



VILLAGE OF CORRALES  
GOVERNING BODY  
REGULAR MEETING  
**MINUTES**

December 7, 2010  
6:30 p.m.

COUNCIL/MUNICIPAL COURT CHAMBERS

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**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  
Village Clerk Juan Reyes  
Police Chief Ray Vigil  
Fire Chief Anthony Martinez

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Gasteyer called the meeting to order at 6:39 pm and led the Pledge Allegiance in both English and Spanish (Juramento de Fidelidad).

**II. APPROVAL OF AGENDA**

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

**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.

**III. APPROVAL OF MINUTES**

**1. November 9, 2010 Council Minutes**

**Motion:** Move to approve the minutes of November 9, 2010, **Action:** Approve, **Moved by** Councilor Clauser, **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.

## **November 9, 2010 Workstudy Minutes, Parks and Recreation Commission**

**Motion:** Move to approve the minutes of the November 9 workstudy with the Parks and Rec Commission, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Gagliano.

**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.

### **IV. ANNOUNCEMENTS**

Mayor Gasteyer announced the following:

- On Thursday, December 9, New Mexico Department of Transportation is having a public hearing at the District III office on the Paseo and I-25 interchange;
- On Saturday, December 11, the Music in Corrales program at the Old Church features a jazz trio;
- On Tuesday, December 15, the Village Staff is holding a holiday luncheon to which the Governing Body is invited;
- On Thursday, December 16, there will be a Special Meeting held in executive session to discuss preparing for the contract negotiations with the Comcast Corporation;
- On Monday, December 20, there will be a breakfast with the legislative delegation;
- Tuesday, December 21 is the second regular meeting of the month;
- Tuesday, December 21 is the La Posada event at the Old Church, put on by the Historical Society;
- Corrales MainStreet is hosting "Shop Corrales." For every \$10 spent at various businesses along main street, you get entered into a lottery.
- This week, the MRGCD will begin removing some non-native species of plants along the Riverside Drain at the far north end of the Village along the Trees of Corrales property and along Dr. Komandina's property. This work may continue throughout the winter months;
- The Bosque Advisory Commission is going to hear a presentation from the Bureau of Reclamation. They had hoped to do it at their December meeting, but it will be done at the January meeting;

Mayor Gasteyer introduced David Doyle, our newly elected State Representative from District 23.

Representative Doyle said that he is honored and looking forward to representing Corrales and District 23. He would really like to hear the issues that citizens think need to be addressed.

### **V. PETITIONS**

- **Hansen Road issues**

Mayor Gasteyer reminded those who wished to speak that this is not a discussion/debate issue for the Governing Body, and no decision will be made tonight.

Michael Roake said that this petition was filed on behalf of Hansen Road residents, and asks for Village enforcement of certain ordinances, especially, when the Village itself may have created the problem. He said that Hansen Road runs from the Bosque to Corrales Road, and there is a 25 foot easement to Corrales Road for all Hansen Road residents. The Village required the easement for access to Corrales Road. The plat map confirms the requirement of the road, the easement and the road reservations. In mid-October, the resident of 4358 Corrales Road put up a 25-foot wide gate as Hansen Road reaches Corrales Road, and completely blocked off the legal, deeded access to Corrales Road. Now, the health and welfare of Hansen Road residents is at risk because they live in a high-fire area and the fence hinders emergency vehicles. He said that the residents have brought this issue to the Village's attention and the Village has not done anything about it. He alleged that the Planning and Zoning Administrator advised the resident of 4358 Corrales Road to put the fence up. Mr. Roake said that he and other residents of Hansen Road met with the resident of 4358 Corrales Road and came to a tentative agreement. He urged the Governing Body to enforce ordinances, not just make them.

Councilor Gerhart asked if he is asking for more than what was submitted? Mr. Roake said that essentially, what is being asked is a determination of whether Hansen road is a dedicated public road or not?

Councilor Gerhart said that the Village Administration does one thing, and the Council as a legislative body does another. The Governing Body also acts as an appellate body, so if the Hansen Road residents are unhappy with something the Administration has done, then an appeal is the correct route to go. This petition is not clear as to what is being asked of the Governing Body.

Rick Thaler said that if there had been no resolution reached with Ms. Armijo, then he and the other Hansen Road residents would be appealing the decision of the Village Administration, particularly the P&Z Administrator, to not be involved. As it turns out, this week, there is no further help required from the Village.

Councilor Gagliano pointed out that Mr. Thaler says that the P&Z Administrator was not involved, yet Mr. Roake said she was involved by advising the Armijos to put up the gate.

Councilor Harper interjected and said that the P&Z Administrator is not present at the meeting and that it is only represented by Mr. Roake that she told the Armijos to put up the gate. Mr. Thaler said Ms. Armijo told the Hansen Road residents that the PZA had given them permission, so she was already involved, but she refused to get involved on behalf of the Hansen Road residents.

Discussion ensued regarding code enforcement. Councilor Harper, a former P&Z Commission Chair, said that having an assigned police officer available to assist and accompany the PZA and Building inspector on request has been discussed in the past as part of the code enforcement process.

Councilor Alsobrook commended the neighbors for apparently working things out as reported by Mr. Thaler.

## **VI. COMMUNICATIONS**

### **2. Administrator's Report**

Village Administrator John Avila took a moment to remember Detective Sergeant Shelby, who passed away two weeks ago. Detective Shelby was the lead investigator and a first-line supervisor, and supervised the Neighborhood Watch program. He was responsible for investigating all felony cases in the Village and did the majority of follow up and interviews for cases. He would gather evidence and submit to the District Attorney's office for prosecution. He was responsible for the Sandoval County DWI Program. Detective Sergeant Shelby will be greatly missed by Village staff and citizens alike. Administrator Avila played the "last call" for Detective Shelby, broadcast by dispatch.

Administrator Avila reviewed his report submitted in writing to the Governing Body.

**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 Alsobrook said that he and Councilor Garcia-Miera attended a joint session of the Metropolitan Transportation Board and the Rio Metro Transit Board. The goal was to talk about future plans and funding for reducing the amount of east/west traffic across the river. The goal is to eliminate 100,000 trips across the river in the morning and 100,000 in the afternoon by the year 2030.

Councilor Gerhart reported that the Corrales Art Center group has been meeting and is looking to establish a partnership with Corrales Elementary School to be able to offer programming early in the New Year. This is an opportunity being ironed out, and it is at very early stages but is very promising.

**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.**

Doctor Steve Komadina thanked the Governing Body for participating in the Christmas de Caballos Parade. He also thanked the Police Department and the Fire Department for helping manage traffic on a long stretch of Corrales Road. There were 175 participants this year, the largest that it has ever been. There is a new Facebook page for CHAMP. He also said that tonight, trails and other non-motorized vehicle travel will be looked at within the Village, and he would like everyone using non-motorized vehicles to discuss trails together.

Chris Allen said that regarding code enforcement, while she was employed by the Village of Corrales, both the Planning and Zoning Administrator and Assistant would perform code enforcement and would be accompanied by a police officer if warranted.

**IX. CONFIRMATION OF PERSONNEL RECOMMENDATION:**  
**3. N/A**

**X. CONFIRMATION OF APPOINTMENTS**  
**4. N/A**

**XI. OLD BUSINESS:**

**5. Discussion and consideration Ordinance 10-010, an ordinance amending Section 28-231. Paid Holidays, of the Code of Ordinances, Village of Corrales, adopted March 9, 1993, providing that the Holiday Schedule shall be set annually by resolution of the Governing Body.**

Councilor Alsobrook said that he would like to add language in two paragraphs that allow for the assignment of a floating holiday.

**Motion:** Move to adopt Ordinance 10-010, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Harper.

**Motion:** Move to amend Ordinance 10-010 in the following manner: Paragraph 2E should be relettered as 2G; a new 2E will read "A floating holiday may be taken on any business day of the calendar year at the request of the employee and with the approval of the employee's supervisor."; a new section 2F will read "Failure to take the floating holiday within the calendar year shall result in the loss of the unused floating holiday at the end of the calendar year. Upon termination no payout will be made for unused floating holidays unless the employee has attempted to take them and has been denied."

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

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

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

Vote on motion to approve Ordinance 10-010 as amended:

**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.

**6. Discussion 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.**

No discussion.

**7. Discussion 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 Clauser said that she has experienced a large development east of the Corrales Main Canal that has had considerable drainage difficulties in its development. She wonders what process there will be for properties east of the Corrales Main Canal that do appear to need a drainage plan?

Attorney Appel answered that there is no real process described in the ordinance. What the proposed ordinance does provide is that such a plan may be required if requested by either the Planning and Zoning Commission or the Planning and Zoning Administrator. Councilor Clauser asked if the only way one would get a drainage plan would be that a resident would have to go the Planning and Zoning Commission hearing on the project and say that they believe they have considerable problems? Attorney Appel said that would be one way, but it could be done at the administrative review and on the Planning and Zoning Administrator's recommendation to the Planning and Zoning Commission, or it could be done by any individual member of the Planning and Zoning Commission who, on review, felt like the matter should be brought to and considered by the Commission.

Councilor Gagliano said that seemed subjective, as opposed to having the Village engineer, who would have a more objective viewpoint, doing it. Attorney Appel said that the Planning and Zoning Administrator is highly professional as well and very familiar with the rules, but of course, the P&Z Administrator or Commission can request input from other officials, including the Village engineer if they wish to do so. He said that one thing that he is trying to avoid, in recognition of the way P&Z commissions are generally supposed to work, is substituting the judgment of the engineer for that of the Commission, which is tasked with making that decision. One possible alternative, if the Governing Body chooses to adopt an amendment, would possibly be to add in connection with the phrase "unless requested by the Commission or the Administrator" a phrase suggesting or requiring that it be on the advice of the Village engineer.

Councilor Harper said that the intent of the ordinance is to relieve owners of very flat land from submitting a grading and drainage plan for the lot itself, and the requirements for retention of storm water created by impervious surfaces created during the construction process are not waived by this process. Nothing about the grading and drainage plan itself on a flat lot will protect neighbors from storm water created by impervious services that are erected later. He doesn't see any problem with passing the ordinance as it stands because it doesn't address the issues that Councilor Clauser has in her neighborhood. The lot itself is not to blame for those drainage problems. Councilor Clauser replied that what is to blame for the drainage problems is the process of raising the slab of new buildings in the Village approximately 2-3 feet. She doesn't want to pass anything that basically says that properties east of the Main Canal don't need drainage plans.

Councilor Gerhart said that it might be clearer if the stormwater paragraph in the ordinance was broken into two different paragraphs. There are two things being said in the paragraph; the first is the definitive statement that all stormwater shall be in accordance with the Village ordinances and all improved or developed lots shall retain the localized storm water on site; secondly, if you're east of the Main Canal, you may be exempt from the requirement to submit a grading and drainage plan, which is sort of a different idea.

Attorney Appel said that he could redraft for possible amendment at the next meeting if the Governing Body chooses to adopt this.

**8. Discussion 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.**

No discussion.

**9. Discussion 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.**

No discussion

## **XII. NEW BUSINESS:**

### **10. FUTURE AGENDA ITEMS**

- Councilor Alsobrook said he would like to bring to the Governing Body a change to the ordinance that governs the salary and compensation for the Governing Body so that they can be allowed to take a reduced amount of compensation as they see fit.
- SSCAFCA would like an easement of 14 acres in the Montoya's Arroyo;
- A resolution for re-establishment of a Water Advisory Board;
- Possible follow through resolution to pursue something in the wastewater area;
- Solar project RFP;
- The foundation that supports Central New Mexico Community College is floating a bond issue for public consideration in February and would like some support from Corrales;
- The four ordinances just discussed will be up for third readings and discussions.

### **11. Discussion of safety recommendations for pedestrians and bicyclists as presented by the Corrales Bicycle Pedestrian Advisory Commission.**

Brian Kilcup, Chair of the Bicycle Pedestrian Advisory Commission, discussed eleven recommendations made by the Commission (see attached):

- Regularly scheduled bike lane route maintenance;
- Enforcement of roadway setbacks;
- Training program for cyclists and police officers
- Officially designate bicycle boulevards
- Adoption of municipal ordinance banning cell phone use while driving;

- Implement an effective crosswalk "flagging" system;
- Use Corrales police data to compile list of bicycle/pedestrian accident hotspots;
- Initiate "bright bike" project at dangerous road crossings;
- Implement a Memorandum of Understanding with MRGCD;
- Place small "Stop" and/or "Warning" signs at ditch-roadway intersections
- Multi-user class on trail safety and courtesy.

Councilor Alsobrook asked Mr. Kilcup if the Commission is suggesting an outright ban of cell phone use, or are they thinking a hands-free ordinance? Mr. Kilcup said the Commission would like to match up with Albuquerque, which has a hands-free ordinance.

Mayor Gasteyer asked about the mentioned Memorandum of Understanding with the MRGCD, and asked if it was the same "ditches with trails" debate that went on in the North Valley a couple of years ago? Mr. Kilcup said the Commission frowns on using that terminology, but yes, it's the same thing.

Councilor Gerhart remarked that there has been conversation with someone at MRGCD about "stop" or "warning" signs at the ditch/road crossings. She said that the Village has licenses for the roads over those ditches. There was an agreement that yes, the Village can put up signs on the acequia and that is part of the road licensing. It should be discussed again. She wondered if there had been discussion about whether pedestrians should stop for cars or cars should stop for pedestrians? She also said that the Commission should be specific about budget and signage.

Chairman Kilcup said signage is needed on the Village road rights of way, as well. Discussion ensued regarding signage and the training recommendation. The Village Attorney observed that the flagging proposal may be consistent with the State Motor Vehicle Code. Councilor Gerhart reviewed which recommendations on the Bicycle-Pedestrian Commission's list could be undertaken administratively and which required legislative action.

Chris Allen said that years ago, there was a safety workshop at the Rec center for equestrians, joggers, walkers and bicyclists. She also noted that many cyclists don't appreciate that perceptions of both horse and rider occur when bicycle and equestrian use share the same trail or ditchbank.

Susan Weiss commented that if there is a 5-foot rule for cars, there ought to be a 20-foot rule for cyclists to call out behind a walker or jogger when they are approaching from behind. Walkers are often in real danger from bicycles. Equestrians are very good about calling out, but cyclists do not.

**12. Discussion and consideration to publish and post 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 said that he tried to address the major concerns in the Village in Ordinance 11-001 and adhere as closely as possible to the existing State statutes regarding off-road vehicles but there were times that he had to change language to reflect Corrales' needs. He reviewed some of the provisions of the ordinance.

Councilor Gerhart commented that regarding exception "e", there are a lot of people who drive along the ditch banks to get to their driveways. Attorney Appel replied then that the exception, as drafted, would need to be a little broader because the general prohibition is that you cannot drive a motor vehicle on a ditch bank. If that exception needs to be more broad, such as to allow people access where they do not have other access, then that probably should be put in 34-63-e.

Councilor Gagliano said that perhaps the words "when exclusive," to e, meaning when exclusive access to your property is along the ditchbank.

Councilor Gerhart also asked, with regard to penalties, if there needs to be a corresponding resolution that states the penalties? Attorney Appel said if you wanted to have a minimum to impose, the Governing Body would have to do that separately from the general penalty for violation of Ordinance, Section 1-6. Except for certain things like DWI and speeding, which are set by the state, a fine greater than \$500 can't be imposed by the Municipal Court.

Councilor Alsobrook said that regarding penalties, specifically towing and impoundment of a vehicle, he would rather see something more harsh. He wondered if even first time offenders can have their vehicle impounded? Attorney Appel answered that he thinks that would probably pass a legal challenge. It's a question of whether someone takes it up on appeal after being convicted and whether that it is a reasonable penalty under the circumstances?

Dick Foote said that he has had to use his SUV to drive down the ditchbank looking for his dog. He said the Governing Body should recognize there are certain circumstances when people will need to do things like that.

Mayor Gasteyer asked if in the definition of recreational off-road vehicle which specifies a maximum speed capability greater than 35, does that preclude golf carts that seniors use? Attorney Appel said he's not quite sure. That section was added to the State statute in an amendment, and appears to be designed to describe some particular make of vehicle without stating what the particular make of that vehicle is. Mayor Gasteyer also asked about the section regarding exceptions, where it is stated that operation of motor vehicle on private property by the owner of such property is permissible; he wondered whether use by about tenants, or owners' children would also be exception? Attorney Appel said the prohibition applies only to unimproved private properties.

Al Knight commented that there are agricultural vehicles that need access as well, and wondered if they can fall under an exception? Attorney Appel said that he believes that issue to be covered because, after the State's definition of "off-highway motor vehicle", he added language that says (for Corrales' purposes) "the term off-highway motor vehicle as used in this article does not include tractors or other equipment used for agricultural purposes."

Councilor Gagliano said there is a definition for off-road motor vehicles, but there is no definition for "motor vehicle" and a lot of usage of the term "motor vehicle". Basically, there is no denying the use of a motor vehicle on any of the properties. Only off-highway motor vehicles are prohibited. Attorney Appel directed the Governing Body to the bottom of page one, which states "words and phrases used in this article shall have the meaning set forth in this section, or if not defined in this section, shall have the meanings respectively ascribed to them in section 12-11, etc. of the latest compilation of the New Mexico Uniform Traffic Ordinance." That includes the definition of a motor vehicle.

**Motion:** Move to publish and post Ordinance 11-001, an ordinance restricting the operation of motor vehicles in unimproved lands in the Village of Corrales, **Action:** Approve, **Moved by** Councilor Harper, **Seconded by** Councilor Garcia-Miera.

**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.

**13. Discussion and consideration of Resolution 10-058, a resolution to authorize disbursement the Lodger's Tax account of two thousand dollars (\$2,000.00) to the Corrales Society of Artists, as requested by the Lodgers Tax Board, for the purpose of meeting advertising costs for the Winter Art Fest.**

**Motion:** Move to approve Resolution 10-058, a resolution to authorize disbursement of \$2000 to the Corrales Society of Artists, **Action:** Approve, **Moved by** Councilor Clauser, **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 instruction to the Mayor regarding CITEPAY Services Agreement for the Municipal Court, through Justice Systems, Inc. for the purpose of permitting the Automated Clearing House Network to provide services for the collection and processing of a payment through the use of CitePay's software.**

**Motion:** Move to instruct the Mayor to enter into an agreement with CITEPAY, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Gagliano.

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

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

**15. Discussion and instruction to the Mayor regarding 3 License Agreements with Middle Rio Grande Conservancy District, regarding Riverside Drain bridge crossings.**

Administrator Avila said that once the licenses are obtained, the Village will own them and have to maintain them. There is some maintenance required with a couple of the bridges, and one, number 91, is possibly dangerous. Mayor Gasteyer suggested that licenses 89 and 90 be acquired, but not license number 91.

Councilor Gerhart asked if the threat is if the Village doesn't do license 91, then MRGCD will pull it? Mayor Gasteyer answered yes.

**Motion:** Move to instruct the Mayor to accept all 3 license agreements with the understanding that 91 will be removed within a year and rebuilt with a no cost option, and that signage be immediately placed upon us taking control of the bridge that warn of the dangers inherent in using the bridge, **Action:** Approve, **Moved by** Councilor Gagliano, **Seconded by** Councilor Clauser.

Councilor Gerhart asked what the liability is for posting "no trespassing" on something? Attorney Appel answered that it depends on the circumstances. One argument would be that even if you put "no trespassing" signs on there, it becomes an attractive nuisance. Attorney Appel said a sign could be put up to say "No horses. Use at your own risk."

Councilor Alsobrook said the 50 year term in the licenses is only referenced in the "Whereases". In the actual agreement itself, there is no term mentioned. Also, in general, if the MRGCD decides they don't want to do it anymore, they just have to give the Village 30 days notice. The agreement is lopsided in their favor. The Village Attorney pointed out that while the notice point is correct, the absence of fixed terms means the licenses are issued in perpetuity.

Councilor Harper asked Councilor Gagliano if he would entertain a friendly amendment to his motion to remove the existing bridge crossing number for licenses which would add 91 "when funding is available or within one year?" Councilors Gagliano and Clauser as maker and seconder agreed to the additional language.

**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.

**16. Discussion and review of costs to date of the business core wastewater system, estimated costs of completing the connection to ABCWUA for treatment, expansion of the areas to be served, and options for financing.**

Mayor Gasteyer reminded all that this is a discussion item only. The Mayor asked the Clerk to project a one-page memo he had prepared as an outline to help with the discussed (attached). He said that the Village received an extension of the EPA Grant eligibility. Also, the Village has executed an Agreement with the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA). Third, the Village has received reimbursements for everything we have asked to be reimbursed. Mayor Gasteyer discussed also discussed funding sources. The Village has \$286,000 remaining of the \$958,000 of the original EPA grant. The Sandoval County match has \$196,000 remaining. The Finance Officer has placed in the project accounts in the budget \$136,000 in Village project funds that would be immediately available. The Mayor said he does not think the Village will get a grant from anybody, state or federal. The Village does have \$1.2 million in investment accounts, and is receiving about \$40,000 from the 1/16 environmental GRT.

The Governing Body discussed the wastewater system. Councilor Alsobrook suggested that the project might proceed "out of order" by advancing to the design of Phase III, the

distance from the Village's boundary to the connection point with the ABCWUA's line near Pep Boys along Coors Road, before bidding to construct Phase II. The Mayor said he agreed this was a good idea given the funds still available and the large uncertainty of Phase III costs; the Mayor reported that he had discussed this in an August meeting with Dr. Rose of NMED; at the time Dr. Rose recommended that the next step should be the agreement with ABCWUA to treat the effluent, which has now been done.

Jerry May of Souder Miller, the project's engineers spoke. He felt that \$500,000 might be a little high for design and construction of Phase III, thought an amendment to the Environmental Impact Document might be required, too. An uncertainty is whether the NMDOT will allow directional drilling through a major intersection; the bore and jack method would be more expensive.

Councilor Clauser observed that the costs of this project have been underestimated in the past. Mr. May said higher costs would occur if the Council expanded service to the identified immediate-need neighborhoods as well as the Corrales Road core. Since the PEER report, the potential flow has required an 8-inch transmission line which is more expensive to install. There will be some savings since NMED has indicated the engineering inspections during the construction phases need not be every day, which was its position several years ago.

Councilor Gerhart said that proceeding next to Phase III design was intriguing.

Councilor Gagliano stated that obviously we don't have sufficient funds to construct Phase II and he remains concerned about what happens when cost overruns occur and how we address that risk.

Councilor Harper suggested that you control overruns by requiring fixed-price contracts with bonding assurances from the contractor.

Councilor Gerhart commented that it was important to obtain more detail on what property owners will need to do for the hookups at service locations as mentioned by the Mayor's project outline.

Urey Lemen, who chaired the Water Quality Advisory Committee, was invited to add to the discussion. Mr. Lemen said that extending service to immediate-need neighborhoods was a priority for the Committee in terms of environmental risk to Corrales.

Councilor Harper asked if the Committee considered recommending Special Assessment Districts? Mr. Lemen answered in the negative and Attorney Appel explained that for a SAD to would need a commission and engineering study to demonstrate an economic benefit to each property.

Councilor Clauser said it would have been helpful to have had the outline available for study prior to the meeting.

Mayor Gasteyer said that he would draft a resolution that would move the system to the design phase.

**17. Discussion and consideration of Resolution 10-059, a resolution establishing Holiday schedule for all Village employees.**

**Motion:** Move to approve Resolution 10-059, **Action:** Approve, **Moved by** Councilor Gagliano, **Seconded by** Councilor Harper.

**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.

**18. Discussion and consideration of Resolution 10-060, a resolution to permit the hiring of a Corrales Police Officer.**

The death of Detective Sergeant Shelby leaves an open position in the Police Department. Mayor Gasteyer said that a promotion would be made within the department to fill the position, but a new officer would need to be hired to fill the spot of the officer promoted.

**Motion:** Move to approve Resolution 10-060, **Action:** Approve, **Moved by** Councilor Harper, **Seconded by** Councilor Gerhart.

Councilor Garcia-Miera said he doesn't understand why this resolution is being brought because there is a hiring freeze. Mayor Gasteyer said that he brought this resolution forward because it is his responsibility as Chief Executive Officer to keep the Village's public safety capability intact. He also commented that the budget already reduced the size of the police department by two officers. Councilor Harper said that when the decision was made to reduce the police department during the budget process, Councilor Garcia-Miera had presented some ratios he had discovered at the Department of Justice website concerning staffing levels, and how the Village of Corrales is at the high end of those ratios. Councilor Harper said he visited the Department of Justice website and discovered that the position of the International Association of Chiefs of Police is that population ratios should not be used to base agency staffing decisions.

Councilor Gagliano said that it seems like the Governing Body is just going to rehash the hiring freeze debate. It was already voted for.

Mayor Gasteyer pointed out that after he returned from his trip, he had told the Governing Body that the quarterly budget review was coming up, and wondered why the Council didn't hold a hiring freeze discussion after seeing the Village's performance in the first quarter? Subsequently the quarterly numbers showed that the Village is staying stable and on target, and staying on target includes the number of slots that were budgeted for the Police Department.

Councilor Garcia-Miera said that the decision for a hiring freeze has already been made, and to bring this up again is disrespectful to the will of the Council.

Councilor Alsobrook pointed out that there would be a promotion from within the department to fill Detective Sergeant Shelby's position, so a new hire would be a "junior" officer and wondered what the compensation difference is between the two positions. The new hire will not be at Sergeant Shelby's compensation rate, but rather, a lower rate.

Administrator Avila said that there has been no request for promotion. The police department needs a full force before they can promote.

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

**Yes:** Councilor Alsobrook, Councilor Gerhart, Councilor Harper.

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

**Tie-Breaker vote:** Mayor Gasteyer

**19. Instruction to the Mayor to regarding Proposed Project Plans for firebreaks and jetty jacks' removal pursuant to New Mexico Forestry Division grant.**

Anita Walsh said that the Bosque fire breaks are 50-150 meters in width. The Village is in a situation that will lead us to the outrage that the Village felt earlier when two projects went on at the same time, and the Bosque was cleared flat and didn't resemble a habitat. She said she understands that the Council has a responsibility to protect the Village from fire, and that the Council has not made a decision about how much risk they are willing to take to preserve the habitat and has not officially adopted a habitat management plan. Things are not being managed. The Bosque is a habitat and needs to be protected. She wondered what the danger of fire really is?

Susan Weiss said that the decision that will be made tonight regarding fire breaks is a political decision regarding risk. The forest has been here for decades, and people have made the decision to accept the risk and buy or build across the ditch. She said the Corrales Bosque is supposed to be a natural habitat preserve, and as such, the Village needs to continue taking a risk and should be patrolling the Bosque more frequently, find ways to provide more water and educate people about keeping their property fire resistant.

Jeff Radford said he was on the task force that started the Bosque Advisory Commission and was the Chairman for about 10 years of the Commission. In all that time, one of the primary values in the Bosque was the fact that it was contiguous and unfragmented. This proposal chops up the Bosque and fragments it, which is a violation of the primary principle which should have been guiding the management of the Bosque. He said that the ability to fight a fire at present is much greater than it has been in the past. He also said that putting more fire breaks in will not be sufficient. There is already a fire break in the form of a levee and the clear ditch that is there now.

Councilor Harper asked about invasive non-native plants? Mr. Radford said that he thinks that instead of a constantly managed forest, it would be best to let the non-natives grow.

The Mayor asked if Mr. Radford supported the jetty jack removal project plan? Mr. Radford indicated that he did.

Ms. Walsh discussed some non-native plants, such as salt cedars and elms. Russian olives contribute positively to the high wild bird counts and are okay for animals such as porcupines.

Fire Chief Anthony Martinez discussed jetty jacks and reviewed the plan for removal on a map. He also discussed fire breaks and said that the purpose is to try to make the area safer. Mark Kaib with the Corrales Bosque Advisory Commission and the Chief worked together closely on the application and Mr. Kaib identified some of the areas for the fire breaks. Mr. Kaib has a very extensive history in wild land fire and restoration. The Chief said they identified areas for shaded fuel breaks. They will keep the large trees and focus on the exotic species, such as Russian olive and elm. Those concerns have been taken into consideration. The project will be supervised closely by the Corrales Bosque Advisory Commission and the Fire Chief, with feedback from the public. The idea was to try to identify some areas that geographically looked promising with shaded fuels.

Mayor Gasteyer said that the width of the cleaning out of the understory is a concern. He said that it is his understanding that it's hand work, not mechanized clearing. He wondered from the fire protection perspective, would a 10 meter wide fire break be ineffective, or is there a certain width needed in order to accomplish the purpose? Chief Martinez said that fires do jump rivers and levees, so what needs to be done is a look at the vegetation to see what clearing would be acceptable; he confirmed that the project does not involve mechanized clearing.

Councilor Clauser said that she was under the impression that some of the Russian olive trees would be kept because they are good habitat for birds, but this application calls for the removal of all non-natives. Chief Martinez answered that concerns like that can be addressed and identified.

Councilor Harper said that the jetty jack removal should be done, but not hearing from a biologist or the CBAC, he'd like to have the fire break decision deferred until the next meeting.

Councilor Gerhart said she can't support the fire breaks because basically, ¾ to an acre will be cleared out at each fire break and that would be basically gutting the Bosque. This project on top of the Corps project three years ago in the same areas and now the new Corps habitat project is too much disturbance to the fragile ecosystem.

Councilor Gagliano said he would also like to hear from someone with more knowledge before making a decision on the fire breaks.

**Motion:** Move to instruct the Mayor to pursue the jetty jack removal project and to defer consideration of the wildfire hazardous fuel break proposal to a later date and to invite witnesses and members of the Bosque Advisory Commission to explain what the Corrales Bosque Preserve Habitat Management Plan is, what it includes, and receive testimony from a biologist who can explain an impact on the Bosque, **Action:** Approve, **Moved by** Councilor Harper, **Seconded by** Councilor Clauser.

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

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

## **20. Discussion and consideration of Resolution 10-061, a resolution authorizing adjustments of various funds for fiscal year 2010-2011**

The Mayor and Village Administrator briefly explained that the B.A.R. includes: Harvest Festival proceeds donated to the Village departments by Kiwanis, an accounting adjustment for the NMFA loan used to pursue Far Northwest Sector improvements , an Intel donation for upgrading the photovoltaic unit which heats water at the swimming pool, receipt of a Safe Routes grant, receipt of D.E.A monies, and receipt of a library bond proceeds.

**Motion:** Move to approve 10-061, **Action:** Approve, **Moved by** Councilor Alsobrook, **Seconded by** Councilor Clauser.

**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.

### **XIII. ADJOURNMENT:**

**Motion:** Move to adjourn, **Action:** Adjourn, **Moved by** Councilor Gagliano, **Seconded by** Councilor Clauser.

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

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

**BEING NO FURTHER BUSINESS TO COME BEFORE THE GOVERNING BODY, THE MEETING ADJOURNED AT 10:50 PM.**

**APPROVED THIS 21<sup>st</sup> DAY OF December, 2010.**



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Noelle V. Garcia, Deputy Clerk