



**MINUTES
VILLAGE OF TIJERAS
COUNCIL MEETING
MONDAY, DECEMBER 20, 2021, AT 6:00 P.M.
COUNCIL CHAMBERS**

1. **Call to Order**

Meeting called to order at 6:00 by Mayor Bruton

Please turn off cell phones or set to silent mode

2. **Pledge of Allegiance**

Mayor Bruton led attendees in the Pledge of Allegiance.

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

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

4. **Introduction of Guests**

- Hallie Brown, Clerk
- Nicolas Kennedy, Deputy Clerk
- Larry Seebinger, Finance Director
- Rita Rivera, Senior Center Manager
- Dominic Marks, VOT
- Kyle Kollo, Acting Fire Chief
- Isaac Garcia, Tijeras Fire and Rescue
- Javier Moreno, Tijeras Fire and Rescue
- Tyler Thorp, Tijeras Fire and Rescue
- Zack Laner, Tijeras Fire and Rescue
- Daniel Grunow, Village Attorney
- Dominic Mark, Maintenance Technician

Larry Seebinger, Finance Director
 Kyle Kollo, Interim Fire Chief
 Gabby Melendez, Resident
 David Wilson, Resident
 Betty Garcia, Resident
 Matt Armenta, Resident
 Kevin Garcia, Resident
 Marie Wilson, Resident
 Lawrence Sirra, Everguard Roofing
 Georgia Maese, Roofcare

5. **Public Comment**

No public comment.

6. **Approval of Agenda**

Councilor Wilson requested that Item 13 be amended to include the attachment. She also requested that the Time and Place of Next Meeting be updated to say January 18, 2022.

A C T I O N	Motion	Motion to approve the agenda for 12/20/2021 as amended		
	Made by:	Ortiz	Councilor Ortiz-Y	Councilor F Garcia-Y
	Second by:	Y. Garcia	Councilor Wilson-Y	Councilor Y Garcia-Y
	Motion carried?	PASSED	FAILED	

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

[Attachment A 120621 Draft Minutes.pdf](#)

A C T I O N	Motion	Motion to approve the minutes for 12/06/2021		
	Made by:	Wilson	Councilor Ortiz--Y	Councilor F Garcia-Y
	Second by:	Y. Garcia	Councilor Wilson-Y	Councilor Y Garcia-Y
	Motion carried?	PASSED	FAILED	

8. **Council to Review and Approve ZA 1143, 15 Melissa Lane Solar Array**

[Attachment B Excerpt from Dec 8 PZ Hearing Minutes.pdf](#)

[Attachment C ZA 1143 Philip Roberts 15 Melissa Lane Solar Array.pdf](#)

Mayor Bruton noted he was present at the Planning and Zoning Commission meeting. He stated his belief that there is a gap in the current version of the Zoning Ordinance, as it does not contemplate solar arrays or other private utilities. He stated the Village should review the Ordinance in the near future. He explained that, as currently written, a solar array is considered a structure under the Zoning Ordinance and therefore subject to setback requirements. He continued to say, however, that he believes the Council should grant an easement as Mr. Roberts is being inhibited by a provision of the Zoning Ordinance that the Village intends to change.

Mr. Roberts explained he carefully selected the placement of the solar array. He noted he first considered mounting the array on the roof of his home, but explained it would have damaged the roof. He added he would need to pay to remove the solar array in the event of repair or replacement of the roof. He explained he would must keep the northeast and northwest corners of his property clear so that PNM can access and service the telephone poles located in those locations. Mr. Roberts noted that there is precedent for the Village waiving setback requirements, as the retaining wall on the west side of the Tijeras Senior Center is exactly aligned with the west property line. He noted that he proposes to place the solar array eight feet from his north property line. He stated his belief that the intent of any provision in Ordinance should be clear, and he believes the categorization of a solar array as a structure is somewhat arbitrary.

Councilor Wilson clarified that the Planning and Zoning Commission made their determination on the basis of the definition of “structure” in the current version of the Zoning Ordinance. Clerk Brown explained several Commissioners took issue with the categorization of a solar array as a structure. Mayor Bruton added that one Commissioner felt the Commission could not approve a variance because the Zoning Ordinance does not contemplate private utilities. He added that he disagrees with their interpretation, stating that the Village cannot amend the Zoning Ordinance each time a scenario arises that is not explicitly addressed in the Ordinance.

Councilor Wilson stated that the Zoning Ordinance is intended to protect the interests of the community. She noted it does not appear that Mr. Roberts’ proposed solar array will negatively affect any other residents and will likely not even be visible. Mr. Roberts noted he discussed the project with the neighbor whose property abuts his north property line, and the neighbor raised no objection.

Councilor Wilson stated she is in favor of granting a variance, as Mr. Roberts has carefully thought out the placement of the array.

Councilor F. Garcia encouraged Mr. Roberts to obtain something in writing from his neighbor to prevent future conflicts.

Mr. Roberts stated another motivation for installing the solar array is to improve the home with an eye toward his children inheriting the home.

A C T I O N	Motion	Motion to approve ZA 1143 with a variance from the setback requirements		
	Made by:	Ortiz	Councilor Ortiz--Y Councilor Wilson-Y	Councilor F Garcia-Y Councilor Y Garcia-Y
	Second by:	Y. Garcia		
	Motion carried?	PASSED	FAILED	

9. **Council to Review and Approve Resolution 2021-29, Budget Adjustment Resolution, BAR #2 FY2022**

[Attachment D BAR #2 FY2022 FF salary increase.xls](#)

[Attachment E Resolution 2021-29 Budget Adjustment Request #2 FY 2022.docx](#)

Mayor Bruton explained he has been working with Acting Fire Chief Kyle Kollo to brainstorm ways to recruit and retain qualified volunteer firefighters. He stated the two of them worked out a proposal to increase the stipend for volunteers and provide monetary incentives for taking on the additional responsibilities of an officer position.

Acting Fire Chief Kyle Kollo introduced himself, noting he has worked with Tijeras Fire and Rescue for about ten years. He explained the department has been impacted by the COVID-19 pandemic and has found it increasingly difficult to recruit new volunteers. He stated one rationale for increasing the stipend is to attract new volunteers to the department. He added that increasing the stipend would also recognize the hard work of existing volunteers, some of whom have worked with the department for five years. He explained that the current stipend for volunteers equates to roughly \$4.00 per hour. He stated his belief that increasing the stipends will encourage volunteers to remain with the department and provide a higher-quality service to the community.

Acting Fire Chief Kollo explained that every volunteer currently receives a stipend of \$200 per month once they have satisfied some basic requirements. He noted the basic stipend would increase to \$250 per month under the proposal. He explained the proposal also includes tiered compensation for officers--\$325 per month for lieutenants and \$400 per month for captains.

Mayor Bruton stated he wholeheartedly supports the proposal. He added this proposal would foster the long-term success of the department. He noted the adjustment only amounts to \$3,000 in the budget. He stated the department has been underfunded for about 20 years.

Councilor Wilson noted that the Council had proposed increasing the stipend for volunteer firefighters during previous budget workshops, but were advised that to do so was not allowed. Clerk Brown explained that Village Attorney Daniel Grunow researched the topic and determined that increasing the stipend is allowable, but the stipend may not exceed 20% of what the Village would pay a fulltime firefighter.

Councilor Wilson asked if the budget adjustment would come out of the Fire Fund. Mayor Bruton explained it will come out of the General Fund, as the Fire Fund may not be used for compensation.

Councilor Ortiz clarified that the increase is only \$3,000. He asked how many captains the department currently has. Acting Chief Kollo replied the department has three captains. He added the projected structure of the department is a Chief, Deputy Chief, three captains, and three lieutenants.

Councilor F. Garcia asked how many days per week the department will operate. Acting Chief Kollo explained the department is on-site 36 hours every weekend, as well as from 7:00 p.m. to 10:00 p.m. on Wednesdays. He noted he is working with the Mayor to come up with strategies to increase staffing hours, as well as pursuing grant funding to provide for fulltime firefighter salaries. Mayor Bruton noted the Council is looking for a return on investment. He echoed Acting Chief Kollo’s remarks, stating the long-term vision for the department is to open it five to seven days per week with fulltime staffing. He noted increasing the stipend is the first step on that path.

Councilor F. Garcia noted he would like to see the department grow alongside the community. He stated he wants the department to be active.

Councilor Ortiz asked if the department transports patients to hospitals and if it is a possibility. Acting Chief Kollo noted the department is licensed to transport but only has one EMS unit. If the unit transports a patient to a hospital in Albuquerque, the unit is out of service until it returns. He noted Bernalillo County Fire and Rescue contracts with Albuquerque Ambulance Service for their medical transport. He stated the bread and butter of the department is initial response. Clerk Brown added that the Village does not have the capability to bill for transport.

A C T I O N	Motion	Motion to approve Resolution 2021-29		
	Made by:	Wilson	Councilor Ortiz--Y	Councilor F Garcia-Y
	Second by:	Y. Garcia	Councilor Wilson-Y	Councilor Y Garcia-Y
	Motion carried?	PASSED	FAILED	

10. **Council to Review and Approve Resolution 2021-30, Revised Village of Tijeras Fire and Rescue Department Constitution and Bylaws**

- [Attachment F Resolution 2021-30 Fire Department Constitution and Bylaws Adoption.docx](#)
- [Attachment G Fire and Rescue Department Constitution and Bylaws.pdf](#)
- [Attachment H Village of Tijeras Fire Department Bylaws Revised.docx](#)

Clerk Brown noted the Councilors’ packets do not appear to include the latest version of the by-laws. Councilor Wilson noted she was able to obtain the latest version.

Clerk Brown explained that she worked with Acting Chief Kollo and Deputy Clerk Kennedy to update the document to bring it in line with current practices. She stated the language has been updated to reflect the 52 hour per month requirement. She noted language related to committees and other boards has been removed, as that is not a practice of the department. She explained the document now reflects the operating procedures of the department.

Councilor Wilson noted the revised document is much easier to read. Councilor Wilson identified several typos in the draft. Clerk Brown stated the typos would be corrected prior to publishing.

Councilor Wilson noted the signature page only includes lines for the Mayor and Clerk. She asked if the document should be signed by the Fire Chief. Clerk Brown explained it is only necessary for the Mayor and Clerk to sign resolutions.

Councilor Ortiz asked if the revised compensation scheme will be included in the by-laws. Mayor Bruton replied compensation for volunteer firefighters will be contained in a separate resolution.

Councilor Y. Garcia asked if the Fire Chief will sign the resolution going forward. Clerk Brown explained it is not in keeping with best practices to have anyone but the Mayor and Clerk sign resolutions.

A C T I O N	Motion	Motion to approve Resolution 2021-30		
	Made by:	Y. Garcia	Councilor Ortiz--Y	Councilor F Garcia-Y
	Second by:	Wilson	Councilor Wilson-Y	Councilor Y Garcia-Y
	Motion carried?	PASSED	FAILED	

11. **Council to Review and Approve Quote for Roof Repair and Maintenance**

[Attachment I RoofCare Quote.pdf](#)

[Attachment J EverGuard Quote.pdf](#)

[Attachment K RoofCare Sample Warrenty.pdf](#)

[Attachment L EverGuard Sample Warranty.pdf](#)

Mayor Bruton explained the Council considered this item at the last meeting but postponed making a decision in order to obtain more information.

Mr. Marks explained going with the TPO roofing would require the contractor to remove the HVAC units on the roof during installation, which would entail additional costs.

Mayor Bruton summarized the materials and warranties of the two proposals. He noted the cost of TLC removing the HVAC units must be added to the EverGuard proposal.

Mr. Sirra explained the 20-year warranty takes effect once the roof has been inspected. He stated some of the units would not need to be disconnected. Others have rigid copper lines that are susceptible to breaking when lifted. He stated it would be helpful to have the mechanical contractor on standby while EverGuard performs the work.

Mayor Bruton confirmed that the work performed by the mechanical contractor would be the responsibility of the Village to cover. Mr. Sirra stated that is correct.

Ms. Maese stated their method would not require disconnecting any HVAC equipment.

Councilor Wilson asked if this work is subject to prevailing wage. Ms. Maese stated it is, because the proposals exceed \$25,000. Mr. Sirra stated he believes the threshold is \$60,000. Clerk Brown explained there are different categories of professional services with different thresholds.

Councilor Wilson asked about the language in the EverGuard proposal stating that the bond and wage decision are excluded.

Ms. Maese encouraged Village staff to verify which threshold applies to this kind of professional service. She stated the bond is included in the RoofCare proposal.

Mr. Sirra stated the bond for EverGuard is an added cost.

Clerk Brown explained the purpose of the bond is to ensure the contractor completes the work.

Councilor Wilson clarified that if the Village were to select EverGuard, it would also need to pay TLC to remove HVAC equipment, whereas that work would not be necessary with RoofCare.

Mayor Bruton requested that if the Council moves to select the proposal from RoofCare, that they include the purchase of an additional 10-year warranty in their motion.

Councilor Wilson noted the EverGuard proposal recommends two maintenance visits per year.

Councilor Wilson asked when both contractors could begin working. Ms. Maese explained RoofCare cannot apply their material until it is warmer. However, RoofCare would immediately seal the cracking on the parapets. If there is a leak, RoofCare will respond within 24 hours. Ms. Maese noted it would save the Village money to issue a purchase order to order the material, which RoofCare would store. Mr. Sirra noted EverGuard could start within two weeks.

Councilor Wilson noted RoofCare offers a smooth application whereas EverGuard would require mechanical fastenings. Mr. Sirra noted mechanical fastenings improve the wind ratings.

Councilor Ortiz asked if the polyurethane material is comparable to TPO. Ms. Maese stated it offers the same gauge as TPO.

Councilor F. Garcia confirmed that EverGuard would require assistance from TLC. Mr. Sirra stated TLC would be on standby. Mayor Bruton noted it would be expensive to have TLC on standby. Mr. Marks stated TLC will only accept full responsibility or none at all.

Councilor Wilson asked if Mr. Marks has anything to add. Mr. Marks stated he does not.

A C T I O N	Motion	Motion to select the proposal from RoofCare with the purchase of an additional ten-year warranty		
	Made by:	Wilson	Councilor Ortiz--Y Councilor Wilson-Y	Councilor F Garcia-Y Councilor Y Garcia-Y
	Second by:	Y. Garcia		
	Motion carried?	PASSED	FAILED	

12. Council to Review and Approve November 2021 Financials

[Attachment M November 2021 Financials Notes.docx](#)

[Attachment N November 2021 Summary.xlsx](#)

[Attachment O November 2021 Financials.pdf](#)

[Attachment P October BOA.pdf](#)

Clerk Brown explained the line item for tank replacement refers to the technical memo produced by the Village's on-call architecture and engineering firm.

Councilor Wilson noted the fire department is recording a loss and asked for the explanation. Mayor Bruton explained accounts either record a loss or a profit and payroll is always a loss.

Councilor Wilson expressed her appreciation to Finance Director Seebinger for answering her questions regarding the financials.

A C T I O N	Motion	Motion to approve the November 2021 Financials		
	Made by:	Y. Garcia	Councilor Ortiz--Y Councilor Wilson-Y	Councilor F Garcia-Y Councilor Y Garcia-Y
	Second by:	Ortiz		
	Motion carried?	PASSED	FAILED	

13. Council to Review and Approve List of Record Destruction per Resolution 2020-27

[Attachment Q 112321 Shredding Records Index.xls](#)

A C T I O N	Motion	Motion to approve the list of record destruction		
	Made by:	Ortiz	Councilor Ortiz-Y Councilor Wilson-Y	Councilor F Garcia-Y Councilor Y Garcia-Y
	Second by:	Wilson		
	Motion carried?	PASSED	FAILED	

14. **Updates**

a. Mayor

- i. The Winter Celebration was a spectacular success. The staff pulled everything together. Only the weather did not cooperate. We look forward to doing it again next year.
- ii. Tonight is Councilor Felix Garcia’s last Council meeting. He served the Village for over 45 years. I look to him as a role model. He has done more for this community than almost anyone. He helped found the community alongside his father. We would like to present him with a proclamation. Mayor Bruton read the text of the proclamation, which recognized his service as Mayor, Planning and Zoning Commissioner, and Councilor. Mayor Bruton presented Councilor Felix Garcia with the proclamation and an award.
 - 1. Councilor Felix Garcia thanked the Council and Mayor, stating it was a pleasure to work with them. He encouraged the incoming Councilors to use their consciences and do the right thing for the Village of Tijeras.
 - 2. Councilor Wilson thanked Councilor Felix Garcia for being a role model and a good man.

b. Councilors

- i. Councilor Wilson wished attendees a Merry Christmas and Happy New Year.
- ii. Councilor F. Garcia asked for an update on the PERA situation. Mayor Bruton replied the Council would receive an update at the special meeting on Wednesday.
- iii. Councilor Ortiz commended the staff on the Winter Celebration.

c. Clerk

- i. All Village elected officials and staff must report to Village Hall on January 10 between 10:00 a.m. and 12:00 p.m. to transfer data to their new cellphones. Everyone will have the same phone number.
- ii. The RFP committee for the comprehensive master plan is reviewing the one proposal that the Village received. There was also an RFP for drainage improvements on Criswell Dr. and Carmino Rd. but the Village received no proposals and will readvertise.
- iii. The Village “adopted” four children from the Edgewood Police Department and provided them with Christmas presents. Village staff delivered the gifts on Friday.

- iv. I received my Certified Public Official certification from New Mexico State University. Thank you to the Council for supporting my professional development.
- d. Deputy Clerk
 - i. Village staff held a conference with Municode staff on Friday, December 10. Municode has completed the first draft of the new code. The next step in the process is that Municode will deliver a proof of the code. The Council will have an opportunity to review the proof.
 - 1. Clerk Brown noted the Village will not change the content of ordinances during codification, except for repealing obsolete provisions.
- e. Departments

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

THE NEXT MEETING OF THE VILLAGE OF TIJERAS GOVERNING BODY WILL BE HELD ON TUESDAY, JANUARY 18, 2021.

ADJOURNMENT

The meeting adjourned at 7:09 p.m.

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 minute