



VILLAGE OF CORRALES
GOVERNING BODY
REGULAR MEETING
MINUTES

December 21, 2010
6:30 p.m.

COUNCIL/MUNICIPAL COURT CHAMBERS

Governing Body present:

Mayor Gasteyer
Councilor Alsobrook
Councilor Clauser
Councilor Gagliano
Councilor Garcia-Miera
Councilor Gerhart
Councilor Harper

Village Staff present:

Village Administrator John Avila
Deputy Clerk Noelle Garcia
Police Chief Ray Vigil
Fire Chief Anthony Martinez

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Gasteyer called to the meeting to order at 6:34 pm and led the Pledge of Allegiance in both English and Spanish (Juramento de Fidelidad).

II. APPROVAL OF AGENDA

Mayor Gasteyer commented that item 13, ordinance 11-002, wasn't available until this afternoon and wondered if it would be a problem to publish and post? Attorney Appel said he saw no problem with publishing and posting if the Council so approves.

Motion: Move to approve the Agenda, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Clauser.

Vote: Motion carried by unanimous vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

III. APPROVAL OF MINUTES

1. December 7, 2010 Council Minutes

Motion: Move to approve the minutes of December 7, 2010, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Gagliano.

Vote: Motion carried by unanimous vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

December 7, 2010 Work-study Minutes

Motion: Move to approve the minutes of the workstudy of December 7, 2010, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Gagliano.

Vote: Motion carried by unanimous vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

December 16, 2010 Special Meeting Minutes

Motion: Move to approve the minutes of the December 16, 2010 closed session,

Action: Approve, **Moved by** Councilor Gagliano, **Seconded by** Councilor Alsobrook.

Vote: Motion passed (**summary:** Yes = 4, No = 0, Abstain = 2).

Yes: Councilor Clauser, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

Abstain: Councilor Garcia-Miera, Councilor Gerhart.

IV. ANNOUNCEMENTS

Mayor Gasteyer announced the following:

- Village Administrative Offices will be closed on December 24, 2010;
- Saturday, December 25, Recycling Center will be closed;
- Thursday, December 30 will be the swearing in of new Sandoval County officials at 3:00 pm;
- Friday, December 31 is an observed holiday and Village offices will be closed;
- On Saturday, January 1, the Recycling Center will be open;
- Sunday, January 2 is a Winter Growers' Market;
- Tuesday, January 12 is the next Regular meeting;
- Bureau of Reclamation representatives will be at the Bosque Advisory Commission Meeting on January 13.

V. PETITIONS

N/A

VI. COMMUNICATIONS

2. Administrator's Report

Village Administrator John Avila reviewed his written report (see attached).

VII. COUNCILORS FORUM: This section is for information purposes only, not for discussion and debate, to inform the Governing Body of an issue/ concern that would not be addressed on the agenda during the business session.

Councilor Gerhart said she distributed a "Christmas present" to the Village from Evelyn Losack, a copy of the Council Meeting scene from the Corrales pageant, as well as a Christmas song from the pageant.

Councilor Gerhart said that the applications with APS for after-hours use of Corrales Elementary by the Corrales Creative Art Center have been submitted and the artists in the community are being recruited to teach classes. She will leave a form at the Village office for class proposals.

Councilor Alsobrook said that the Silica Task Force rotated shifts a couple of weeks ago observing the sampling process at Inteland verifying that there wasn't any deceit involved. A report can be expected in the next couple of months.

Mayor Gasteyer said that he went to meet with Albuquerque area legislators at the invitation of Mayor Berry. The Hold Harmless Compensatory and Small Cities Assistance Act payments were discussed, as well as the likelihood that employer contributions to PERA (Public Employee Retirement Association) might increase. Also, it was mentioned that there might be some funding under the severance tax bond authority for wastewater projects.

VIII. CORRALEÑOS FORUM: This section is for information purposes only, not for discussion and debate, to inform the Governing Body of an issue or concern that would not be addressed on the agenda during the business session. There is a 3-minute time limit, unless approved by the Presiding Officer.

No discussion

**X. CONFIRMATION OF PERSONNEL RECOMMENDATION:
4. N/A**

**XI. CONFIRMATION OF APPOINTMENTS
5. Sandra N. Stevens Safe Routes to School Team**

Motion: Move to approve Sandra N. Stevens to the Safe Routes to School Team,

Action: Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Harper.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

**IX. CONSENT AGENDA:
3. Reports from Boards, Commissions, and Department Head Personnel**

Mayor Gasteyer said he was impressed by the variety of things that the Parks and Rec Commission is looking at, such as re-examining fees for facility uses, and also a movie night during the summer months.

Councilor Clauser commented that a lot of residents have expressed good feedback about the library and the wonderful staff.

Councilor Alsobrook asked about meeting with wireless communication developers as outlined in the Planning and Zoning report? He wondered how things are going? Administrator Avila said one of this issues they are having trouble with is meeting the requirement for bringing in the water tank. They need to provide proof to the Village that they can safeguard the water supply, and that it be a quality product. They are working through it and once they can provide that design, they can move forward quickly.

Motion: Move to approve the Consent Agenda, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Clauser.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

XII. OLD BUSINESS:

6. THIRD READING:

Discussion and consideration of Ordinance 10-011, an ordinance amending Chapter 18, Article III (Subdivisions), of the Code of Ordinances of the Village of Corrales, being Ordinance No. 63, adopted January 13, 1976, as amended and supplemented; defining terms; amending and clarifying required submittals and procedural requirements for review and approval of subdivisions; and making technical corrections.

Attorney Appel said that at the last meeting, it was pointed out that the proposed language in Ordinance 10-012 was confusing, and similar language appears in proposed paragraph 18- 86 (b)(11) of this ordinance. The new language is as follows: "Land east of the Corrales main canal shall be exempt from the requirement to submit a topographic survey provided that an affidavit stipulating that the land has a 1% or less slope signed and sealed by the surveyor or professional engineer preparing the plat, is placed on the plat, and a topographic survey has not been specifically required by the Commission or the Administrator. The Commission or Administrator may require a topographic survey in the event the Commission or Administrator finds that such a survey is needed to adequately characterize the topography of the site, even if located east of the Corrales Main Canal."

Motion: Move to approve Ordinance 10-011, with a substitution in paragraph 18-86 (b)(11)(b) as read by the Village Attorney, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Clauser.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

7. THIRD READING:

Discussion and consideration of Ordinance 10-012, an ordinance amending Section 18-30(b) "Storm water retention" of the Code of Ordinances of the Village

of Corrales, being a part of Ordinance No. 220, adopted October 9, 1989, as amended; providing that grading and drainage plans will not generally be required for development of lands east of the Corrales main canal.

Councilor Gerhart said that at the last meeting, it was recommended that paragraph 18-30(b) be separated into two paragraphs, and wondered why Attorney Appel did not separate the paragraph in his proposed language in paragraph (b)? Attorney Appel answered that separating the paragraphs would affect other references throughout the Ordinance and would be confusing and more work than is needed.

Attorney Appel read the recommended amended language: "Stormwater retention shall be in accordance with all applicable Village and State ordinances and requirements. All improved or developed lots shall retain localized stormwater on site unless otherwise approved by the Village Engineer. Land east of the Corrales main canal shall be exempt from the requirement to submit a grading and drainage plan for developed properties provided that an affidavit stipulating that the land has a 1% or less slope signed and sealed by a surveyor or professional engineer licensed in the State of New Mexico has been provided and a grading and drainage plan has not been specifically required by the Commission or the Administrator. The Commission or the Administrator may require a grading and drainage plan in the event the Commission or the Administrator finds that a grading and drainage plan is needed to adequately address water retention on the site even if located east of the Corrales main canal."

Councilor Gerhart said that usually, the Village just requires the stormwater to be retained that is the volume created by improvement of the land and to allow traditional flows to flow. Is this a change? Attorney Appel said that it a change recommended by the Planning and Zoning Commission.

Motion: Move to approve Ordinance 10-012 to include the suggested language as read by the Village Attorney, **Action:** Approve, **Moved by** Councilor Gagliano, **Seconded by** Councilor Gerhart.

Councilor Alsobrook said that the original language included the county, and wondered if that should be included in the new language? Attorney Appel said the Village does not enforce County ordinances.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).
Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

8. THIRD READING:

Discussion and consideration of Ordinance 10-013, an ordinance amending Section 18-30(f) "Height restrictions" of the Code of Ordinances of the Village of Corrales, being a part of Ordinance No. 220, adopted October 9, 1989, as amended; providing that utility poles in areas of the Village served by established above ground utilities shall not exceed forty (40) feet in height above grade.

Motion: Move to approve Ordinance 10-013, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Harper.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).
Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

9. THIRD READING:

Discussion and consideration of Ordinance 10-014, an ordinance amending Section 8-47(b) "Certificates of occupancy: issuance" of the Code of Ordinances of the Village of Corrales, being a part of Ordinance No. 05-01, adopted March 8, 2005; providing that no certificate of occupancy shall be issued until all required fees have been paid.

Motion: Move to approve Ordinance 10-014, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Gagliano.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).
Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

10. SECOND READING:

Discussion of Ordinance 11-001, an ordinance restricting the operation of motor vehicles on unimproved lands in the Village of Corrales; prohibiting the operation of motor vehicles in arroyos and watercourses; prohibiting the operation of off-highway motor vehicles on Village Rights of Way; providing exceptions for emergency, police and maintenance vehicles; imposing penalties for violations; and authorizing the impoundment of vehicles in the event of repeat violation.

Attorney Appel stated that on page 3, in proposed section 34-63(c), there is an exception for the operation of law enforcement vehicles on any land, public or private. It was pointed out to him that the Fire Department also regularly uses vehicles in patrolling, so the Governing Body may wish to amend the final reading by referring to "public safety" vehicles.

Councilor Garcia-Miera said there were people in the Village concerned they need to use ditch roads on occasion. Would that be up to the police in terms of enforcement? Attorney Appel said there have been many complaints in the past about ATV's being driven on high rates of speed. Exceptions in the ordinance are only for emergency vehicles, people who have licenses from the MRGCD, and vehicles being used for agricultural purposes.

Councilor Gerhart wondered what the status is of licenses for the Interior Drain ditchbank? Mayor Gasteyer answered that he could check with Ray Gomez to see what licenses have been issued.

Councilor Gagliano said that everybody knows what the intention of the Ordinance is. Can't language be drafted to include exceptions for occasional use, such as people retrieving their lost pets while in their vehicle? Attorney Appel said he can eliminate the appropriate language in the Ordinance.

Attorney Appel said that he can draft a proposed revision to the ordinance that would delete those sections and present it to the Governing Body as a possible option at the

final reading. Councilor Gagliano said he doesn't want to eliminate ATV's, just other vehicles.

Mayor Gasteyer said that as a courtesy, this draft Ordinance should be shared with the MRGCD.

11. Discussion and instruction to the Mayor regarding Proposed Project Plans for firebreaks in the Bosque Nature Preserve pursuant to a New Mexico Forestry Division grant.

Roger Finzel said the he, along with other Corrales residents, is passionate about maintaining the Corrales Bosque as a preserve. Where are we going to draw the line with the natural course of a preserve? While he respects the Fire Department, he disagrees with what the Fire Chief is recommending. The problem with fires in the Bosque is not wood, it's people. He said fire prevention will come from preventing people from living in the Bosque. He urged the Governing Body not to allow fire breaks.

Andrew Parker said that he enjoys the Bosque Preserve and habitat. He understands the Fire Department's priority of public safety, however, replacing the Bosque because of cutting is more difficult than replacing a home destroyed by a fire.

Anita Walsh said the Village has been good about preserving the rural quality of the Village and the Bosque Preserve. Fuel breaks will change both.

Nancy Dhooge asked if a study has been done with a horticulturist to determine what the fuel breaks will do to the Bosque? How is sand going to be controlled? She urged the Governing Body to ask residents how they feel.

Jim Findley urged the Governing Body not to rush approving the fuel breaks. He discussed foliage height diversity, native and non-native plant species in the Bosque. He asked the Governing Body to urge the Bosque Advisory Commission to come up with a plan that incorporates fire protection procedures.

Jeff Radford, former Chair of the Bosque Advisory Commission, said that whenever proposals were made as to what to do regarding clearings in the Bosque, the MRGCD would show slideshows of open spaces, which sounds a lot like what is being proposed now. The problem was that all the agencies assumed that is what Corrales wanted. That is not what Corrales wants.

Mark Kaib said that an increase in people equals an increase in the fire risk. The entire Bosque could be at risk with one single fire. He said that the key is prevention and that planning is crucial. He stated that fire breaks are a part of the plan and would lay out the fire breaks so that firefighters would know where to go in the event of a fire. He also said that he would be very reluctant to do work in the Bosque that was not compatible with wildlife and ecological values. He pointed out regrowth after a fire could take up to 20-30 years.

David Worledge of the Bosque Advisory Commission said that the fire break issue is being approached by the Commission very carefully. He stated that this is not a clearing of the Bosque. This issue has come up because there was some money available and

would have been suitable to get a start on one or two fire breaks that would be able to demonstrate more effectively what is on the Commission's mind on the proper way to do fire breaks. He said there has been good progress in mapping the features of the t preserve, covering 19 different categories.

Todd Haines, a District Forester for New Mexico State Forestry's Bernalillo District, said that he was here for the Cabezon Fire. He said that there are a lot of reasons to do thinning projects.

Councilor Alsobrook asked how long is this funding opportunity available, and will it occur again? Mr. Haines said the money was moved from the Jemez to Corrales, and the deadline is June. He said that people who are initially reluctant to approve thinning projects are generally pleased with the outcome.

Jim Fahey said that a couple of years ago there was discussion about cutting in the Bosque, and the Habitat Management Plan was suggested and the Commission has done an excellent plan in getting the Plan done. Mr. Fahey said that the fire breaks are a good thing and that the Village should be doing what it can to protect this Bosque and the homes adjacent to the Bosque.

Councilor Garcia-Miera said that what he is hearing is that the best thing to do is to utilize the money but only if a plan is put together. He wondered if the plan would need to be together by June? Mr. Haines answered yes.

Councilor Gagliano said that he understands that people have a strong attachment to what the Preserve represents, however, he is troubled when people use their own personal assessment regarding what the preserve needs. The needs of the Preserve should be based on objective things, not subjective things. He noted that those that were faced with the greatest natural disasters afterwards were the ones that continued to wring their hands and do nothing about the risk presented by fire and other risks for the community. He said he is not suggesting a clear-cutting of the area. He said he that not taking proper precautions puts people's homes at risk, as well as the Bosque. He said that understanding now that the plan is finding appropriate sites for the fire breaks, and that they won't be clear cut breaks, he thinks it is a wise choice and a wise direction for the Village to follow.

Councilor Alsobrook said that he thinks that the moment we take over the control of nature from nature itself, we violate what nature is. Is it worth the risk? He said the language in the plan discuss openings and natural fuel breaks. He pointed out that the dimensions of the fuel breaks are all 164 feet wide. That tells him that there hasn't been a lot of consideration for the natural state of the Bosque. He thinks there is a clear conflict of the summary of the plan versus the details.

Councilor Harper inquired about the timeline, and wondered if it was possible to pick one or two pilot areas, and he wondered if there is a suitable definition of the extent of the project? Mr. Haines said the date for the Migratory Bird Act's restriction on work is around April, so Bosque work would have to be stalled. He said the State would be happy to do a couple of pilot projects until Mr. Haines feels the pressure to get the rest of the money on the ground. Mr. Haines discussed other areas where people were skeptical about fuel or fire breaks and ended up being pleased with the results.

Councilor Harper said he would like the Bosque Advisory Commission to come to the Governing Body with a suggestion of one spot that could be a pilot project for vote from the Council. Then they can map out other locations that are free of understory where firefighters could have easy access and bring those before the Council.

Councilor Clauser said that tonight was the night that the Council heard the discussion it really needed to hear, and agrees that there should be one or two suggestions for pilot areas and that the Bosque Advisory Commission should be very involved.

Councilor Harper also said that he had read in the Corrales Comment that the U.S. Army Corps of Engineers or Bureau of Reclamation would make water available for flooding the Bosque or wetting channels and he would like to see that pursued.

Councilor Clauser said she would like to see extreme care in the planning and implementation of that project.

Councilor Gerhart said that she is reluctant to support this because it's grant driven. She said there are all these layers of work going in to the Bosque. Our Bosque, compared to the other stretches, is more diverse and has more wildlife. She just wants to the Village to be extremely cautious about how they proceed given the fact that that we have this habitat and not follow the models that have been done everywhere else. She also mentioned that the clearing done two years ago created openings. She wondered why it has to be done again? Also, there is an enormous project that the Corps of Engineers is beginning to develop in the Corrales Bosque to reconnect the hydrology to bring water in, and she doesn't understand why the Village would undertake the clearing project when the Corps project is already in progress? She said she appreciates the Fire Chief's planning and agrees there should be fire planning, but it shouldn't be driven simply because there's money available.

Motion: Move to instruct the Mayor to instruct the Bosque Advisory Commission to present to the Council by the first meeting in February a detailed plan for one pilot project with a specified location, for a vote by the Governing Body, **Action:** Approve, **Moved by** Councilor Harper, **Seconded by** Councilor Clauser.

Administrator Avila asked if the Project Plan application to State Forestry can be amended and adjusted? Mr. Haines said, "yes". Councilor Harper asked if the application was received by the end of February, would that be enough time? Mr. Haines said, " yes", but the whole \$20,000 might not be received.

Vote: Motion passed by Voice vote (**summary:** Yes = 5, No = 1, Abstain = 0). Councilor Gerhart announced vote as nay.

XIII. NEW BUSINESS:

12. FUTURE AGENDA ITEMS

The Mayor listed the following as likely agenda items for the scheduled meeting January 11, 2011:

Third reading of 11-001;
Second reading of 11-002;

Possible resolution directing the Administration to pursue borrowing for the wastewater project;
Discussion and a possible resolution in support of the Central New Mexico Community Collage bond issue;
Discussion of reworking an easement sought by SSCAFCA on 14 Village-owned acres in or near the Los Montoyas Arroyo as a license or short-term access agreement;
Discussion and consideration of actions recommended by the Bicycle Pedestrian Advisory Commission, such as no cell phones while driving, and
Budget review

13. FIRST READING:

Discussion and consideration to publish and post Ordinance 11-002, an ordinance amending Article II to permit the Mayor and Councilors the option of waiving their salaries as established by the Code of Ordinance.

Mayor Gasteyer asked if the judge should be included as well? Attorney Appel said that he doesn't know if there is statutory guidance on the pay for the judge. He thinks it's better to restrict this to the legislative body.

Councilor Gagliano pointed out a typo in the ordinance regarding pay for the Council members. Attorney Appel said he took that number from the Village code. Attorney Appel said he recommends to publish and post with the corrected salary amount. Deputy Clerk Noelle Garcia said she would verify the correct amount.

Motion: Move to publish and post ordinance 11-002 with the correct salary for Council members, **Action:** Approve, **Moved by** Councilor Alsobrook, **Seconded by** Councilor Gerhart.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilor Alsobrook, Councilor Clauser, Councilor Gagliano, Councilor Garcia-Miera, Councilor Gerhart, Councilor Harper.

14. Discussion and consideration of Resolution 10-063 to establish a Water Advisory Board.

Mayor Gasteyer said he is confident that he can find some very knowledgeable individuals in the Village to serve on this committee.

Councilor Clauser said that the decision will be made by the Council after the report, and she would like the Council to receive the same materials discussed by the board.

Councilor Gagliano agreed and said he'd like the same type of updates from all commissions, boards and committees and suggested there could be a page on the Village website for all the boards and commissions and committees to be updated with new information.

Administrator Avila said that when the Open Meetings Act was adopted, each board was supposed to report its minutes or other recommendations and advice. Some boards and

commissions include reports and minutes in the Consent Agenda. He asked if it would be advisable to ask require all boards and commissions to submit minutes?

Councilor Clauser said she's asking for more than minutes. She wants all the materials they are looking at and discussing.

Councilor Alsbrook wondered if the Water Advisory Board should be tasked with a general position statement for the Village of water issues?

Attorney Appel said that the Village doesn't need to develop a plan as because the Village does not have a public water supply system. He said that Councilor Alsbrook's suggestion would be for the Board to develop a general position statement for consideration by the Council on critical water issues affecting the Village. Councilor Alsbrook said that language should be inserted in paragraph 5.

Motion: Move to approve Resolution 10-063, a resolution to establish a Water Advisory Board with the additional language provided by Counselor Appel, **Action:** Approve, **Moved by** Councilor Gagliano, **Seconded by** Councilor Gerhart.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsbrook, Councilor Gagliano.

15. Discussion and consideration of Resolution 10-064 to instruct the Mayor to proceed with design of Phase III (Village boundary to connection with ABCWUA) of the wastewater project and to obtain additional detail about the equipment needed (at current prices) at service locations.

Councilor Gagliano said that he is concerned with overall costs. There's a lot of uncertainty with the costs and with the construction of Phase III.

Councilor Alsbrook said that the language on the agenda is more expansive regarding cost than the language in the Resolution. Mayor Gasteyer said that he simply forgot to include that language in the resolution itself.

Councilor Gagliano said that Phase III will extend outside Corrales.

Councilor Alsbrook asked if Phase III is completed, does that pipe get deeded back to them? Councilor Gagliano answered yes.

Attorney Appel said that for clarification, what the Agreement that has been approved establishes is that upon completion, the force main constructed by the Village, even if outside Village boundaries, will remain with the Village. The connection itself, south of Alameda in front of Pep Boys, becomes the property of ABCWUA.

Councilor Alsbrook asked if the line has a failure, the Village has to pay to dig it up? Attorney Appel said that depends on the final form of the maintenance agreement the Village enters into with ABCWUA.

Councilor Clauser said the original project asked for Jerry May to plan and design for 50,000 gallons, and this project, with the immediate-needs neighborhoods added up to

195,000 and the original connection isn't working and we're having to spend half a million dollars more in order to hook up the other areas that we didn't study very directly. She said she is very uncomfortable with reading the material regarding that decision and finding out that the decision was made with data that didn't turn out to be what was being used for the final project. The idea that more money will be used to spend outside the Village on a project that we don't understand. We don't know the infrastructure on these immediate-needs neighborhoods, whether they have cesspools or failing sewer systems. That's a better use of the money than crossing the Alameda intersection for the hook-up.

Councilor Alsobrook said that he agrees that there are unknowns we should have details on those but doesn't believe that if the project reaches completion, we'll be tying into the Calle Cuervo lift station. \$500,000 is a very round number. We need to know how much Phase III is really going to cost and at the same time, we need to understand if the Village is going to own the pumps or not, what are the prices for those, etc. We can't build anything with the money we have right now, and rather than lose all of that and have nothing to show for it, we need to have as complete an information picture as possible.

Councilor Clauser said that she's not convinced that we know enough about the immediate-needs neighborhoods to know that the only solution is to hook them up to what's becoming a centralized sewer that needs to be connected to Albuquerque. She said that Dr. Rose always suggested that a de-centralized solution to our sewer problem was probably, or, at least, possible because we have large properties.

Councilor Alsobrook said we need more and more design information that needs to be in the scope of the funding.

Mayor Gasteyer pointed out that we have a pipe in the ground for the collection portion. We have a design completed for the transmission portion, we have deadlines in terms of funding, and we'll run out of Sandoval County funding in the middle of 2011 and will run out of EPA eligibility in October 2011. He, too, would like to know more about the immediate needs areas, but that sounds like going back to square one in a preliminary engineering report and an auxiliary project. He said he thought he was following a simple instruction from earlier discussion in presenting this resolution for consideration.

Councilor Harper asked why the resolution couldn't be changed to a resolution to direct the Mayor to obtain a design for Phase III for of the STEP wastewater system for the business core and the immediate-needs neighborhoods? That would expand the mandate for the design. We could have a pretty simple assessment of the possible flows from the immediate needs neighborhoods by just counting the number of bedrooms in these homes.

Mayor Gasteyer answered that it's his understanding that's what's in the design right now of the pipe that has been completed.

Councilor Gerhart said she would like to stick with what has been posted and discussed last time because she agrees with serving the other neighborhoods. We have had an engineer review it and what we've gleaned off of that is increasing the capacity of the flows. What we did is say that the transmission pipe has the capacity to take those neighborhoods. We've made no other decisions about those neighborhoods, and sticking to the original plan is accommodating the business area that has specific needs

and what we can do with the money and so, the focus is, can we get rid of as many unknowns as we can and then have the immediate needs neighborhoods addressed at a future time? She doesn't want those on the table right now. She does want to know what it's going to take to complete the project's connection to AWCWUA for treatment.

Councilor Harper said that the cost of connecting south of Alameda Boulevard will never be lower than it is right now. We'll have to cross that intersection at some time, and have to engage in these activities at some point. No matter how much longer we study and expand the scope of it, this resolution should be adopted right now.

Motion: Move to approve Resolution 10-064, **Action:** Approve, **Moved by** Councilor Harper, **Seconded by** Councilor Gerhart.

Councilor Gagliano said that we have a limited amount of money to spend, and we're not going to finish the piece we need to finish. He said that we have deadlines to spend the money, and we need to spend the money in the Village, and get all the unknowns off the table.

Attorney Appel said that at this stage, it is unlikely that the present funding the Village has will support further PER-type activities or further research at the preliminary level. That PER is already done and they won't allow money to be used to revisit those issues. Also, when you go for funding for a project like this and you want that money, or any part of it, to be for construction, one of the very first questions the funding agency will ask will be "Have you completed your planning, design and engineering?" Typically, there will be no construction funding until those activities have been completed.

Councilor Gerhart said that she would like to make an amendment in the "Now therefore" section, adding a second paragraph that says "The Mayor is also instructed to obtain additional detail about the equipment needed (at current prices) at service locations within the Village."

Motion: Move to add a second paragraph to the "Now therefore" section of the Resolution to read: "The Mayor is also instructed to obtain additional detail about the equipment needed (at current prices) at service locations within the Village.", **Action:** Amend, **Moved by** Councilor Gerhart, **Seconded by** Councilor Alsobrook.

Vote: Motion passed (summary: Yes = 4, No = 3, Abstain = 0).

Yes: Councilor Gerhart, Councilor Harper, Councilor Alsobrook.

No: Councilor Garcia-Miera, Councilor Clauser, Councilor Gagliano.

Tie-breaker: Mayor Gasteyer

Councilor Clauser said she still has a problem with the fact that the Village had an original project to do the commercial core, and we let ourselves wander out into the immediate-needs neighborhoods and increased the project by 4 times the amount of water being treated and shipped out of the Village. She doesn't think that was good planning. She can't vote positively on a plan that wandered so far from what the original project was.

Councilor Alsobrook asked Jerry May from Souder Miller if the "T's" put in are going to be rendered disfunctional, and those neighborhoods don't get tied into that pipe and the capacity comes down to the original design, would that get the Village back to the Calle Cuervo lift station?

Mayor Gasteyer said that in his discussions with Mark Sanchez, Charles Kohlberg, and John Stomp at ABCWUA, the Calle Cuervo lift station is over capacity as it stands right now. Councilor Gagliano asked why weren't we informed of that by Jerry May? Mayor Gasteyer said that when the original design was undertaken for the collection portion, that wasn't known. Attorney Appel added that ABCWUA learned a lot about that lift station after they took it over from New Mexico utilities.

Councilor Clauser said she thinks we did know that the lift station was in trouble before the decision was made.

Vote on motion as amended

Vote: Motion passed (**summary:** Yes = 4, No = 3, Abstain = 0).

Yes: Councilor Gerhart, Councilor Harper, Councilor Alsobrook.

No: Councilor Garcia-Miera, Councilor Clauser, Councilor Gagliano.

Tie-breaker: Mayor Gasteyer

16. Discussion and instruction to the Mayor to issue a Request for Proposals for a photovoltaic project for various municipal buildings.

Administrator Avila said that the RFP is available for comments or additions. He also said that under "Proposed System" of the RFP, education was originally discussed as being part of the proposed system, so consideration might be having education as a factor and is being weighed in the RFP, so that might be an amendment. Second, the RFP is for the Recreation Building, which is also the Administration Building for the Fire Department. Each project is a stand alone, from a PNM standpoint. The thought is that if a bidder was awarded the Rec/Fire Administration departments, they could also then be the contractor for other projects. There are different rates and Renewable Energy Credits by PNM for each location, so we'd have to negotiate their price structure.

Councilor Gagliano asked if an RFP was appropriate, or would a Request for Quotes be a better process? Attorney Appel said that an RFP is most appropriate.

Councilor Garcia-Miera asked Administrator Avila if he has put together a committee to evaluate the RFP's? Administrator Avila said that he has some ideas, but some extra time in the RFP would be beneficial so that he can get the best possible committee.

Motion: Move to instruct the Mayor to proceed with the RFP so that it's ready to be released in March, **Action:** Approve, **Moved by** Councilor Garcia-Miera, **Seconded by** Councilor Clauser.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

17. Discussion and consideration of Resolution 10-062, a resolution designating official custodian of public records, inspection of public records policy, and fee schedule

Attorney Appel explained that a lot of information is kept electronically and not in an easily accessible format for public record requests. He gave the example of a request that was made for a listing of all businesses on in Corrales Road, and explained that the Clerk's office does not maintain a readily accessible list because it's all stored in the accounting system. Extracting that information takes time and effort from the staff.

Mayor Gasteyer asked Administrator Avila about the streaming video reference? Administrator Avila answered that once the official Council minutes are approved by the Governing Body, those become the official record and all audio records are removed. Administrator Avila said that we do not keep video records.

Councilor Gagliano said that \$1.00 a page is a very hefty amount, especially for an emailed document. Deputy Clerk Noelle Garcia explained that often, emailing a document is a long process when we have to scan, then electronically format the document. Councilor Alsobrook asked if the average staff hourly rate could be used instead of the \$1.00 per page, especially if it's something already in electronic format like the Council Agenda? Deputy Clerk Garcia answered that the Clerk's office always refers people to the Village website for documents that are available for free, such as the Agenda.

Councilor Gagliano said that he is concerned with anything that may limit access to public records. This isn't a rich Village, and there are a lot of people who cannot afford \$1.00 a page, particularly for documents that exist in electronic format.

Attorney Appel pointed out that you have to look at a couple of things: One, you don't want have to spend a lot of staff time created images of documents or changing the format of documents to make them available. The other thing is if you have a document with a relatively large number of pages, you cannot charge, under the State statute, more than \$1.00 per page for 11x17 document or smaller, even if it costs you much more staff time than that.

Deputy Clerk Garcia said that the Clerk's office has done research to see what other municipalities are charging, and that the proposed fees are in line with that.

Councilor Alsobrook asked if this item can be tabled? Mayor Gasteyer answered yes.

Tabled until next agenda.

18. Discussion of a Cooperative Maintenance Agreement with the NMDOT for litter pickup, weed removal and mowing on NM 448 (Corrales Road).

Motion: Move to instruct the Mayor to enter into the Cooperative Maintenance Agreement between NMDOT and the Village of Corrales, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Harper.

Vote: Motion carried by unanimous vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

XIV. ADJOURNMENT:

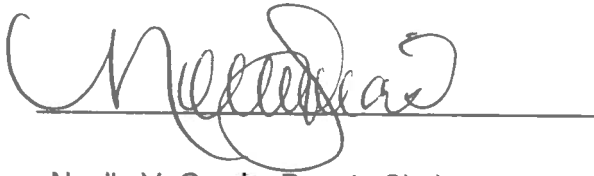
Motion: Move to adjourn, **Action:** Adjourn, **Moved by** Councilor Gerhart, **Seconded by** Councilor Harper.

Vote: Motion carried by unanimous vote (**summary:** Yes = 6).

Yes: Councilor Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Alsobrook, Councilor Gagliano.

BEING NO FURTHER BUSINESS TO COME BEFORE THE GOVERNING BODY, THE MEETING ADJOURNED AT 10:58 PM.

APPROVED THIS 11th DAY OF January, 2011.

A handwritten signature in black ink, appearing to read "Noelle Garcia", is written over a horizontal line. The signature is cursive and somewhat stylized.

Noelle V. Garcia, Deputy Clerk