



VILLAGE OF CORRALES
GOVERNING BODY
REGULAR MEETING
MINUTES
May 10, 2011
6:30 p.m.
COUNCIL/MUNICIPAL COURT CHAMBERS

Governing Body present:

Mayor Gasteyer
Councilor Clauser
Councilor Gagliano
Councilor Garcia-Miera
Councilor Gerhart
Councilor Harper
Late arrival: Councilor Alsobrook

Village Staff present:

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

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Gasteyer called 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

No changes to agenda as presented.

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

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

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

Absent: Councilor Alsobrook.

III. APPROVAL OF MINUTES

April 12, 2011 Council Minutes

Motion: Move to approve minutes of April 12, 2011, **Action:** Approve, **Moved by** Councilor Clauser, **Seconded by** Councilor Gagliano.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

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

Absent: Councilor Alsobrook.

April 26, 2011 Council Minutes

Councilor Clauser said that on line 210, Yasmin Najmi of the Middle Rio Grande Conservancy District is quoted as being unhappy with what our proposal is. David Worledge had made a very eloquent explanation of the Village's position which is not recorded. Mayor Gasteyer agreed and said that it was included in David Worledge's quote appearing in the Corrales Comment, and was that the habitat was not degraded in the areas identified for the bank terracing, and why should we disturb parts of the Bosque that seemed to be successful? He said he would be happy to move that comment after line 210.

Motion: Move to approve the Minutes of April 26, 2011 to include David Worledge's comment where suggested, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Clauser.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

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

Absent: Councilor Alsobrook.

May 3, 2011 Workstudy Minutes

Motion: Move to approve the Workstudy Minutes of May 3, 2011, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Clauser.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

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

Absent: Councilor Alsobrook.

IV. ANNOUNCEMENTS

- This Thursday, The Corrales Historical Society will be having a program on the Witches of Abiqui;
- On Saturday morning at 11:00 am, the Corrales Historical Society, as part of Heritage Days, will be installing a plaque commemorating those who are buried under the Old Church Floor. These are citizens who died between 1863 and 1875. There is an excellent article in the latest Comment on the families. Father De Palma from San Ysidro church will be blessing the site;
- Heritage Days continue at Casa San Ysidro on Sunday, May 15, and blessing of San Ysidro at the Old Church, and then the Procession and Fiesta at the new church;
- May 15 is the Ditch Pony horse event
- On Thursday, May 19, MainStreet is having a business after hours event;
- May 24 is the next Council meeting
- Monday, May 30 is Memorial Day and Village Offices will be closed;
- June 4 is the MRGCD election;
- June 4 and 5 is the Art Fest at the Old Church;
- June 4 is the MainStreet Garden Tour;

V. PETITIONS

No petitions

VI. COMMUNICATIONS

2. Administrator's Report

- (A presentation by Senator John Sapien regarding the recent legislative session and the State's fiscal situation was scheduled but the Senator was unable to attend.)

Administrator Avila reviewed his written report (see attached).

Councilor Harper asked how much money the TIP grant is? Administrator Avila said that it's \$214,000 minus \$53,000 in local match.

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 Clauser said she attended the Levee Task force meeting on April 29 and the Corrales levee was second on the agenda. They mainly talked about it being appropriate for it to be reaccredited if MRGCD turns in all the paperwork. The Corps is pressing the MRGCD to do this because a number of places are coming under unusual weather and the Corps would like us to be recertified as soon as possible. If we have more problems with the vegetation close to the tow of the levee, that would be considered separately. Also, the money for the restoration of Bosque came from Senator Dominici when he retired and it's safe and secure and will be available at the end of September. Otherwise, the money the Corps thought they had for levee projects was never passed by Congress.

Councilor Gerhart said that at the last Council meeting, with the passing of the Army Corps of Engineer's project for the restoration work in the Bosque, there was a lot of praise for the engagement in the planning process and she added her praise to that. It's in the spirit of that success that she added her request to Councilor Harper's to encourage citizens to engage in a cooperative process with the government to move forward with West Meadowlark to see if there is consensus that can be reached. She wondered if one of the Councilors who voted against it would bring it up for a Future Agenda Item?

Councilor Harper thanked her for bringing this up. Citizens think progress is being made in discussions. He feels that Councilors responded to the concerns of the residents of West Meadowlark Lane, but the Council skated right past examining if the \$168, 000 could be used to improve the situation on West Meadowlark Lane. There is a lot of deficiency there, including line-of-sight issues. He would like to see one of the Councilors who voted against the bike lanes to put it on a future agenda.

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

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

X. CONFIRMATION OF APPOINTMENTS

4. Terry A. Horger for the Corrales Farmland Preservation & Agricultural Commission

Motion: move to approve Terry Horger to the Farmland Preservation and Agricultural Commission, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Clauser.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Absent: Councilor Alsobrook.

XI. OLD BUSINESS:

5. THIRD READING

Consideration of Ordinance No. 11-009, an ordinance amending Section 18-161(a) of the Code of Ordinances of the Village of Corrales, being a part of Section 1 of Ordinance No. 06-03, adopted October 24, 2006, as amended by Ordinance No. 09-004, adopted May 19, 2009, and by Ordinance No. 09-017, adopted December 1, 2009; providing that the provisions of Chapter 18, Article V (Terrains and Storm Water Management) shall apply to development and redevelopment projects east of the Corrales main canal that disturb a total area greater than or equal to one acre.

Motion: Move to approve ordinance 11-009, **Action:** Approve, **Moved by** Councilor Clauser, **Seconded by** Councilor Gagliano.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Absent: Councilor Alsobrook.

6. THIRD READING:

Consideration of Ordinance No. 11-010, an ordinance amending Section 24-20 of the Code of Ordinances of the Village of Corrales, being Section 1 of Ordinance No. 28, adopted June 21, 1972, as amended by Ordinance No. 189, adopted February 15, 1988 and by Ordinance No. 05-02, adopted April 26, 2005; prohibiting the deposit of litter or waste materials on public or private lands in the Village; prohibiting the deposit of litter or waste materials in water courses that discharge into the Rio Grande; establishing penalties for violation.

Motion: Move to approve Ordinance 11-010, **Action:** Approve, **Moved by** Councilor Gagliano, **Seconded by** Councilor Harper.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Absent: Councilor Alsobrook.

7. SECOND READING:

Discussion of Ordinance 11-011, an ordinance amending Chapter 6, Animals, of the Code of Ordinances of the Village of Corrales, being Ordinance No. 249,

adopted November 24, 1992, as amended by Ordinance No. 363, adopted July 8, 2003; adding definitions; providing that impounded animals shall not be killed or euthanized except under specific circumstances; making technical amendments.

Bill Woldman wondered if "officer" means animal control officer and wondered what a "clear and immediate threat to public safety" means?

Attorney Appel said that "officer" is not a restriction and means any authorized officer (defined as an employee acting in the scope of that employee's duties). Regarding the other provision, it's going to be a judgment call whether an animal under the circumstances is a clear and immediate threat. This is more restrictive language than in the present Code of Ordinances. The current ordinance is much more vague. He said it is his recommendation that there be that availability because "animal" is defined very broadly, and could include skunks, rats, etc, and any vertebrate that could pose a human threat.

Mr. Woldman said that in the last discussion, the issue of companion animals versus wild animals was discussed. He wondered if the language could be refined to say companion animals? Also, he wondered if officers that are not Animal Control officers have specialized training?

Mayor Gasteyer said that he also wonders if we should limit this to dogs and cats?

Councilor Gagliano said this discussion was had last time and he had suggested "companion animals".

Attorney Appel said that what Councilor Alsobrook had instructed him to do was a minimum rewriting to make a significant distinction between companion canines and felines and domestic versus non-domestic.

Councilor Gagliano wonders what the ordinance will now suggest regarding a found porcupine?

Attorney Appel said you find someone who wants to adopt a porcupine and if no one can be found, the porcupine is euthanized or removed into remote regions.

Councilor Gerhart said that she agrees that it should be kept the way it is and doesn't want wild animals killed

Mayor Gasteyer asked if it would be a significant addition of language of to require mandatory spay and neutering? Attorney Appel said that would be a very different matter. He said that a past Councilor tried to introduce an ordinance of the same nature and it was not accepted.

Mr. Woldman said that every animal that is accepted and placed by Companion Animal Rescue (CARMA) is spayed or neutered so it would be the animals running wild out of people's homes that would need the sterilization. He said all rescue groups do that. It would be great if those owners would do it. It gets complicated.

Councilor Gagliano wondered if it would be impractical to say that if the animal is captured by Animal Control it needs to be spayed or neutered?

Attorney Appel said that with regard to a mandatory spay and neuter, before returning an animal to an owner, that language should be in a different ordinance. It would be easy to insert some language to say that an agency that takes custody of any animal after the holding period, it's owner, as a condition of release, must agree to spay or neuter the animal if it hasn't been already.

Mayor Gasteyer said that on the 3rd reading, an amendment might be welcome which inserts language which recognizes the right to raise animals for food. Attorney Appel said he looked into it and this ordinance is restrictive enough and doesn't affect that in any way.

XII. NEW BUSINESS:

8. FUTURE AGENDA ITEMS

At next meeting:

- Preliminary budget for Fiscal Year 2012 for submittal to the State's Department of Finance and Administration;
- Surplus list resolution disposing of public property, in particular the disposal of the cell tower and perhaps a donation to the regional dispatch for their proposes;
- 3rd reading of no kill Ordinance;
- 2nd reading of the 3 foot bike clearance Ordinance.

Councilor Clauser wants an access A update.

Councilor Harper suggested a discussion-only item on the next agenda regarding pursuit of a redesign of West Meadowlark Lane to improve traffic patterns using the \$214,000 of the TIP award. Councilor Garcia-Miera said that he's concerned this is just another discussion about the bike path. Councilor Harper said that the reason he wants this as a discussion is that most of the residents of West Meadowlark felt there was already a design in place and decided-upon to add a five foot bike lane on each side bringing further danger and issues to their driveway and cul-de-sac access. He doesn't feel it ever got across that this is a work in progress. Councilor Harper said has heard from a lot of people since then and some motorists might become bicycle commuters and the distinction between cycling commuters and cycling for recreation is poorly understood. We could use this money and pursue different options.

Attorney Appel said this issue has already been discussed too much for this category of the agenda. Councilor Clauser and the Mayor agreed. Attorney Appel said it's really up to the Mayor if he wants to put it on the agenda. He added that if there is going to be a motion for reconsideration, it is no longer timely under Robert's Rules; reconsideration must occur on the same legislative day as the matter to be revisited.

Mayor Gasteyer said its been awkward dealing with various public inputs since the Council meeting where the motion was adopted to cease the bike lanes on West Meadowlark. The Mayor feels he needs to provide a public forum where the expressions from the neighborhood and cycling advocates can be heard by all the Governing Body. He thought a Special Meeting devoted to this subject might be best since other business must take place at a Regular Meeting.

Councilor Clauser said that the people on upper Meadowlark are extremely well schooled in our Master Trails Plan and the federal-State grant. She said it's not a plain "not in my backyard thing" and, as she understands it, discussion is going on among people interested in trails.

Councilor Garcia-Miera said the Governing Body needs to be very careful that once the Council makes a decision, the decision needs to be respected. The decision was made.

Mayor said he will consider adding a discussion to the next Regular Meeting agenda.

9. First Reading: Discussion and consideration to publish and post Ordinance 11-012, an ordinance adding a new section 12-6-2.17 to the Uniform Traffic Ordinance of The Village of Corrales, as adopted by Ordinance 10-007 on August 24, 2010; relating to the duty of motorists to bicyclists, including requirements for safely approaching or passing a bicyclist at a distance of no less than three (3) feet, and for turning across a bicycle lane, path or trail; providing a penalty assessment for violation

Ron reder said he addressed his concerns to the council via email.

Councilor Gagliano asked Councilor Harper if this rewrite was suitable to him?
Councilor Harper said this is adequate.

Attorney Appel said that language regarding crossing the yellow line was taken from proposed State statute that was passed by the Legislature but vetoed by the governor.

Motion: Move to publish and post Ordinance 11-012, **Action:** Approve, **Moved by** Councilor Clauser, **Seconded by** Councilor Gerhart.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Absent: Councilor Alsobrook.

10. Discussion and instruction to the Mayor regarding presentation of a project by Consolidated Solar Technologies of a best and final offer to install and lease back photovoltaic panels on the Recreation Center structures with recovery-of-cost scenarios.

Councilor Gagliano said the best and final offer was not responsive as to what was requested regarding the savings over 20 years.

Mayor Gasteyer presented the cash flow analysis. He said that an accumulated savings of \$22,664 was likely over 20 years under Consolidated Solar's projection.

Attorney Appel said the offeror, Consolidated Solar Tech, does appear to be offering what would become a "guaranteed utility savings" contract. If they do provide a contract with a clause guaranteeing utility saving, as the Act is written, it requires approval from the Governing Body. Before that happens, there is a requirement for certification by the Energy, Minerals and Natural Resources Department and that the guaranteed energy savings appear to be accurately estimated and reasonable.

Motion: Proceed to negotiate with Consolidated Solar as long as a savings clause is provided, **Action:** Approve, **Moved by** Councilor Garcia-Miera, **Seconded by** Councilor Gerhart.

Councilor Gagliano said that he wanted to clarify: there is no out-of-pocket expense for us, and, there is some guaranteed savings? Administrator Avila said yes to both inquiries, and that would be included in any contract agreement which the Village entered into. Administrator Avila said that the Village has put in money.

Gagliano wondered who the responsibility of maintenance fell upon? Administrator Avila said there's.

Councilor Harper wondered what happens if Consolidated Solar goes out of business? What happens? Attorney Appel said it depends on what the terms are in the contract?

Councilor Alsobrook arrived. He declined to vote as he missed the discussion.

Vote: Motion passed (summary: Yes = 5, No = 0, Abstain = 1).

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

Abstain: Councilor Alsobrook.

11. Discussion and instruction to the Mayor regarding a Memorandum of Agreement with Sandoval County relating to the comprehensive DWI prevention program.

The Mayor noted that the Village Attorney had rewritten objectionable language from the version sent by the County and set aside the last Regular Meeting.

Motion: Move to instruct the Mayor to enter into an Agreement with Sandoval County,

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 Garcia-Miera, Councilor Clauser, Councilor Gerhart, Councilor Harper, Councilor Gagliano.

12. Presentation by the Village administration, discussion, and public comment on a Preliminary Budget for Fiscal 2011-12.

The Mayor said that the professional services for engineer costs were lowered by \$25,000 on the observation that much of it can be charged back to applicants through Planning and Zoning.

The budget increased other contractual services in the Police Department by \$10,000 for the kennel fees anticipated with a "no kill" approach and increased impoundments and maintenance/building structure was increased by \$45,000 for Parks and Rec.

Councilor Garcia-Miera asked about the projected Gross Receipt taxes and monies to service the loan for Access A should be taken off and wondered if it was reflected in the materials? Terri Gray said in budgeting payment for the inception of the loan, not taken off the top right away, and that all of the approved loan amount may not be utilized in

Fiscal 2012. Councilor Gerhart agreed that we need to budget for the debt associated with the Access A project.

A Special meeting was scheduled for May 17 at 6:30 to discuss and reach decisions on the content of the Preliminary Budget.

13. Discussion and consideration of Proclamation 11-013, proclaiming the week of May 15th, 2011 as Emergency Medical Services Week - EMS: Everyday Heroes.

Motion: Move to approve Proclamation 11-013, **Action:** Approve, **Moved by** Councilor Gagliano, **Seconded by** Councilor Harper.

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

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

14. Discussion and instruction to the Mayor of application to the State Forestry Division for the Volunteer Fire Assistance and Rural Fire Assistance grants.

Chief Martinez said that the RFA and VFA is an application for one grant. We qualify since the population is under 10,000. He asked for permission to apply. If chosen, the local match would come from our Special Fund from State Fire Marshal's office.

Councilor Gerhart asked whether these grants were for equipment?

Chief Martinez said Yes, for a new fire hose, new pump...etc. He is not seeking sprinkler systems for the Bosque but he's trying to buy the equipment to support those systems.

Councilor Alsobrook asked what the cap is? Chief Martinez answered \$20,000.

On a related topic, Mayor Gasteyer said paper work is finally coming through on Cabezon fire. There's a bill of about \$51,000 from State Forestry; however, the Village will receive \$54,000 from the State Office of Homeland Security. He complimented the Fire Chief and Commander Lattin for carefully documenting the community's in-kind efforts to help the agencies and professional responders to the emergency which led to this "no cost" result.

Motion: Move to instruct the Mayor to support the application to the state forestry to the RFA and VFA grant, **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 Gagliano, Councilor Alsobrook

XIII. ADJOURNMENT:

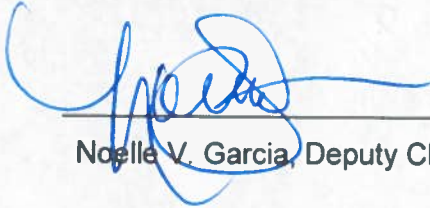
Motion: Move to adjourn, **Action:** Adjourn, **Moved by** Councilor Gagliano, **Seconded by** Councilor Alsobrook.

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

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

BEING NO FURTHER BUSINESS TO COME BEFORE THE GOVERNING BODY, THE MEETING ADJOURNED AT 8:45 PM.

APPROVED THIS 24th DAY OF May, 2011.



Noelle V. Garcia, Deputy Clerk