

**MINUTES  
VILLAGE OF TIJERAS  
COUNCIL MEETING  
MONDAY, DECEMBER 21, 2020 AT 6:00 P.M.  
COUNCIL CHAMBERS**

The Village of Tijeras will be using a format that complies with the recent New Mexico Department of Health’s public health emergency order governing mass gatherings because of COVID-19. Public in-person attendance Monday evening will not be allowed. Minimal Village staff will be in attendance to present items and most Councilors will be participating by phone or video conference.

The agenda has been streamlined to focus on time-sensitive matters. Members of the public interested in watching the meeting can view the agenda and live-stream the meeting from home via Zoom using this link and accessing the meeting for December 7, 2020.

Join Zoom Meeting

<https://zoom.us/j/98843652366?pwd=U1FzUWZQUUZnSWR4anlBMVUwb3FkZz09>

Meeting ID: 988 4365 2366

Passcode: 887006

One tap mobile

+13462487799,,98843652366#,,,,,0#,,887006# US (Houston)

1. **Call to Order**

Meeting called to order at 6:02
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Please turn off cell phones or set to silent mode
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2. **Pledge of Allegiance**

3. **Roll Call/Determination of Quorum**

DJ	X	FG	X	MW	X	YG	X
Quorum present		Yes	No				

4. **Introduction of Guests**

William Zarr, Village Attorney  
Randy Guest, Resident  
Ernie Barnes, Resident  
Paula Burn, Village Building Screener

Larry Seebinger, Village Finance Director  
Juan Hernandez, Fire Chief  
John Pate, Molzen Corbin

5. **Public Comments**

The Village encourages public comment via email at [clerk@villageoftijeras.com](mailto:clerk@villageoftijeras.com) . Citizens are asked to type PUBLIC COMMENT in the subject line of the email. Within the body of the email, individuals should include a name, address, whether the comment pertains to a specific item on the agenda, and the comment.

Public comments about items will be accepted prior to the meeting, to be read into the meeting at the appropriate time. In addition, the email address will be monitored during the meeting for comments to be received during the live proceedings and read into the record when the Mayor calls for public comment.

No public comment.

6. **Approval of Agenda**

Councilor Y. Garcia noted she would recuse herself from voting on agenda item 14.

A C T I O N	<b>Motion</b>	<b>Motion to approve the agenda for 12/21/2020</b>		
	<b>Made by:</b>	Wilson	Councilor Johnson-Y	Councilor F Garcia-Y
	<b>Second by:</b>	Y. Garcia	Councilor Wilson-Y	Councilor Y Garcia-Y
	<b>Motion carried?</b>	PASSED	FAILED	

7. **Council to Review and Approve Previous Council Minutes**

[Attachment A 120720 Draft Minutes.pdf](#)

A C T I O N	<b>Motion</b>	<b>Motion to approve minutes for 12/07/2020</b>		
	<b>Made by:</b>	Wilson	Councilor Johnson-Y	Councilor F Garcia-Y
	<b>Second by:</b>	F. Garcia	Councilor Wilson-Y	Councilor Y Garcia-Y
	<b>Motion carried?</b>	PASSED	FAILED	

8. **Council to Review Request from Jack Guest, Water Account 164**

[Attachment B Guest data log.pdf](#)

Mayor Bruton noted the Council briefly discussed this issue at the last Council meeting but postponed action until the resident had an opportunity to speak.

Mr. Guest noted he had an informal meeting with Mayor Bruton and former Clerk Mike Wismer on this issue, but there was no follow-up due to the COVID-19 pandemic.

Mayor Bruton stated the Village had investigated the issue and believe all Village infrastructure is functioning properly, pointing to a leak as the likely source of the high water usage.

Mr. Guest stated he found no evidence of a leak. Clerk Brown explained that, according to a data log performed by the water operator, the usage took place over a four day period and could be explained by a toilet or other appliance left running. Mr. Guest stated the property was vacant during the time period in question. He also stated he turned off water to the property to avoid future issues. Mayor Bruton noted that residents are not supposed to tamper with Village water meters.

Clerk Brown proposed that the Council waive all late fees and finance charges on the account.

Councilor F. Garcia asked why the previous administration did not act on this issue in a timely manner. Clerk Brown replied that the current administration more thoroughly vets monthly water reports than the previous administration. Mayor Bruton noted that some of the responsibility lies with him, as communication broke down during the pandemic. He agreed with Clerk Brown’s proposal.

Mr. Zarr noted the Council should word its motion to state the Village will adjust the finance charges and late fees because the Village did not timely take up the issue.

<b>A C T I O N</b>	<b>Motion</b>	<b>Motion to adjust the finance charges and late fees on water account 164 due to the Village not timely taking up the issue</b>		
	<b>Made by:</b>	<b>Y. Garcia</b>	<b>Councilor Johnson-Y</b>	<b>Councilor F Garcia-Y</b>
	<b>Second by:</b>	<b>Wilson</b>	<b>Councilor Wilson-Y</b>	<b>Councilor Y Garcia-Y</b>
	<b>Motion carried?</b>	<b>PASSED</b>	<b>FAILED</b>	

9. **Council to Review and Approve Quote for Fire Department Supplies**

[Attachment C Approval Letter Tijeras FD.PDF](#)

[Attachment D Grant Award List FY21.pdf](#)

[Attachment E QO163938-Revised 121120.pdf](#)

Chief Hernandez explained he applied for and received a \$29,450 grant from the state to purchase PPE. The quote before the Council is in the amount of \$30,017.50. Chief Hernandez stated the full amount of the grant will be put toward the quote, and the remainder will come out of the fire fund.

A C T I O N	<b>Motion</b>	<b>Motion to approve the quote from Curtis Tools in the amount of \$30,017.50, of which \$29,450 will come out of the state grant and the remaining \$567.50 will come out of the fire fund</b>		
	<b>Made by:</b>	<b>Wilson</b>	<b>Councilor Johnson-Y</b> <b>Councilor Wilson-Y</b>	<b>Councilor F Garcia-Y</b> <b>Councilor Y Garcia-Y</b>
	<b>Second by:</b>	<b>F. Garcia</b>		
	<b>Motion carried?</b>	<b>PASSED</b>	<b>FAILED</b>	

10. **Council to Review and Approve Resolution 2020-34, Budget Adjustment 2 for FY2020-2021**

[Attachment F Budget Adjustments Resolution 2020-34 Senior Center transfer for shortfall.xls](#)

[Attachment G Resolution No. 2020-34 Budget Adjustments \\$214k transfers FY2021.docx](#)

Mayor Bruton explained this budget adjustment request will allow the Village to complete the Senior Center construction project. He noted the Village received \$750,000 from one grant and about \$200,000 from another, but was still \$214,000 short for the Senior Center project due to construction inflation. Mayor Bruton also stated that if the Village does not complete the full project scope, it will be less likely to receive CDBG grants in the future. The budget adjustment proposes to take \$114,000 from the LGIT investment fund and \$100,000 from the road fund.

Mr. Pate noted the Village was not alone, as communities throughout the state are facing higher-than-expected construction costs.

Clerk Brown noted the CDBG grant is vital to the Village, as it is the best means of expanding the water and wastewater utilities. She continued it is advantageous for the Village to preserve its relationship with the granter.

Councilor Johnson asked how the \$100,000 transfer from the road fund will impact the fund. Clerk Brown stated the fund has a balance around \$800,000 and is currently only used to pay salaries for two employees. She stated she does not expect the transfer to burden the fund. Finance Director Seebinger added the fund will build up again and he does not anticipate a shortfall.

A C T I O N	<b>Motion</b>	<b>Motion to approve Resolution 2020-34, budget adjustment 2 for FY2020-2021</b>		
	<b>Made by:</b>	<b>Johnson</b>	<b>Councilor Johnson-Y</b> <b>Councilor Wilson-Y</b>	<b>Councilor F Garcia-Y</b> <b>Councilor Y Garcia-Y</b>
	<b>Second by:</b>	<b>Y. Garcia</b>		
	<b>Motion carried?</b>	<b>PASSED</b>	<b>FAILED</b>	

**11. Council to Review and Award Bid for CDBG 19-C-RS-I-01-G-09, Senior Center Expansion to the Lowest Responsive Bidder**

- [Attachment H 2020-12-15 Tijeras SC Recommendation to Award.pdf](#)
- [Attachment I CDBG 19-C-RS-I-01-G-09 Bid Agenda \(1\).pdf](#)
- [Attachment J CDBG 19-C-RS-I-01-G-09 Bid Tab Scan 120820.pdf](#)
- [Attachment K CDBG 19-C-RS-I-01-G-09 Bid Opening Sign-in Sheet.pdf](#)
- [Attachment L CDBG 19-C-RS-I-01-G-09 Vigil Contracting Bid 120820.pdf](#)
- [Attachment M CDBG 19-C-RS-I-01-G-09 TAC Bid 120820.pdf](#)
- [Attachment N CDBG 19-C-RS-I-01-G-09 Enterprise Builders Bid 120820.pdf](#)

Mr. Pate explained the lowest bidder is Vigil Contracting Services. He added the company has done work for the Village in the past, is licensed to work in NM, and has an appropriate bond. Mr. Pate continued that the base bid plus three alternates comes out to \$1,296,227 including taxes.

Clerk Brown noted the project alternates are a shade structure, masonry, and exercise equipment. She added it is important to complete the full project scope, including all alternates, in order to be eligible for CDBG funding in the future. Clerk Brown also stated she and Finance Director Seebinger are working on a self-insurer’s fund claim to cover the cost of repairs to the existing structure.

Mr. Pate noted that once the bid is approved, the contractor will have 15 days to return the signed contract with insurance and bonds. The Village will then have 30 days for legal and administrative review of the contract. Clerk Brown added the environmental review has been submitted but has not yet been approved.

Councilor Wilson asked when the work might begin. Mr. Pate replied it should begin by March 1<sup>st</sup> and take no more than six months. Clerk Brown added the Village is prepared to relocate the Senior Center meal site operation to Village Hall as soon as construction begins.

<b>A C T I O N</b>	<b>Motion</b>	<b>Motion to approve the bid from Vigil Contracting Services in the amount of \$1,296,227</b>		
	<b>Made by:</b>	<b>Johnson</b>	<b>Councilor Johnson-Y</b>	<b>Councilor F Garcia-Y</b>
	<b>Second by:</b>	<b>Y. Garcia</b>	<b>Councilor Wilson-Y</b>	<b>Councilor Y Garcia-Y</b>
	<b>Motion carried?</b>	<b>PASSED</b>	<b>FAILED</b>	

12. **Council to Review and Approve Mayor’s Appointment of Ernie Barnes to Veteran’s Committee**

Mayor Bruton stated he would very much like to have Mr. Barnes on the committee and asked for Council’s approval. Councilors Wilson and Johnson stated they support the appointment.

Mr. Barnes stated he looks forward to working with the Veteran’s Committee.

<b>A C T I O N</b>	<b>Motion</b>	<b>Motion to approve the appointment of Ernie Barnes to the Veteran’s Committee</b>		
	<b>Made by:</b>	<b>Wilson</b>	<b>Councilor Johnson-Y</b> <b>Councilor Wilson-Y</b>	<b>Councilor F Garcia-Y</b> <b>Councilor Y Garcia-Y</b>
	<b>Second by:</b>	<b>F. Garcia</b>		
	<b>Motion carried?</b>	<b>PASSED</b>	<b>FAILED</b>	

13. **Council to Consider and Approve Extension of Paula Burns Employment as Building Screener for 6 Additional Months**

Mayor Bruton noted the Council previously approved hiring Paula Burns as a building screener using CARES Act money. He stated Paula is very friendly and valuable to the Village. He noted that the CARES Act money will soon expire but proposed continuing her employment by paying her out of the general fund. He estimated six additional months of wages would work out to just over \$5,000, noting that the state minimum wage will increase to \$11.00 per hour on January 1<sup>st</sup>.

Councilor Wilson stated she has met Paula and believes she is a good fit for the Village.

<b>A C T I O N</b>	<b>Motion</b>	<b>Motion to approve the extension of Paula Burns’ employment as a building screener for an additional six months at a wage of \$11.00 per hour</b>		
	<b>Made by:</b>	<b>Wilson</b>	<b>Councilor Johnson-Y</b> <b>Councilor Wilson-Y</b>	<b>Councilor F Garcia-Y</b> <b>Councilor Y Garcia-Y</b>
	<b>Second by:</b>	<b>F. Garcia</b>		
	<b>Motion carried?</b>	<b>PASSED</b>	<b>FAILED</b>	

14. **Council to Approve Settlement Authority for Repayment of Improper and Unauthorized Disbursements Relating to PERA Contributions and/or Recoup PERA Employee Contributions Which Were Not Properly Deducted; Authority to Commence Legal Action if Necessary**

Mayor Bruton explained the Village has been working to recoup the PERA disbursements that took place without Council approval. He noted many affected individuals have expressed their intent to enter into repayment agreements, while a small number have not contacted the Village. He explained this motion would authorize the Village attorneys to settle with individuals who have made contact and pursue legal action against those who have not.

A C T I O N	Motion	<b>Motion to approve settlement authority and authorize commencement of legal action if necessary</b>		
	Made by:	Wilson	Councilor Johnson-Y Councilor Wilson-Y	Councilor F Garcia-Y Councilor Y Garcia-
	Second by:	F. Garcia		
	Motion carried?	<b>PASSED</b>	FAILED	

15. **Council to Review and Approve Resolution 2020-35 Designating Village Clerk as Records Custodian**

A C T I O N	Motion	<b>Motion to approve Resolution 2020-35 designating the Village Clerk as the Records Custodian</b>		
	Made by:	Wilson	Councilor Johnson-Y Councilor Wilson-Y	Councilor F Garcia-Y Councilor Y Garcia-Y
	Second by:	F. Garcia		
	Motion carried?	<b>PASSED</b>	FAILED	

16. **Council to Review and Approve Resolution 2020-36 2021 Open Meetings Act Resolution**

Mayor Bruton noted the Council passes this Resolution once annually. He explained the only change was to add a line about the meetings of the Planning and Zoning Commission.

Councilor Wilson noted the Resolution will become effective January 1<sup>st</sup>, 2021.

A C T I O N	Motion	<b>Motion to approve Resolution 2020-36, 2021 Open Meetings Act Resolution to take effect in January 2021</b>		
	Made by:	Wilson	Councilor Johnson-Y Councilor Wilson-Y	Councilor F Garcia-Y Councilor Y Garcia-Y
	Second by:	Y. Garcia		
	Motion carried?	<b>PASSED</b>	FAILED	

## 17. Council to Review and Approve November 2020 Financials

Councilor Wilson thanked Finance Director Seebinger for his notes.

A C T I O N	<b>Motion</b>	<b>Motion to approve November 2020 Financials</b>		
	<b>Made by:</b>	Y. Garcia	Councilor Johnson-Y Councilor Wilson-Y	Councilor F Garcia-Y Councilor Y Garcia-Y
	<b>Second by:</b>	Johnson		
	<b>Motion carried?</b>	PASSED	FAILED	

## 18. Updates

- a. Mayor Bruton – Mayor Bruton stated the surveying for Los Vallecitos Rd. is complete and discussions with landowners will begin after the first of the year to negotiate easements. Mayor Bruton thanked the Council, staff, and residents and wished everyone a happy, safe, and blessed Christmas and New Year.
- b. Councilors
  - i. Councilor Wilson asked about the status of the damaged fire hydrants. Clerk Brown replied the hydrants turned out not to be damaged, simply shut off. She added the Village was currently performing tests.
  - ii. Councilor Johnson asked about the status of the culvert project. Clerk Brown replied the project is going well. She added the Village is replacing six culverts on Pine View Rd. and Pine Crest Rd., as well as two on Rincon Loop. She also stated TLC would begin paving Gonzales Rd. this week and that the project would not impact resident access.
- a. Clerk/Treasurer Update – Clerk Brown noted the Village has submitted its final pay request for CARES Act funding and expended all but \$28.00.
- b. Deputy Clerk Update – Deputy Clerk Kennedy wished the Mayor and Council a Merry Christmas and Happy New Year.
- c. Fire Department

## 19. Time and Place of Next Meetings

*THE NEXT MEETING OF THE VILLAGE OF TIJERAS GOVERNING BODY WILL BE HELD ON MONDAY, JANUARY 4, 2021. THE MEETINGS WILL BE HELD VIA A VIRTUAL PLATFORM UNTIL RESTRICTIONS ON PUBLIC GATHERINGS MANDATED BY THE DECLARATION OF A PUBLIC HEALTH EMERGENCY ARE LIFTED.*

## ADJOURNMENT

The Governing Body may revise the order of the agenda items considered at this Open Meeting. If you are an individual with a disability who is in need of an amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 505-281-1220 at least three (3) days prior to the meeting.

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body. Speakers limited to 2 minutes.