



VILLAGE OF CORRALES
GOVERNING BODY
REGULAR MEETING
MINUTES

April 26, 2011
6:30 p.m.

COUNCIL/MUNICIPAL COURT CHAMBERS

Governing Body present:

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

Village Staff present:

Village Administrator John Avila
Deputy Clerk Noelle Garcia
Police Chief Ray Vigil
Fire Chief Anthony Martinez
Library Director Carla Spencer
Public Works Director Tony Tafoya
Parks and Rec Director Lynn Siverts
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

Mayor Gasteyer said that the third readings of Ordinance 11-009 and 11-010 were posted as "publish and post" and not for consideration. Attorney Appel said the Governing Body should consider public input but defer a decision until the next reading.

Attorney Appel said that he is concerned with Ordinance 11-004 because there has not been proper public noticing that the final public hearing would be tonight. He recommended that the Governing Body should defer action on Ordinance 11-004 for two meetings for sufficient posting.

Motion: Move to approve the Agenda and not taking final action on items 7, 8, and 9,

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

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

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

III. APPROVAL OF MINUTES

1. April 12, 2011 Council Minutes

Mayor Gasteyer recommended postponing consideration of the minutes until the next meeting for editing purposes.

Motion: Move to postpone approval of the Minutes until the next meeting., **Action:** Approve, **Moved by** Councilor Gerhart, **Seconded by** Councilor Clauser.

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

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

IV. ANNOUNCEMENTS

Mayor Gasteyer announced the following:

- There is a high fire danger forecast through Saturday;
- There has been a high wind warning from the Environment Department cautioning people with allergies to stay indoors;
- Saturday, April 30 will be the mudding of the Old Church and they are looking for volunteers for that event;
- Saturday, April 30 and Sunday, May 1 is the Corrales Art Studio Tour;
- Sunday, May 30 is the Friends of the Library Book Sale;
- Saturday, May 7 is the CHAMP Recreation Ride;
- Tuesday, May 10 is the next regular Council meeting;
- Saturday and Sunday, May 14 and 15, are Heritage Days at Casa San Ysidro;
- Sunday, May 15 is the Ditch Pony Ride at the Rec Center Top Form Arena;
- Sunday, May 15 is the Feast Day of San Ysidro, with the blessing and service at the Old Church, followed by the Procession and Fiesta.

V. PETITIONS

VI. COMMUNICATIONS

2. Administrator's Report

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

Mayor Gasteyer asked about Administrator Avila's mention of utility vehicles, and wondered if that was because there is Comcast or Qwest service box? Administrator Avila answered in the affirmative and said that those vehicles can access it by going over the curb with their large trucks or backing into the area while keeping traffic flowing.

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 reminded everyone that in Chapter 2 of the Village Code, there is language that reads: "Each Councilor desiring to speak shall address the presiding officer and after being recognized confine himself to debate, avoiding personality conflicts and indecorous language."

Councilor Gerhart added that in addition to the announcement regarding Heritage Day, the Council and villagers are invited to a ceremony to dedicate a plaque in the Old Church to some of the old families of Corrales that have been buried in the Old Church.

Councilor Clauser said that that Casa San Ysidro has been designated a point on the National Parks Service Camino Real Interpretive Trails System, and they will come to the Village to ensure the signage is appropriate.

Councilor Harper said he has received several communications regarding the action by the Governing Body to cease work on the West Meadowlark trails, and would like one of the Councilors who voted to cease work to add it to a future agenda because he thinks there is more room for agreement than previously thought.

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.

Sandy Gold said that at the last Council meeting, it was mentioned that widening the road increases speed, and she said that Rio Grande Boulevard in Los Ranchos de Albuquerque was widened and speeding was not increased; motorists adhere to the 25mph limit.

IX. CONSENT AGENDA:

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

Sandy Gold said that Rio Grande had a widening of the road for bike paths and traffic speed has not increased. She said she's on it a lot and people seem to be adhering to the speed.

Councilor Clauser thanked the Farmland Preservation Commission for adding the last names of attendees to their report.

X. CONFIRMATION OF PERSONNEL RECOMMENDATION:

4. N/A

XI. CONFIRMATION OF APPOINTMENTS

5. N/A

XII. OLD BUSINESS:

6. Discussion and instruction to the Mayor regarding an expression of support (or disapproval) for the revised U.S. Army Corps of Engineers' proposed

Bosque Restoration Project, as requested by the landowner, the Middle Rio Grande Conservancy District.

David Worledge, Bosque Advisory Commission Chairman, said that high flow channels and bank reduction of the proposed project were not recommended. However, there were valuable features in the remaining scope of the project, but there wasn't enough information to tie down specific aspects that the Commission felt they could recommend, which were: re-vegetation and re-treatment of previously thinned areas. This evening, there has been more information because of depth to groundwater studies. He reviewed a PowerPoint presentation regarding the Bosque Advisory Commissions recommendations to the Governing Body (see attached).

Councilor Gerhart wondered if the project is approved by the Governing Body, is there an agreement that the CBAC is still a partner? Alicia Austin-Johnson, Project Director for the U.S. Army Corps of Engineers, answered yes.

Mayor Gasteyer asked if what were presented as recommendations from the Bosque Advisory Commission conflicted with the 95% design? Ms. Austin-Johnson said that it doesn't conflict and she has coordinated with the CBAC.

Councilor Gagliano wondered if it would be possible to get weekly updates on what transpires in the Bosque? Ms. Austin-Johnson and Mr. Worledge said they could keep the Council updated.

Susan Weiss said that this proposal is not what all of Corrales wants. Based on Councilor comments, it seems like there has already been a decision made. The proposed willow communities look inviting, but the idea behind the Preserve is that it follows its natural evolution with limited intervention from people. She also noted that the Bosque Advisory Committee did not follow the Open Meetings Act posting requirements and therefore, its recommendations tonight are not valid.

Stacia Spragg-Baude said that she was concerned about the recommendation to use the herbicide. She said that herbicide recommended is Garlon and there is some research that says it's not that toxic and other research that says it can affect wildlife and water. The directions say that the herbicide can harm fish. It may seem innocuous but it's a slippery slope to go down and asked the Governing Body to consider that. Also, regarding improvements to the parking lot and boat ramp, it changes the Bosque Preserve and the identity of the Bosque as a Preserve. She encouraged the Governing Body to consider those things and maintain the identity of the Bosque.

Fred Hashimoto said that if the Village doesn't keep after the maintenance, it will revert right back to where it was. He said that before effort goes into cutting, herbicides, and selective thinning, the Village really needs to think about how it will maintain it.

Ron Reder spoke on behalf of the Concerned Citizens for Corrales. He said while some have reservations there is one aspect that deserves whole hearted congratulations. He thanked the CBAC and Army Corps of Engineers for their communication with the Village, and the Mayor and Councilors who have devoted a large amount of time to bring the project to where it is today.

Yasmine Najmi, Planner for the MRGCD, said this project is good for the Bosque and good for the Village. She said that there have been a lot of good questions raised regarding the maintenance of the project. She discussed the use of herbicides and maintenance two or three years after the project. She said the majority of non-natives can be taken care of in just a few years. She also discussed mulch and said it is wise to keep mulch down to low levels. Ms. Najmi wondered rhetorically why the Bosque Advisory Commission was so opposed to bankline terracing? Mr. Worledge answered 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?

Janet Ruth, a CBAC member, asked about the herbicide and wondered if it's the same one approved by the Fish and Wildlife Service for use controlling salt cedar? Ms. Austin-Johnson said that it was.

Councilor Gagliano asked if the herbicide was systemic? Ms. Najmi said it is absorbed by the root system and has a short half life. Councilor Gagliano asked if the Village has responsibility for the boat ramp? Ms. Austin-Johnson said very little maintenance would be involved. Mr. Worledge said the ramp will permit canoes and kayaks to come ashore safely from the river before reaching the water intake barrier just south of the Alameda Bridge.

Councilor Alsobrook said that the MRGCD has authority for this area and he looks forward to discussions regarding funding and sharing of costs. He also wondered what the reset time is to recover to current conditions? Mr. Worledge said that would be around 5 years.

Motion: Move the Council to instruct the Mayor to deliver an expression of support for the revised US Army Corps of Engineers' proposed Bosque Restoration Project to the Middle Rio Grande Conservancy District, and to include the recommendations from the CBAC for the design, and further recommend that the MRGCD and Corps of Engineers continue to work with the CBAC at every opportunity during the project, **Action:** Approve, **Moved by** Councilor Harper, **Seconded by** Councilor Gagliano.

Council Alsobrook asked if the CBAC is subject to the Open Meetings Act? Attorney Appel said the CBAC is an advisory board and they are not obligated to post meetings. As an advisory board, it is impossible for them to violate the Act.

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

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

7. THIRD READING

Discussion and consideration to publish and post 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.

The Mayor referred to the Village Attorney's suggestion at the start of the evening to limit this item to discussion only.

Administrator Avila said that having this puts us a step ahead of other entities.

8. THIRD READING:

Discussion and consideration to publish and post 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.

No discussion was received.

9. THIRD READING:

Discussion and consideration of Ordinance 11-004, 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 five (5) feet, and for turning across a bicycle lane, path or trail; providing a penalty assessment for violation.

NOTE: This local ordinance was deferred at the Council's February 8th meeting pending Senate Bill 124, which passed the Legislature but was vetoed by the Governor.

The Mayor, again referring to Mr. Appel's earlier advice, invited public comment but said a decision would only take place after a properly-noticed agenda item at a later meeting.

Brian Kilcup from the Bicycle-Pedestrian Advisory Commission said that they would like to make an amendment. After some discussion among the Commission, a three foot rule seems like it would be more feasible. While the five foot rule applies in the City of Albuquerque, it does not have precedence and the Commission would like to see the ordinance amended to have a three foot rule.

Councilor Gerhart said that the ordinance not only includes the passing distance but no harassment and turning, and she said that the State law only addressed the passing distance and gives permission for vehicles to pass the center line if there is no opposing traffic. She asked if the Commission would like the Governing Body to go with all the other language in the Village draft or just go with what the State had proposed and not go into the other issues? Mr. Kilcup read from law passed in Kansas (see attached). Councilor Harper said he has been looking at other State's laws, particularly regarding motorists going into bicycle lanes when turning right across those lanes. That, too, should be addressed, he recommended.

Mr. Kilcup noted that the Commission members had "tested" the 3-foot clearance on Corrales Road and it seemed to be safely applied.

Councilor Harper reported an English study showing that the motorists tend to allow more space when passing bicyclists traveling in a striped lane.

Councilor Alsobrook wondered if there should be a new ordinance drafted to publish and post at the next meeting? The Governing Body agreed that would be acceptable and the Village Attorney said he would undertake the drafting task.

XIII. NEW BUSINESS:

10. FUTURE AGENDA ITEMS

Second reading of no kill ordinance

Third readings of ordinances 11-009 and 11-010;

Publish and post of ordinance of three foot clearance for bikes;

Discussion and invitation to the public to comment on a draft of the preliminary budget;

Several Councilors suggested that prior to the next meeting it would be useful to do over the Budget draft details with the Mayor, Administrator and Finance Officer. A budget workstudy was scheduled for Tuesday, May 3 at 6:30 pm.

11. Discussion of changes suggested by department heads, Administrator, Mayor and Councilors in preparation for the FY 2012 budget preparation at subsequent meetings.

Mayor Gasteyer reviewed his suggestions for the FY 2012 budget (see attached).

Councilor Alsobrook inquired whether the \$51,000 capital outlay match which was to have been used for West Meadowlark could be used instead on Don Julio Road? Mr. Appel said perhaps it could if it falls within the project description appearing in the capital outlay grant.

Councilor Gerhart asked Chief Vigil about the benefits of having a take-home car policy? She wondered if it would be cost effective to eliminate the take home cars and asked the Chief to provide the Governing Body with the some numbers justifying the cost of the fuel for take home cars.

12. Discussion and consideration of Resolution 11-012, a resolution relating to the Corrales Bosque Preserve; authorizing the Mayor after consultation with the Fire Chief, the Police Chief, the Administrator, the Chairperson of the Bosque Advisory Commission, the Middle Rio Grande Conservancy District and other interested agencies to order the closure or partial closure of the Corrales Bosque Preserve to public access; providing that the Mayor shall make provision for the public notice relating to restrictions on public access to the Corrales Bosque

Preserve; and providing that this resolution shall be effective upon and from its approval by the Middle Rio Grande Conservancy District.

The Mayor said that the text of the Resolution invited review by the MRGCD and its reply, with suggested amended language, was in the Council's materials.

Attorney Appel said that the Governing Body has already adopted this Resolution, and re-adopting it would be amending what is in place by substitution. He said he sees no advantage delegating authority to the Mayor but only doing so with the prior approval of the MRGCD.

Councilor Gagliano said that this is for emergency condition and if we have to go to another governmental entity when trying to make an emergency proclamation we might as well not have the resolution at all.

Chief Martinez said he needed guidance on things such as signs on high wind days. Councilor Gagliano said the resolution has already been passed so no further direction is needed.

The Governing Body did not amend the text of Resolution 11-012.

13. Discussion and consideration of a Memorandum of Agreement between the Village and Sandoval County to participate in a Joint Task Force as part of the State's Comprehensive Community DWI Prevention Program.

Mayor Gasteyer said this agreement could use some redrafting particularly paragraph three. Also, the signature blocks must be changed.

Councilor Gerhart wondered if there is a deadline for the application for grant funds? The Governing Body took no action.

14. Discussion and consideration of Resolution 11-022, a resolution declaring an emergency due to drought conditions and fire hazard; restricting open fires and other ignition sources; providing for enforcement.

Mayor Gasteyer asked how Attorney Appel came up with a September 30 date? Attorney Appel said that is the end of summer which is generally the end of fire season. Also, he suggested the possibility of substituting an ordinance for the resolution in the future because you can impose sanctions with an ordinance.

Motion: Move to approve Resolution 11-022, **Action:** Approve, **Moved by** Councilor Gagliano, **Seconded by** Councilor Clauser.

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

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

15. Discussion of Far Northwest Sector improvements including the construction of Don Julio Road, South, and preparations for Access A (the Northern Blvd. – Hwy. 528 intersection).

Administrator Avila said construction on the culvert started last week and should be completed relatively soon on Don Julio South. There is paving that should follow, but we're waiting on the NMFA funds. The Village worked through some complications regarding Access A, and the maps should be submitted soon to give clearance for work to begin.

16. CLOSED SESSION: On motion duly made and approved the Governing Body may go into closed session to discuss:

Discussion regarding potential property acquisition of real property or properties by the Village in accordance with:

Section 10-15-1(H)(8), NMSA 1978, "meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body"

Motion: Move to enter executive session, **Action:** Enter Closed Session, **Moved by** Councilor Gagliano, **Seconded by** Councilor Garcia-Miera.

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

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

Upon entering open session, Attorney Appel said that no action was taken while in closed session in accordance with Section 10-15-1(H)(8), NMSA 1978.

ADJOURNMENT:

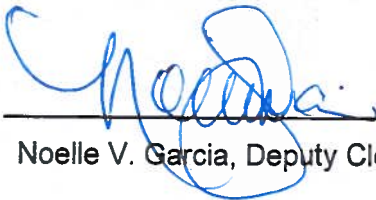
Motion: Move to adjourn, **Action:** Adjourn, **Moved by** Councilor Gagliano, **Seconded by** Councilor Harper.

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

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

BEING NO FURTHER BUSINESS TO COME BEFORE THE GOVERNING BODY, THE MEETING ADJOURNED AT 10:04 PM.

APPROVED THIS 10th DAY OF May, 2011.



Noelle V. Garcia, Deputy Clerk