief Manny Garcia clarified that the correct address to the Belen Community Center is 305 Eagle Lane not 101. Councilor Cordova pointed out that the date under item G; it is written 2012 and should be 2014.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the Election Resolution with the corrections. Councilor Jerah Cordova made a motion to approve the Election Resolution with the correction to

change 101 Eagle Lane to 305 Eagle Lane and changing item G to read 2014 instead of 2012. Mayor Jaramillo asked for a second. Councilor Audrey Torres-Vallejos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion carried

**APPROVAL OR DISAPPROVAL OF THE CELEBRATE BELEN IN-KIND SERVICE: MARY LUCY BACA, CITY MANAGER**

Mary Lucy Baca handed out a copy of the in-kind service cost estimation for the Follow the Star Event that will be held on December 14, 2014. The total is 1755.76. Councilor Gallegos questioned the \$200.00 charge for barricades. Mary Lucy answered that the cost is as if the City were to have to rent the barricades. Councilor Gallegos clarified that these are in-kind services; however Mary Lucy put a dollar amount to the service to show the expense. Mary Lucy mentioned that it doesn't matter what event is going on in the City, it's our City and we are responsible for proving safety for the public. Councilor Audrey Torres-Vallejos added that all of the costs are authorized costs per lodger's tax. Councilor Cordova asked what position of employees is speculated for the Event. Mary Lucy answered the majority of the employees are from the Street Department and there are a couple from the Solid Waste Department. Councilor Cordova asked if the approved budget that was presented by Ronnie Torres had an impact on the request. Mary Lucy answered that "Follow the Star" is in the Lodger's Tax Budget at 1,000. Mary Lucy stressed that the request before the Council is for in-kind services from the City. Councilor Gallegos liked the breakdown of costs and likes that everyone is well aware.

Mayor Rudy Jaramillo asked for a motion to approve or disapprove the Celebrate Belen In-Kind Services. Councilor Jerah Cordova made a motion of approval up to \$1,800.00 for in-kind services for Celebrate Belen. Mayor Jaramillo asked for a second. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Abstained	Motion carried

**DISCUSSIONS**

**LEASE AGREEMENT FOR THE PROPERTY LOCATED AT 715 SOUTH MAIN: JAMES HOLBROOK**

James Holbrook informed the Council that a few years ago he came before the Council for approval to rent the old recreation city building in hopes of creating a training center to try to create jobs in the City; his wife had a martial arts academy that was moved in there also. Tim Jerome partnered up with James Holbrook in May. Lori Holbrook, James wife, moved her Belen Academy Martial Arts to 830 North Main Street because they were running out of room. Lori's business is doing well, and James business is expanding. Mr. Holbrook's business has partnered with UNM Valencia, and they also approved a training provider through Workforce Investment. Mr. Holbrook would like to get a 10 year and 5 year segments of extension of the lease. They are asking for permission to adapt the building into a commercial setting. Tim Jerome stated that not only is the business growing hugely in the upgrade and installation of sale towers across the nation; they re opening up six markets. They have certified project management training as well as many other trainings available. Mr. Holbrook asked if he could remove the playground from the premises; he would like to put two solar arrays out on the concrete pad. Councilor Cordova would like an opinion from the City Attorney on the subleasing issue. Mr. Holbrook would like to remove Belen Academy Martial Arts off the lease, and put Digital Network Services on the lease. Councilor Gallegos stressed his concern with changing the building such as the flooring and acoustics. James replied that he will leave the acoustics on the wall. The changes he would like to make

are a raised ceiling at the front entrance, a wall with a 6ft door. He added that there will be some holes in the gym floor that can be patched with rubber. Air ducting will have to be redone to go into the office area, but it will be an enhancement to the building. Councilor Gallegos stressed that the Council needs to make sure of what all it is approving. Mayor Jaramillo suggested that they work with Planning and Zoning and bring in their plans to the Council. He has carpet underneath the warehouse shelves not to damage the floor. Councilor Cordova stated that we may need to add something to the agreement in reference to the structural changes. Councilor Cordova mentioned that the agreement states that they can obtain written consent to essentially reassign the lease; so if the City wanted to change it from Belen Academy Martial Arts to in can be done administratively.

## **INFORMATIONAL ITEMS**

**City Manager's Report:** A copy of the City Manager's and Projects Report is attached hereto. Mary Lucy reminded the Council that the City was chosen member of the month for the Chamber and the luncheon will be held on Thursday. She is waiting for the in-kind service request from the Hispano Matanza, MLK and the Film of Flight. The City has been approved to be the Fiscal Agent for the Senior Center. Steve Ethridge, electrician, stated that the lights at the Senior Center were cut. Councilor Gallegos mentioned that there may be grant money left over to use towards lightening. She reminded the Council about the \$20 collection for the Employee Appreciation Luncheon. She gave Regina Griego, along with Belen Missionary Baptist, permission to decorate Anna Becker Park and make it more festive. She attended the last meeting with Tony Abo from NMDOT; Jill Mosier will be taking his place temporarily; however she is out on maternity leave The Legislative Dinner went well. She then went over the Project's Report. Councilor Cordova asked if the Rio Communities agreement was going to come before the Council. Mary Lucy answered yes; it should be at the next meeting.

**Councilor David Carter:** He attended the Celebrate Belen on the 19<sup>th</sup>; they are working on the bylaws. He along with Councilor Gallegos met with the two Councilors from Rio Communities to start the initial MOU. He met with Councilor Gallegos and P & Z to discuss the Becker Street Change Orders. He attended the Follow the Start Meeting; they are working on moving the event forward. He attended the Legislative Dinner that he states went very well. He attended the Audit Exit Meeting with the City Auditors on the 26<sup>th</sup>. He was unable to meet the Miracle on Main Street Parade, he had grandfather duties.

**Councilor Jerah Cordova:** He attended the Hispano Chamber Meeting; there will be a meeting next Tuesday for all the teams to work through the logistics. The logo for the Matanza is ready, and it will be pigs dressed as conquistadors. He attended the Legislative Dinner. He attended the Belen MainStreet Partnership Meeting; they are working on a Belen Movie Tour, Old City Hall in which they received a 15,000 grant for the roof and they are adding a Visioning Committee; they will take a look at the whole picture. He stated that Miracle on Main Street went well.

**Mayor Rudy Jaramillo:** He attended the luncheon meeting with Tony Abo from NMDOT. The Legislative Dinner; the governor wants to focus money water projects. On the 22<sup>nd</sup> he attended a Birthday Luncheon at City Hall for all the November birthdays. On the 26<sup>th</sup> he attended the Audit Exit Meeting. He attended the Senior Citizen Thanksgiving Luncheon and the Miracle on Main Street Event. He announced that Mr. Ben Barnes' wife passed away; Ben Barnes is a former Assistant Fire Chief at the BFD. He mentioned that Mr. Barnes also has cancer, and asked everyone to keep him in their prayers. Mayor Jaramillo advised the Council that a Workshop needs to be set to discuss GO Bonds.

**Councilor Wayne Gallegos:** He and Councilor Carter met with Councilor Stacey and Councilor Serna from Rio Communities on the 19<sup>th</sup> and they started a MOU between the two entities. He attended the Legislature Luncheon on the 21<sup>st</sup>, which he felt was positive. On the 22<sup>nd</sup> he met with constituents from Becker Street to discuss concerns. The Miracle on Main Street was great; they gave away a mini ipad which kept people around that led them to look around and do other activities. He added that family visiting for Thanksgiving seem to extend their visit to stay for the parade. The Belen Eagles lost, but made it to the Quarter Finals.

**Councilor Audrey Torres-Vallejos:** She was not able to make the Miracle on Main Street Parade; she was a camp cook for her grandsons first deer hunt. She attended the Legislature Dinner. On the 26<sup>th</sup> she attended the Senior Thanksgiving Luncheon at the Senior Center. She delivered pastries to the Senior Citizens. She thanked the Water and Street Department for fixing the water leaks on Tenth Street.

**EXECUTIVE SESSION:**

Mayor Rudy Jaramillo asked for a motion to leave an open meeting and go into an executive session to discuss limited personnel matters, pending litigation and land acquisition.

Councilor David Carter moved the motion. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion Carries

Mayor Rudy Jaramillo asked for a motion to leave an executive session and return to the open meeting. Councilor Jerah Cordova so moved the motion. Councilor Audrey Torres-Vallejos seconds the motion. Roll call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion Carries

Mayor Rudy Jaramillo asked for a motion to attest that discussion was limited to limited personnel matters, pending litigation and land acquisition and that no action was taken. Councilor Audrey Torres-Vallejos so moved the motion. Councilor Wayne Gallegos seconds the motion. Roll Call Vote:

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion Carries

Mayor Rudy Jaramillo asked for a motion to adjourn tonight's meeting. Councilor Audrey Torres-Vallejos motioned to adjourn the meeting. Councilor David Carter seconds the motion.

Councilor Wayne Gallegos	Yes	
Councilor Audrey Torres-Vallejos	Yes	
Councilor Jerah Cordova	Yes	
Councilor David Carter	Yes	Motion Carries

/s/ \_\_\_\_\_  
Rudy Jaramillo, Mayor

ATTEST:

/s/ \_\_\_\_\_  
Mary Lucy Baca, City Manager, CMC