



VILLAGE OF CORRALES  
GOVERNING BODY  
REGULAR MEETING

MINUTES

September 27, 2011

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  
Village Attorney John Appel

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

Mayor Gasteyer called the meeting to order at 6:40 pm and led the Pledge of 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 vote (summary: Yes = 6).

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

**III. APPROVAL OF MINUTES**

**1. September 13, 2011 Council Minutes**

Councilor Gerhart said that she would like the words "by a MRCOG planner" removed from line 278.

Councilor Clauser said that on line 130, the word "have" should be inserted between the words "to" and "more".

**Motion:** Move to approve the September 13, 2011 Council Minutes with the changes, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Clauser.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).  
**Yes:** Councilor Clauser, Councilor Garcia-Miera, Councilor Gerhart, Councilor Harper.  
**Abstain:** Councilor Alsobrook, Councilor Gagliano.

#### **September 6, 2011 Workstudy Minutes with MRGCD Directors**

**Motion:** Move to approve the September 6, 2011 Workstudy with the MRGCD Director's Minutes,  
**Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Harper.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).  
**Yes:** Councilor Clauser, Councilor Gerhart, Councilor Harper, Mayor Gasteyer  
**Abstain:** Councilor Alsobrook, Councilor Gagliano, Councilor Garcia-Miera,

#### **September 20, 2011 Special Meeting Minutes**

**Motion:** Move to approve Minutes of the September 20, 2011 Special Meeting, **Action:** Approve, **Moved by** Councilor Harper, **Seconded by** Councilor Gagliano.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 6).  
**Yes:** Councilor Alsobrook, Councilor Clauser, Councilor Gerhart, Councilor Gagliano, Councilor Garcia-Miera Councilor Harper.

#### **IV. ANNOUNCEMENTS**

The Mayor announced the following:

- The annual Fine Arts Show will take place at the Old Church from October 1 –October 9, from 11 am – 5 pm;
- Next week is the annual Albuquerque Balloon Fiesta. Often, the balloons land in the Rec Field and on some mornings they launch from their;
- Saturday, October 8 is the 35<sup>th</sup> Anniversary Celebration of the Frontier Mart;
- Monday, October 10 is Columbus Day. Village Offices will be open since this is a "floating holiday" which some staff have used on another calendar date;
- On Tuesday, October 11, the Friends of the Corrales Library will be holding a brunch starting at 8:30 am;
- The next regular Council meeting is on October 11;
- The Village Council was offered a "field trip" to Intel on the afternoon of October 20 at 1 pm. Councilors are welcome to reserve a spot.

#### **V. PETITIONS**

#### **VI. COMMUNICATIONS**

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

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

Administrator Avila mentioned that there has been some confusion regarding the Village's Building Code, particularly in people trying to separate the Village Code from the Building Code.

Mayor Gasteyer added that he has heard from the business community that the Village is over zealous in requiring floor plans when there is a change in tenant for a clearly permitted use in the Commercial Zone and nothing more is being done other than removing the carpet or painting the walls. He said that the Planning and Zoning Department has a different interpretation than he does of the authority to inspect. He said it might be a task of the Planning and Zoning Commission to discuss this and come up with a recommendation for the Council.

Counselor Appel said that the Governing Body should look at Section 8-37 of the Village Code, which defines the Corrales Building Code. There shouldn't be any confusion about what constitutes the Corrales Building Code if in fact the entire Ordinance is looked at. However, it may be appropriate to put in a cross reference for those who may be confused by looking at just part of the Ordinance.

**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 "Thank you" to everyone who participated in the Harvest Festival. She said it all turned out great.

Mayor Gasteyer said that the Governing Body might want to take a look at the Sandoval County website and take a look at their redistricting map options, because one of the options makes a dramatic change in District 2, in that it groups Corrales with the Town of Bernalillo and River's Edge in Rio Rancho. That does have some significance in that there is an incumbent Commissioner in that district, elected in 2010, meaning it wouldn't be an open position for the 2012 election.

The Mayor also mentioned that he and MainStreet Executive Director Jim Covell went to a "retreat" with the Sandoval County Economic Development. He said that Kelly O'Donnell, Corrales resident and former head of the State's Regulation and Licensing, presented what she's been able to get out of the Census data focusing on economic development in the business community. He said he would like to have Ms. O'Donnell do a similar presentation for our Governing Body.

**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.**

Catherine Conran said that regarding Ruffles Lane, she is concerned that the Governing Body has only heard the voices of the minority of people on the street, but not the majority of the tax payers on the street. She supports paving of the street and would like it to stay on the CO-OP list.

Sandy Gold said that if anyone wants to bike to Balloon Fiesta, there is valet bicycle parking at the Balloon park in the morning and in the evenings. Ms. Gold also asked for signage at the entrances to Corrales indicating the ban on driving while using a cell phone, and also signs indicating the three-foot distance that motorists need to give cyclists.

**IX. CONSENT AGENDA:**

**3. Reports from Boards, Commissions, and Department Head Personnel**

Councilor Gagliano said a lot of citizens who have read about the Amazon e-books with the Albuquerque Library have asked whether our e-book program does the same. He asked Library Director Carla Spencer if the Corrales Library's digital technology includes the Amazon Kindle like Albuquerque uses? Ms. Spencer answered in the affirmative and said that the Corrales Library has the same capability as the Albuquerque Library.

Parks and Rec Director Lynn Siverts discussed the Halloween event that has been held at the Rec Center for the past three years. Residents are encouraged to come and decorate their vehicles. There will be a balloon glow, and maybe jumper. The event will be on Halloween, Monday, October 31 from 6-7 pm. Mr. Siverts said that the more people that come with their vehicles, the better it is for the kids trick or treating around the field.

Councilor Clauser thanked Planning and Zoning Administrator Cyndie Tidwell for the preliminary ordinance for the Scenic Byway. Councilor Clauser said she was curious about where the two new houses with building permits on Ms. Tidwell's report are located? P&Z Administrator Tidwell said that one is in the Far-Northwest Sector and the other is more in the middle. Councilor Clauser also wondered about the cell tower site compliance? P&Z Administrator Tidwell answered that the cell tower site plan was approved by the Planning & Zoning Commission. When the tower is completed, it will be checked against the approved site plan. If it is acceptable, a certificate of compliance will be issued by Planning & Zoning. Councilor Clauser also wondered if the meeting with the Albuquerque Museum for the new signage at Casa San Ysidro has been had or scheduled? Ms. Tidwell said that the meeting has not been set and there were complications since the National Park Service was involved. She will contact those involved to see what we need to go forward. Councilor Clauser asked to be included when the meeting is set.

Councilor Clauser asked Fire Chief Anthony Martinez about the Fire Department's report that stated that 22 of the 30 EMS calls were transported to the hospital. She wondered if all those happened with the Albuquerque Ambulance rather than Corrales Fire? Chief Martinez answered that Corrales Fire Department responded to the medical call, and 22 of the 30 were transported by Albuquerque Ambulance to a hospital facility.

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

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

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

**X. CONFIRMATION OF PERSONNEL RECOMMENDATION:**

4. N/A

XI. CONFIRMATION OF APPOINTMENTS

5. N/A

XII. OLD BUSINESS:

6. THIRD READING:

**Discussion and consideration of Ordinance 11-015 authorizing the Village to borrow up to \$540,000 from the New Mexico Environment Department, in conjunction with an NMED grant, pledging environmental GRT tax revenues, to complete its wastewater system for the business core on Corrales Road.**

Attorney Appel said that the ordinance states that there is a loan agreement and note attached. At this time, the loan agreement and note have not been completed. He said he received the form of the interim loan agreement and note which is a standard form with a whole lot of blanks that need to be filled in. The terms are reasonable and consistent with the ordinance. If the Governing Body chooses to adopt the ordinance tonight, Section 6, is the key language which authorizes the Mayor on the behalf of the Village to make such changes in the form of the loan agreement and the note as may be necessary to affect the terms of the ordinance. On that basis, the Village Council's decision tonight is consistent with what is said in the ordinance.

Councilor Garcia-Miera said that his understanding is that the environmental GRT is a stable stream of income. Mayor Gasteyer answered that 1/16 of the GRT received is from that source. The GRT overall does bounce around. Attorney Appel noted that typically the State lending agencies use 120% coverage with pledged assets.

Councilor Clauser read from Section 15, line 399: "However, if insufficient funds are available for payment of the Note(s) from Pledged Revenues, the NMED may require the Borrower to adjust the rates charged by the System to ensure repayment of the Note." She wondered if NMED has ever done that? Attorney Appel answered that he did not know, and that is a fairly standard provision in agreements of this type. What the Village is doing is pledging, in addition to the environmental GRT, the revenues of the wastewater utility system to the extent necessary to service the debt.

Councilor Alsobrook asked if NMED is using two separate sources of funds? Attorney Appel said that what the Village is pledging is the environmental GRT and the net utility revenues of the wastewater utility system. Councilor Alsobrook said that there are two separate numbers for two separate revolving fund loans, and asked what that means? Attorney Appel answered that is pledged debt that the Village already has outstanding. Those are the public project revolving fund loans from the New Mexico Finance Authority from the Far Northwest Sector infrastructure project.

Councilor Gerhart wondered if there have been any documents presented for the grant that goes with the loan? Attorney Appel said he has not had an opportunity to read through the entire interim loan agreement yet, but presumably, the amount of the grant will be recited in that document, and if it isn't he will make sure it is.

**Motion:** Move to approve Ordinance 11-015, **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Garcia-Miera.

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

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

**7. SECOND READING:**

**Discussion only of Ordinance 11-014, an ordinance relating to the New Mexico Uniform Traffic Ordinance adopted by reference by the Village of Corrales.**

No one asked to be heard.

**8. SECOND READING:**

**Discussion only of Ordinance 11-017, an ordinance establishing a penalty assessment program; defining penalty assessment misdemeanors; establishing listed schedule of penalty assessments; and repealing all ordinances or parts of ordinances in conflict thereof.**

Councilor Gagliano pointed out a simple typo to be corrected in the caption. He also asked if the fees are State governed and wondered if the Village has any leeway with those fees? Attorney Appel said that there are a few specific provisions which are specific misdemeanors and specific assessments that are unique to Corrales based on ordinances that have been previously adopted, but approximately 97% of these are parallel to the State statute and are uniform throughout the State. Councilor Gagliano wondered if the Village has any leeway at all on collection of those fines? He described an incentive program in Colorado to encourage motorists to agree to a lesser fine if they didn't insist on challenging in local courts. Attorney Appel said that the Village has limited leeway based on the maximum of penalty for a misdemeanor, which he recalled, but was not certain, is either \$300 or 90 days in jail, and that is the maximum that the Village can impose.

Councilor Gerhart said that on page 8, there are the bicycle violations and she wondered why the title "Riding on Bicycles" is a violation? Attorney Appel said that's just a title and is a shorthand commonly used by the Police Department and Motor Vehicle Department.

**XIII. NEW BUSINESS:**

**9. FUTURE AGENDA ITEMS**

Mayor Gasteyer announced the following as potential future agenda items:

- Third readings of ordinances 11-014 and 11-017;
- Redistricting discussion;
- Discussion on real estate sales and GRT tax leakage in the Village;
- Discussion of bed and breakfasts and vacation rentals for events in the Village not complying with Village code. Councilor Harper said the Planning and Zoning Commission should also

be involved in this discussion. Councilor Gerhart asked what the difference is between renting or leasing a property which doesn't fall under GRT and when it would? Attorney Appel answered that he was not entirely sure yet. He said he has had discussion with P&Z Administrator Tidwell about the problem. He also said that the City of Santa Fe has dealt with this issue and he will research their solution.

Councilor Clauser said she would like an update on Access A.

Councilor Gagliano said he would like an update from the contract owners of the cell tower.

Councilor Garcia-Miera would like to take another look at the hiring freeze that expired for last fiscal year and revisit it for this fiscal year.

**10. Discussion and instruction to the Mayor regarding the annual professional services agreement with Corrales MainStreet, Inc.**

Attorney Appel said that looking at line 141 of the Agreement, there seems to be a typo and wondered what the goal item should be? Jim Kruger of MainStreet said that it should say "attract two new groups for events to be held in Corrales."

Councilor Gerhart said that there is a moratorium on demolition of historic buildings while the Planning and Zoning Commission is looking at the zoning ordinance and MainStreet has played a role in providing the downtown master planning in the past. She thought that MainStreet could play an advisory role of specific opportunities for incentives and professional services for owners of historic buildings. She wondered if that could be included as a task in the Agreement? She suggested general language that says "Contractor will support and advise in areas of historic preservation." Mr. Kruger said he thinks that would fit very appropriately with the mission of MainStreet, and should be a separate item under Section 8, Planning.

Councilor Gerhart also discussed the Local Economic Development Act (LEDA) and said it seems it would fit under item 2, but it doesn't seem like it's appropriate. Administrator Avila said that he had asked earlier if MainStreet could walk the Council through the process of adopting a LEDA to evaluate the pros and cons and showing what it entails in more detail.

Jim Kruger noted that the point of the Agreement is not to limit the things that MainStreet would work with the Village on. If there's a topic or project that comes up that isn't specifically identified in the Agreement, MainStreet would still be happy to work in whatever role is needed.

Mayor Gasteyer asked Mr. Kruger if MainStreet has a continued use for the office space that in the Village's Court/ Council Chambers building? Mr. Kruger answered yes. Mayor Gasteyer asked about a volunteer staffing the office to serve as a Visitor's Center? Mr. Kruger said that the volunteer had retired, and they haven't been able to find another volunteer. Mr. Kruger suggested that a square-foot rental amount for commercial space could be referenced in the Agreement.

**Motion:** Move to instruct the Mayor to enter into the Professional Services Agreement between the Village of Corrales and Corrales MainStreet with the addition of the language discussed in Section A, line 56, add the words "on affects of the LEDA act" and also the addition of an item 4 stating "contractor will

support and advise the Village in areas of historic preservation”, **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 Gerhart, Councilor Gagliano, Councilor Garcia-Miera Councilor Harper.

**11. Discussion and instruction to the Mayor regarding the Biennial Memorandum of Understanding between the Village, Corrales MainStreet, Inc. and the New Mexico MainStreet Program.**

Mayor Gasteyer asked Mr. Kruger to discuss the category that Corrales MainStreet falls under with the NM MainStreet Program? Mayor Gasteyer also commented that the fees for State certified programs are lofty for the Village budget. Mr. Kruger answered that Corrales MainStreet is both a State-certified MainStreet program and also a national level-certified, which is beneficial because MainStreet doesn't have to have an annual assessment which is a big process and makes available to Corrales MainStreet and the Village all the State and national programs provided by the MainStreet program.

**12. Discussion and instruction to the Mayor to negotiate contract with 310 Solar, as sole bidder, in response to RFP No. 11-007 Photovoltaic (PV) Project.**

Administrator Avila said that the Village is facing a deadline with PNM on the return energy credits. The Village put out an RFP and 310 Solar was the sole bidder.

Councilor Gerhart wondered what the terms are if the contract is passed on to another company? Mayor Gasteyer said that the details of the contract are not available. The purpose of this discussion is to instruct the Mayor to negotiate a contract, so those details will be included.

The Governing Body discussed funding and the amount of return energy credits from PNM. Attorney Appel noted that the Village will not enter into any debt for this project. The Village will have to purchase the energy under the terms of the contract for the next twenty years, but the debt belongs to the contractor.

**Motion:** Move to instruct the Mayor to negotiate a contract with 310 Solar, as sole bidder, in response to RFP No. 11-007 Photovoltaic (PV) Project, **Action: Approve, Moved by Councilor Gerhart, Seconded by Councilor Garcia- Miera.**

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

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

**13. Discussion and consideration of Resolution 11-043, a resolution adopting 2013-2017 Infrastructure Capital Improvement Plans (ICIP), with the top five priorities for the Infrastructure Capital Improvement Plan submittal to the Department of Finance and Administration.**

Administrator Avila discussed the ranking of the top five priorities for the ICIP and the results of the ranking survey he had conducted of the Governing Body since the last regular meeting.

Mayor Gasteyer said that the items are mostly capital things, but there are some operational items that are permitted.

Councilor Clauser noted that the words "Visitor's Center" should be added to the Casa San Ysidro item.

Mayor Gasteyer said that the words "Meadowlark Trail" will be removed; "Visitor's Center" will be added and "food and agricultural market pavilion" will be number 19.

Mayor Gasteyer discussed the Art Center and said some progress has been made. Corrales Elementary will allow the facility to be used for art classes.

**Motion:** Move to approve Resolution 11-043 adopting the five year 2013-2017 Infrastructure Capital Improvements Plan, using the rankings from the survey of today, **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 Gerhart, Councilor Gagliano, Councilor Garcia-Miera Councilor Harper.

**14. Discussion and instruction to the Mayor regarding the ranking projects for the 2012/2013 Local Government Road Co-op Program when participation is invited by the New Mexico Department of Transportation.**

Mayor Gasteyer invited Public Works Director Tony Tafoya to come up front to answer questions. Mayor Gasteyer asked Mr. Tafoya how much more than the original cost estimate of \$98,000 will West Ella be with the required cultural- environmental study added on? Mr. Tafoya answered around \$7,000-8,000 more. Administrator Avila added that there is an extra charge for completing a portion of West Ella that wasn't previously anticipated in the first estimate. It was another \$6,000.

The Governing Body discussed the co-op list, particularly the paving of Ruffles Lane.

Catherine Conlan said that people who are property owners should be the ones signing the petition for or against the paving of Ruffles Lane. She said that although the people who originally signed the petition were for paving, there seems to have been a switch in attitude with a new petition against paving. Councilor Harper asked how many homes is she talking about? Ms. Conlan said that there are 13 platted lots without homes and 15 homes. Councilor Clauser suggested the staff conduct a new survey of property owners using the County Treasurers information and certified mail.

**Motion:** Move to get the names of property owners on Ruffles Lane and do a survey of those people with perhaps a cover letter than explains that a resident from Ruffles Lane came and questioned the previous request for non-paving, **Moved by** Councilor Clauser, **Seconded by** Councilor Gagliano.

Councilor Alsobrook thought it would be beneficial to have tenants included in the survey. He wondered if perhaps he should do a door-to-door survey.

Village Clerk Juan Reyes cautioned that in his experience, when names and addresses are obtained from the County, there is a high percentage of returned mail because the County doesn't consistently update records.

Vote on Councilor Clauser's motion:

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

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

Councilor Gerhart asked if these items are in an particular order of priority for the Public Works Department? Are any of them maintenance problems or have a higher need? Mr. Tafoya said yes, he made a list of 5 road projects, which will cost \$370,000: Paseo de Corrales (for drainage issues - \$40,000); Camino Rayo del Sol (600 foot overlay - \$20,000); Chimaja (drainage – around \$80,000); Loma Larga, Windsong, Camino de la Tierra, and West La Entrada (crack seal - \$60,000); Windsong, West La Entrada (overlay - \$170,000-200,000).

Councilor Clauser said she gets a lot of calls from people on Uva Road and Uva Court about the dust. Mr. Tafoya said it's probably because it's been very dry. Councilor Clauser did not wish to move Uva Road up on the co-op list at this time.

No further motions were made.

**15. Discussion of progress on the capital improvements in the Far Northwest Sector including Don Julio Road and the Northern Blvd./Pat d'Arco Hwy 528 intersection.**

Tomorrow night the Rio Rancho City Council is scheduled to discuss and vote on a Joint Powers Agreement to permit work to proceed on the 4-way intersection at Northern and Pat d'Arco Hwy 528 in the City and Don Julio Rd. in the Village. Mayor Gasteyer said that Rio Rancho City Manager James Jimenez supports the Village's request for a change, and his recommendation to Rio Rancho City Council is to approve the JPA presented. Also, the Village has given them a more detailed addendum letter of understanding that spells out the parts of the project under a Phase I and a Phase II. They chose not to put that on the Rio Rancho agenda because they can do that at a City administration level. The crucial part of the Joint Powers Agreement is the long standing paragraph D of the Village obligations. It gets the subject of whether we have to design and we have to construct and pay for the Industrial Loop Road on the Rio Rancho side of the line. They have attached a \$1,000,000 price tag. Mayor Gasteyer says he plans to attend the meeting in Rio Rancho to be there to answer questions.

Sandy Arnold says she lives up in the northwest sector near Access A. She said the Rio Rancho "item" said that the funds weren't identified. Mayor Gasteyer said that Rio Rancho has yet to budget for the responsibilities on their side, but the Village has the funding for its obligations.

**16. Discussion and consideration of Resolution 11-042, a resolution authorizing disposal of public property.**

Administrator Avila said that the Village has excess motorcycle helmets but no motorcycles, and Rio Rancho needs helmets, so the Village can donate the surplus.

**Motion:** Move to approve Resolution 11-042, **Moved by** Councilor Alsobrook, **Seconded by** Councilor Clauser.

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

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

**17. Adoption of Findings and Conclusions of Law in the Matter of the Application for a Zone Map Amendment to Change the Zoning of Tract 73A-1A, MRGCD Map No. 16, Located at 5220 Corrales Road in the Village of Corrales, from "M" Municipal, Public and Quasi-Public Zone to "C" Neighborhood Commercial Zone.**

**Motion:** Move to adopt the findings and conclusions of law in the matter of the application for a zone map amendment to change from "M" to "C" for 5220 Corrales Road, **Moved by** Councilor Gagliano, **Seconded by** Councilor Harper.

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

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

#### **CLOSED SESSION:**

**On motion duly made and approved the Governing Body may go into closed session to discuss:**

**Discussion regarding personnel matters. This meeting will be closed in accordance with Section 10-15-4(H)(2), NMSA 1978. "Limited Personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee.**

**Motion:** Move to go into closed section pursuant to Section 10-15-4 (H)(2) of the Open Meetings Act, **Moved by** Councilor Alsobrook, **Seconded by** Councilor Gagliano.

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

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

Upon re-entering open session, Attorney Appel said that no action was taken while in closed session in accordance with Section 10-15-14(H)(2), NMSA 1978.

#### **XIV. ADJOURNMENT:**

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

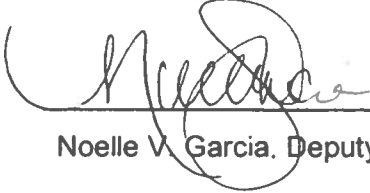
**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

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

**Absent:** Councilor Garcia-Miera

**BEING NO FURTHER BUSINESS TO COME BEFORE THE GOVERNING BODY, THE MEETING ADJOURNED AT 10:06 PM.**

**APPROVED THIS 11<sup>th</sup> DAY OF October, 2011.**



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Noelle V. Garcia, Deputy Clerk

## Administrator's Report

Tuesday, September 27, 2011

### **Announcement:**

SRTS Walk and Roll is set for October 5<sup>th</sup> from the Corrales Recreation Center and the Village Complex to Corrales Elementary School. It is an annual event celebrated around the world to promote safer, more walkable and healthier communities. Students, parents, staff and community members are encouraged to walk, bike and/or "roll" (skate, skateboard, use a wheelchair or scooter) to school on October 5 to raise awareness of pedestrians and bicyclists and promote physical activity. Fewer parents driving students to school also means less traffic congestion and cleaner air around our schools. This project is part of the \$25,000 program grant. The \$250,000 PII INFRASTRUCTURE funds have not been released by the state yet because of the questions over the ROW. We will discuss the next steps needed at the 10/13 NMDOT bimonthly meeting.

The USACE is schedule the Design Intent meeting for the MRG Restoration Project next week. The purpose of this meeting will be for the Corps and partners to discuss the project elements and design intent with the Corps construction engineer who will be overseeing the construction in the field. It is also our opportunity to discuss any concerns you have about the sensitivities of the individual sites.

Our TIP projects (Harvey Jones Bike Bridge and 428/Meadowlark intersection) in the FY 2012-2017 TIP, did not make it. When compared to other proposed projects, those did not score well.

### **Items:**

We have engaged Research & Polling for an evaluation of district populations to access any need to redistrict. It looks like District 1 would reduce and 4&5 would add. *Attached*

We have received a letter from DFA explaining how the yield control rates are related to imposed rates and they offer to provide training to the Village government. *Attached*

We may need to see clarifying language in Section 8 of our ordinance. As currently written there is confusion as to when the NM Commercial or Residential building codes apply Vs the Corrales Building Code. Perhaps including language in section 8-28 showing that the NM code is primary authority and jurisdiction may help. Example: 8-28 (a) ... as amended (primarily NM Commercial and Residential Building Codes – see section 8-27).... *Attached*

We have finally received the Environmental Report for W. Ella. It is being submitted for approval to proceed and engage the COOP funding for paving estimated in 3 weeks.

**Scope of Work**

Research & Polling, Inc. offers to provide technical and professional services to the Village of Corrales to evaluate the population of the current Council districts. The evaluation will allow the Village to determine whether or not it is required to redistrict the Council districts based on the 2010 Census population data.

Research & Polling will update the population of the current Council districts using the 2010 Census redistricting data (P.L. 94-171) released on March 15, 2011.

The analysis will include a statistical summary of the current districts which will contain:

- Population counts of the total population and of each relevant racial/ethnic grouping as well as, counts for persons of voting age;
- Percentage deviation of each district from the ideal population; and,
- Percentages of minority populations.

A map showing the districts and their respective populations and deviations will also be produced.

**Date of Completion**

Research & Polling will provide the necessary professional services, staffing, maps by August 31, 2011. The completion date may change based upon the needs of the Village.

**Cost**

Research & Polling, Inc. will provide all services as described in the Scope of Work. This offer is valid for 60 days.

**Cost of Providing Professional Services for Evaluating Council District Populations**

Total Cost	\$1,000.00
<u>Tax (7.000%)</u>	<u>\$70.00</u>
Total Cost	\$1,070.00

Village of Corrales Council  
Current Districts

2010 Census  
Redistricting

District	Pop	Deviation	Hispanic	Non-Hispanic Origin				
				White	Native American	Black	Asian	Other Races
1	1,529	142 10.2%	456 29.8%	958 62.7%	20 1.3%	28 1.8%	27 1.8%	40 2.6%
18+	1,186		314 26.5%	805 67.9%	15 1.3%	20 1.7%	17 1.4%	15 1.3%
2	1,389	2 0.1%	450 32.4%	866 62.3%	29 2.1%	12 0.9%	16 1.2%	16 1.2%
18+	1,147		335 29.2%	751 65.5%	25 2.2%	10 0.9%	15 1.3%	11 1.0%
3	1,477	90 6.5%	345 23.4%	1,069 72.4%	24 1.6%	10 0.7%	4 0.3%	25 1.7%
18+	1,227		249 20.3%	931 75.9%	19 1.5%	9 0.7%	4 0.3%	15 1.2%
4	1,259	-128 -9.2%	321 25.5%	868 68.9%	19 1.5%	17 1.4%	12 1.0%	22 1.7%
18+	1,086		252 23.6%	755 70.8%	17 1.6%	14 1.3%	10 0.9%	18 1.7%
5	1,354	-33 -2.4%	345 25.5%	961 71.0%	6 0.4%	7 0.5%	19 1.4%	16 1.2%
18+	1,100		254 23.1%	813 73.9%	5 0.5%	4 0.4%	16 1.5%	8 0.7%
6	1,313	-74 -5.3%	329 25.1%	945 72.0%	9 0.7%	5 0.4%	12 0.9%	13 1.0%
18+	1,089		237 21.8%	819 75.2%	9 0.8%	4 0.4%	10 0.9%	10 0.9%
Totals	8,321	Ideal: 1,387	2,246 27.0%	5,867 68.1%	107 1.3%	79 0.9%	90 1.1%	132 1.0%
18+	6,815		1,641 24.1%	4,874 71.5%	90 1.3%	61 0.9%	72 1.1%	77 0.9%

SUSANA MARTINEZ  
GOVERNOR

THOMAS E. CLIFFORD, PH. D.  
CABINET SECRETARY DESIGNATE



SAM OJINAGA  
ACTING DIRECTOR

STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
Bataan Memorial Building, Suite 201 • Santa Fe, New Mexico 87601  
(505) 827-8051 • FAX No. (505) 827-4948

September 26, 2011

The Honorable Phillip Gasteyer  
Mayor, Village of Corrales  
4324 Corrales Road  
Corrales, NM 87048

Dear Mayor Gasteyer:

The Local Government Division (LGD) acknowledges receipt of Resolution No. 11-041 which was adopted by the governing body of the Village of Corrales on September 20, 2011. The resolution states that "the ad valorem property tax rate increase for general municipal purposes of fifty cents (\$0.50) for each one thousand dollars (\$1,000) of net taxable value of both residential and nonresidential property *imposed* for property tax year 2010 is hereby terminated and no such rate is to be applied for property tax year 2011." (emphasis added)

The resolution also states that "the proposed Sandoval County property tax rate certificate which was recently provided to the Village appears to indicate that the ad valorem property tax increase authorized only for the tax year 2010 has nonetheless been included in the County Assessor's proposed tax rates for tax year 2011 as authorized by the Local Government Division."

On September 19, 2011, the property tax staff, Isaac Montoya, Susan Rodriguez and Brenda Suazo-Giles coordinated a teleconference call with you and Terri Gray. The difference between the yield control rate and the imposed rate was discussed at length. It was explained that the Village's requested reduction does appear on the 2011 Certificate of Tax Rates. The Village can only change the imposed rate, which is then filtered through the yield control formula, thus producing the correct rates that appear on the tax certificate. The Village Council has legal authority to adjust the imposed rate, but cannot adjust the resulting yield control or correct rate.

Be assured that LGD recognized the Village's reduced *imposed* operational mill levy rate of 5.870, which is a reduction of 0.50 mills from the 2010 imposed rate of 6.370. Once the reduced imposed rate filtered through the yield control formula, the resulting correct rates remained the same as those listed on the attached 2011 Certificate of Tax Rates.

Please note that LGD staff is available to provide training to the Village Council on the yield control calculation if you wish. You may coordinate training by contacting Brenda Suazo-Giles at 505-827-4127.

Sincerely,

A handwritten signature in black ink that reads "John A. Gallegos".

John A. Gallegos, Bureau Chief

cc: Terri Gray, Finance Officer, Village of Corrales  
Tom Garcia, Sandoval County Assessor (Via E-mail)

**ARTICLE I. IN GENERAL.**

Sections 8-1 to 8-25. Reserved.

**ARTICLE II. BUILDING CODE**

History: Ord. No. 67 §§ 10-1-1 to 10-1-4, adopted 8-10-76; Ord. No. 72 § 10-2-1, adopted 6-14-77; Ord. No. 159 § 1 (10-2-1), adopted 7-21-86; Ord. No. 190 § 8, adopted 4-11-88; Ord. No. 05-01, adopted 3-8-05; State administrative code reference: Building code, general, NMAC, §§ 14-7-2 to 14-7-8.

**Section 8-26. Definitions.**

In this article, the following terms and abbreviations shall have the meaning indicated, unless a different significance is clearly indicated by context.

- (a) "*Building inspector*" means the building inspector appointed by the Village as provided in Section 8-29(a) of this Code.
- (b) "*Building official*" or "*CID building official*" means the bureau chief of the appropriate trade bureau of CID.
- (c) "*Building permit*" or "*permit*" means a general construction permit issued by the Village in accordance with the provisions of this article, unless the context clearly indicates otherwise.
- (d) "*Construction Industries Division*" or "*CID*" means the construction industries division of the regulation and licensing department of the State of New Mexico.
- (e) "*Construction Industries Licensing Act*" or "*CILA*" means NMSA 1978, Chapter 60, article 13.
- (f) "*Contracting*" has the meaning indicated in NMSA 1978, § 60-13-3.
- (g) "*Corrales Building Code*" or "*CBC*" means the building code of the Village of Corrales, as adopted in this article.
- (h) "*Historic earthen building*" means a structure that is at least twenty-five (25) years old and which is constructed in significant part, including at least one exterior wall, from earthen materials, including adobe, burned adobe, compressed earth block, rammed earth, or terrón.
- (i) "*International Building Code*" or "*IBC*" means the 2006 international building code and any subsequent international building code adopted by the Construction Industries Division as the New Mexico commercial building code.
- (j) "*International Residential Code*" or "*IRC*" means the 2006 international residential code and any subsequent international residential code adopted by the Construction Industries Division as the New Mexico residential building code.
- (k) "*New Mexico construction code(s)*" means any of the codes adopted by the Construction Industries Division, as compiled and as modified or amended by rule in Title 14, Chapters 7 through 11 of the New Mexico Administrative Code ("NMAC"), and any amendments, revisions or replacements thereto or thereof adopted by the Construction Industries Division.
- (l) "*Planning and zoning administrator*" means the planning and zoning administrator of the Village of Corrales.

(m) "*Published code*" means any code or standard published by an entity other than the State of New Mexico and adopted by reference, or referred to as a standard in this article or in any rule or regulation of the Construction Industries Division.

(n) "*Registered design professional*" has the meaning given that term in Title 14 of the New Mexico Administrative Code.

*History: Ord. No. 05-01, adopted 3-8-05; Ord. No. 07-020, adopted 3-12-08; Ord. No. 08-012, adopted 09-09-08.*

#### **Section 8-27. Adoption of Corrales building code; amendments; penalties.**

(a) *Adoption of Residential Building Code.* The 2006 New Mexico Residential Building Code, which adopts and amends the 2006 International Residential code pursuant to part 14.7.3 NMAC, effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(b) *Adoption of Commercial Building Code.* The 2006 New Mexico Commercial Building Code, which adopts and amends the 2006 International Building code pursuant to part 14.7.2 NMAC, effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(c) *Adoption of Non-Load Bearing Baled Straw Construction Building Standards.* The 2006 New Mexico Non-Load Bearing Baled Straw Construction Building Standards, as adopted by CID pursuant to part 14.7.5 NMAC effective January 1[9], 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, are hereby adopted by the Village in their entirety except as otherwise provided in this section.

(d) *Adoption of Earthen Building Materials Code.* The 2006 New Mexico Earthen Building Materials Code, as adopted by CID pursuant to part 14.7.4 NMAC effective January 1[9], 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(e) *Adoption of Energy Conservation Code.* The 2006 New Mexico Energy Conservation Code, which adopts and amends the 2006 International Energy Conservation code pursuant to part 14.7.6 NMAC, effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(f) *Adoption of Existing Building Code.* The 2006 New Mexico Existing Building Code, being the 2006 international existing building code with amendments, deletions and revisions as adopted by CID pursuant to part 14.7.7 NMAC, effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted in its entirety except as otherwise provided in this section.

(g) *Adoption of Historic Earthen Buildings Code.* The 2006 New Mexico Historic Earthen Buildings Code, as adopted by CID pursuant to part 14.7.8 NMAC effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(h) *Exceptions.* The following additions, deletions and amendments are adopted and shall be an

integral part of the Corrales Building Code:

- (1) Any and all parts, subparts or sections of any international code or New Mexico code relating to fees, are deleted and in their place the Village of Corrales shall establish permit fees, inspection fees and other fees as provided in this Code and by resolution of the Governing Body.
- (2) Whenever the height and area requirements of chapter 18, article II of this Code pertaining to zoning differ from any present or subsequent provisions in any applicable edition of the New Mexico Residential Building Code, the New Mexico Commercial Building Code, the New Mexico Non-Load Bearing Baled Straw Construction Building Standards, the New Mexico Earthen Building Materials Code, the New Mexico Energy Conservation Code, the New Mexico Existing Building Code, or the New Mexico Historic Earthen Buildings Code, the more restrictive height and area requirements shall control.
- (3) To the extent that any subsequent revisions, amendments or replacements of the 2006 New Mexico Residential Building Code, the 2006 New Mexico Commercial Building Code, the 2006 New Mexico Non-Load Bearing Baled Straw Construction Building Standards, the 2006 New Mexico Earthen Building Materials Code, the 2006 New Mexico Energy Conservation Code, the 2006 New Mexico Existing Building Code, or the 2006 New Mexico Historic Earthen Buildings Code might be construed to affect the procedural provisions of this Code, such revisions, amendments or replacements shall not be adopted by the Village except by specific action of the Village Council. However, all substantive revisions, amendments or replacements establishing construction or building standards, unless inconsistent with any provision contained in this Article, shall become effective for the Village at the same time and to the same extent that they are made effective by action of CID.
  - (i) *Citation as "Corrales Building Code".* The 2006 New Mexico Residential Building Code, the 2006 New Mexico Commercial Building Code, the 2006 New Mexico Non-Load Bearing Baled Straw Construction Building Standards, the 2006 New Mexico Earthen Building Materials Code, the 2006 New Mexico Energy Conservation Code, the 2006 New Mexico Existing Building Code, and the 2006 New Mexico Historic Earthen Buildings Code, as adopted and as modified pursuant to this section, and including any subsequent revisions, amendments or replacements thereof or thereto that are effective as to the Village pursuant to this section, shall be collectively known and may be cited as the "Corrales Building Code."
  - (j) *Copies available.* Copies of the Corrales Building Code as adopted in this section shall be available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on regular business days at the office of the Village clerk, and may be inspected by any interested person.
  - (k) *Penalties.* Except as otherwise specifically provided in this article, any person convicted of violating the provisions of this article may be punished in accordance with Section 1-6.  
*History: Ord. No. 05-01, adopted 3-8-05; Ord. No. 07-020 adopted 2-12-08; Ord. No. 08-012, adopted 09-09-08.*

#### **Section 8-28. Statutory authority, jurisdiction and scope.**

- (a) The Corrales Building Code is adopted pursuant to the authority set forth in NMSA 1978, §§ 3-17-6, 3-18-6, 60-13-41, 60-13-42, and 60-13-43, as amended and shall be applicable to all property within the corporate limits of the Village of Corrales.
- (b) The Village intends, through enforcement of the Corrales Building Code, to regulate the general construction, installation, alteration, repair and demolition of commercial structures and residential structures (including modular homes, premanufactured homes, manufactured commercial units and outbuildings) within the jurisdiction of the Village of Corrales.