

**AGENDA
VILLAGE OF TIJERAS
COUNCIL MEETING
TUESDAY, FEBRUARY 16, 2021 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 February 16, 2021:

Join Zoom Meeting
<https://zoom.us/j/99931815146?pwd=K2pWeW4xTWtCeXJXb0ZnVDd5THh3QT09>
 Meeting ID: 999 3181 5146
 Passcode: 589997
 One tap mobile
 +13462487799,,99931815146#,,,*,589997# US (Houston)

1. **Call to Order**

Meeting called to order at 6:02

Please turn off cell phones or set to silent mode

2. **Pledge of Allegiance**

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

JO	X	FG	X	MW	X	YG	
Quorum present		Yes	No				

4. **Introduction of Guests**

William Zarr, Village Attorney	Danny Jaramillo, P&Z Chairman
Micah Johnson, Molzen Corbin	Carole Cristiano, Lee Wilson and Associates
Casey Cook, Molzen Corbin	Brandon Staton, Old 66 Carwash

5. **Public Comments**

The Village encourages public comment via email at 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**

A C T I O N	Motion	Motion to approve agenda for 02/16/2021		
	Made by:	Wilson	Councilor Ortiz-Y	Councilor F Garcia-Y
	Second by:	F. Garcia	Councilor Wilson-Y	Councilor Y Garcia-
	Motion carried?	PASSED	FAILED	

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

[Attachment A 020121 Draft Minutes.pdf](#)

A C T I O N	Motion	Motion to approve minutes for 02/01/2021		
	Made by:	Wilson	Councilor Ortiz-Y	Councilor F Garcia-Y
	Second by:	Ortiz	Councilor Wilson-Y	Councilor Y Garcia-
	Motion carried?	PASSED	FAILE D	

8. **Council to Review and Approve Resolution 2021-02 Assigning Authorized Agents and Officers for Well No. 3 Phase 2 Capital Outlay**

[Attachment B Resolution 2021-02 Well No. 3 Capital Outlay Signatories.docx](#)

Mayor Bruton noted this Resolution designates officers to sign for capital outlay for Well No. 3 Phase 2. He continued that the officers are himself, Clerk Brown, and Deputy Clerk Kennedy as an alternate.

Councilor Wilson asked when work on the project will begin. Clerk Brown explained this Resolution is the last step to getting an executed capital outlay agreement. She estimated the funds would become available within a month and a half to two months. The Mayor noted the Village was also working with NMDOT to obtain an agreement for a parcel of land. Clerk Brown added the agreement with NMDOT is in the second round of comments.

Mayor Bruton stated he hopes to go out to bid in 30-45 days and construction can begin in July or August. Mr. Cook concurred, adding the Village will go out to bid in early April, hold a pre-construction meeting near the end of May, and begin construction shortly thereafter. He stated the construction should last about four months.

Councilor Wilson asked if the well house for Well No. 3 will look like the other water buildings in the Village. Mayor Bruton replied the building is prefabricated and will look like the other buildings. Mr. Cook noted the building is specified to resemble booster stations B, C, and D.

Councilor F. Garcia asked where Well No. 3 will connect to the water lines. Whereabouts are you thinking of hooking up to the tank or to the line? Mayor Bruton replied the well will connect to our existing water line at the intersection of Camino Primera Agua and NM Hwy 333 and will be able to fill either of the tanks independently.

A C T I O N	Motion	Motion to approve Resolution 2021-02		
	Made by:	Wilson	Councilor Ortiz-Y	Councilor F Garcia-Y
	Second by:	F. Garcia	Councilor Wilson-Y	Councilor Y Garcia-
	Motion carried?	PASSED	FAILE	D

9. **Council to Review and Approve Molzen Corbin Construction Administration Contract for Well No. 3 Phase 2 Project**

[Attachment C Agreement Well3ConstrAdmin signedMC.pdf](#)

Mr. Cook explained the NM Environment Dept. has a standard contract for engineering, which is required whenever an entity funds a project with state or federal funds. In this case, the Village is using state capital outlay funding. He added that this contract is for bidding, construction administration, and closeout services. Mr. Cook noted that during construction, there will be an observer who will be on-site at most times and will oversee the contractor's work. The observer will be very familiar with the contract documents.

Mayor Bruton noted there is an above-ground fuel tank left over from Phase 1 of the project and asked if Mr. Cook could arrange for its removal. Mr. Cook replied he would get in touch with the contractor.

Councilor Wilson asked if the project would create any traffic issues. Mr. Cook replied the project will require work in NMDOT right of way and the contractor will provide for traffic control.

Councilor Wilson asked about noise levels and hours of construction. Mr. Cook stated most contractors work 10-hour days, four days a week. He added the noise should be similar to drilling and that all work would be done during the day and not on weekends. Mr. Cook explained that the tie-in to the water line beneath NM Hwy 333 would occur at night when demand is low, as it requires temporarily shutting off water service.

Councilor Wilson suggested the Village advertise this information to people living near the project site. Mayor Bruton stated we would include information in a newsletter and perhaps send a targeted mailer to the neighborhoods off Camino Primera Agua. Clerk Brown suggested the Village could hang flyers on residents' doors.

Mayor Bruton asked about the best-case timeframe for construction. Mr. Cook replied the contract allows for four months. He noted the contractor can ask for more time after bidding, but that missing the deadline during construction requires a Council-approved change order and incurs a daily fine.

A C T I O N	Motion	Motion to approve Molzen Corbin construction administration contract for Well No. 3 Phase 2 project		
	Made by:	Wilson	Councilor Ortiz-Y Councilor Wilson-Y	Councilor F Garcia-Y Councilor Y Garcia-
	Second by:	F. Garcia		
	Motion carried?	PASSED	FAILED	

10. **Council to Discuss Memo Related to Water Use at Route 66 Car Wash**

[Attachment D S1317 summary.docx](#)

Mayor Bruton noted this issue was recently brought to his attention and explained that residents and businesses that connect to the water utility are required to grant water rights to the Village. He added this requirement ensures the Village can always pump more water than it needs. Mayor Bruton noted that recent water usage at the Route 66 Car Wash exceeds the amount of water rights granted in the existing agreement and introduced owner Brandon Staton.

Mr. Staton thanked the Mayor, noted that he purchased the Route 66 Car Wash about five months ago, and expressed his desire to resolve the issue.

Clerk Brown asked if the Village's water operator, Carole Cristiano, had any contributions. Ms. Cristiano noted that the water ordinance requires customers to transfer water rights to the Village to offset their diversions and noted that there was a delay in

doing so when the car wash opened. Mayor Bruton stated the previous owner was aware of the requirement but there was a delay.

Ms. Cristiano explained that the car wash originally transferred one acre foot of water right and was using about six or seven tenths of an acre foot. Recently, however, the usage has gone up. She added that while there are technically additional water rights in the well, the State Engineer has stated that any future application for water rights from the same well would be denied. Ms. Cristiano noted that water usage at the car wash used to hover between 30,000 and 35,000 gallons, but has recently doubled to nearly 65,000 gallons. She recommended that the company purchase a credit from the Village.

Ms. Cristiano asked Mr. Staton if he had an explanation for the increased water usage. Mr. Staton noted sales have increased and that they have to keep the water system running during freezing temperatures. Ms. Cristiano asked if Mr. Staton believes the 65,000 gallon figure will be consistent. Mr. Staton replied he believes it will be consistent through the colder months but will drop in the warmer months.

Ms. Cristiano stated her belief that the purchase of a credit is an easy solution while acquiring and transferring additional water rights would be complicated.

Mayor Bruton asked about the basins the Village pumps out of. Ms. Cristiano replied about 30 percent of water comes from the Sandia Basin and that the Village is authorized to pump from the Rio Grande Basin to offset Sandia Basin pumping. Mayor Bruton asked where Well No. 3 draws from. Ms. Cristiano replied it draws from the Abo Formation. Mr. Cook concurred. Mr. Cook added that the State Engineer issued a permit for the Rio Grande Basin.

Mayor Bruton asked Mr. Staton if there is a historic well on the property. Mr. Staton replied there was.

Mayor Bruton asked how difficult it would be to transfer water rights out of the well. Ms. Cristiano replied it is the opinion of the State Engineer that there are no more water rights to be transferred from the well in question. Mayor Bruton asked if Mr. Staton has any evidence to the contrary. Mr. Staton replied he has a document from the State Engineer referencing 12 acre feet. Ms. Cristiano explained there is a distinction between a declaration and a permit. She added that the original owners of the property probably planned for greater water usage and prepared an application for a permit to divert up to 12 acre feet. However, if you cannot provide evidence to the State Engineer that you have been using that amount, the water right does not exist.

Mr. Staton said he would raise the issue with the company from whom he is purchasing the car wash.

Ms. Cristiano provided the name and contact information of her contact at the State Engineer's Office.

Mr. Staton asked how much the purchase of a credit would cost. Ms. Cristiano replied the going rate is about \$15,000 per acre foot.

Mayor Bruton suggested giving Mr. Staton about a month to negotiate with Pinnacle Corporation. Ms. Cristiano suggested waiting until April to allow time to collect data on water usage at the car wash. Mr. Staton agreed with the suggestion.

Councilor Ortiz agreed with waiting until April and noted he would like to encourage business in the Village.

Councilor F. Garcia asked about Mr. Staton’s alternatives if he cannot transfer water rights. Mayor Bruton stated he would either have to purchase and transfer additional water rights or purchase a credit from the Village.

Mr. Staton stated he does not believe a purchase of a credit is feasible. Mayor Bruton stated he would like to retain the business in the Village. Ms. Cristiano noted the credit need not be for an entire acre foot and encouraged Mr. Staton to communicate with Pinnacle and the State Engineer.

11. Council to Call for Public Hearing on ZA 1124 Subdivision of First Baptist Church Lot at 11795 Highway 337

Mayor Bruton asked about the zoning of the property, noting a zone change may be required and would need a separate public hearing. Clerk Brown replied the property is zoned Residential Zone 1, in which utilities are a permissive use.

Councilor Ortiz asked if the Council will have an opportunity to review the plans for the subdivision. Deputy Clerk Kennedy replied he would provide Council with a copy of everything the subdivider provides to the Village.

Councilor F. Garcia stated he would like to review the plans and the decision of the Planning and Zoning Commission before making a decision. Mayor Bruton noted the Council is not making any decisions tonight, just calling for a public hearing. Clerk Brown added calling for the public hearing at this meeting is intended to avoid delays in the process.

A C T I O N	Motion	Motion to call for a public hearing on ZA 1124 at the regular Council meeting on March 15, 2021		
	Made by:	Wilson	Councilor Ortiz-Y	Councilor F Garcia-Y
	Second by:	Ortiz	Councilor Wilson-Y	Councilor Y Garcia-
	Motion carried?	PASSED	FAILED	

12. Updates

a. Mayor Bruton

- i. Mayor Bruton provided an update on the APS bus depot, stating he has attended one meeting with the Bernalillo County Commission. He noted he is working to schedule another meeting where the Council and Village residents can attend. He added residents of the neighborhood are opposed to the bus depot and he is opposed to the location. Clerk Brown added the community is very organized.
- ii. Mayor Bruton noted the Village has run into funding issues for Well No. 3 due to construction inflation. He explained the Village has filed a capital outlay request and he has communicated with our legislative delegation. He encouraged Council to contact their legislators and explain the importance of this funding. Clerk Brown added there are alternative funding sources but capital outlay is highly preferred.
- iii. Mayor Bruton stated he is working to finalize easement agreements for the erosion mitigation project on Los Vallecitos Road.
- iv. Mayor Bruton stated the first showing of the Park and View theater would be on February 27th at 7:00 p.m. He stated the Village will be showing *Forrest Gump* and tickets are available online, \$10 per vehicle. Clerk Brown encouraged attendees to reserve their tickets online, as the current public health order limits the event to 80 vehicles.
- v. Mayor Bruton thanked Dominic Marks and Hector Castruita for their work clearing snow from the roads. Councilor Ortiz added he saw them working nonstop.

b. Councilors

- i. Councilor Ortiz stated he would like more information on PNM's subdivision proposal and voiced his belief that industrial facilities are not in keeping with the character of the Village.
- ii. Councilor Wilson extended her compliments to Hector and Dominic. She added the whole staff is wonderful and said the Village is fortunate. Mayor Bruton stated the staff prepared for the storm days in advance.
- iii. Councilor F. Garcia suggested the Village have someone on standby in case of a similar storm in the future.

a. Clerk/Treasurer Update

- i. Clerk Brown stated she would send out a form to volunteer at the Park and View theater. She stated there would be a training the day before the showing. Mayor Bruton added the Village needs 4-5 volunteers per showing.

b. Deputy Clerk Update

- i. Deputy Clerk Kennedy stated that he and Clerk Brown recently sent out a Village newsletter and update letters on the annexation project. Councilor Wilson noted she has received compliments on the newsletter, particularly the calendar.

13. **Time and Place of Next Meetings**

THE NEXT MEETING OF THE VILLAGE OF TIJERAS GOVERNING BODY WILL BE HELD ON TUESDAY, FEBRUARY 16, 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.