



**MINUTES  
VILLAGE OF TIJERAS  
COUNCIL MEETING  
MONDAY, APRIL 4, 2022 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	MA	X	MW	X	YG	X
Quorum present		Yes	No				

4. **Introduction of Guests**

- |                             |                                    |
|-----------------------------|------------------------------------|
| Nicolas Kennedy, Clerk      | Rita Rivera, Senior Center Manager |
| Bill Zarr, Village Attorney | Monika Gonzales, Petitioner        |
| Rob Gonzales, Petitioner    | Gabby Bruton, Resident             |
| Craig Clement, Petitioner   | Alan Haskins, Resident             |
| Marie Trujillo, Resident    | David Wilson, Resident             |
| Ann Cook, Resident          | Ken Cook, Resident                 |
| Monica Garcia, Resident     | Alejandro Armenta, Resident        |
| Rita Garcia, Resident       | Marie Wilson, Resident             |

5. **Public Comment**

Mrs. Ann Cook, Resident, explained she and her husband are having issues with drainage on their property that is not adequately being addressed by the drainage facilities along the

Village-maintained roadway, and asked how to go about working with the Village to resolve the issue.

Alan Haskins, Resident, suggested the Village sweep the streets after depositing salt and cinder during winter storms. He noted a drain on Camino Primera Agua has become clogged with salt and cinder.

## 6. **Approval of Agenda**

A C T I O N	Motion	<b>Approve the agenda for 04/04/2022</b>		
	Made by:	Ortiz		Councilor Armenta-Yes
	Second by:	Armenta		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

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

[Attachment A - 032122 Draft Minutes.pdf](#)

A C T I O N	Motion	<b>Approve the minutes for 03/21/2022</b>		
	Made by:	Armenta		Councilor Armenta-Yes
	Second by:	Garcia		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

## 8. **Council to Review and Refer ZA 1154 Robbie Gonzales Petition for Annexation to Bernalillo County Commission Pursuant to Section 3-7-3 NMSA 1978**

[Attachment B - ZA 1154 Robbie Gonzales Petition for Annexation.pdf](#)

[Attachment C - Gonzales Annexation Petition.pdf](#)

[Attachment D - ZA 1154 Staff Maps.pdf](#)

[Attachment E - Gonzales Annexation Certification Letter.pdf](#)

[Attachment F - 032322 Planning and Zoning Commission Meeting Draft Minutes.pdf](#)

Mr. Gonzales explained that he and Mr. Clement purchased the land formerly owned by the YWCA. He noted that the property receives water from the Village of Tijeras, but is subject to double the standard rate for water because the property is not located within the municipal limits of the Village. He stated he is aware that a proposed annexation area must be contiguous to the existing boundary of a municipality and the petition must be signed by the owners of a majority of the acreage in the proposed annexation area. He referred to maps included with his petition and explained that the proposed annexation area includes several properties between his property and the current boundary of the

Village, also noting that he and the other signatory to the petition collectively own a majority of the acreage in the proposed annexation area.

Mr. Gonzales stated that many of the properties in the proposed annexation area have access to the Village's water and wastewater utilities. He asked if it creates a liability for the Village to supply resources to properties outside the municipal limits. Mayor Bruton explained the Village's ordinances allow the Village to supply utilities to properties outside the municipal limits, but such customers pay double the rate. Mr. Gonzales stated he would like his property to be annexed by the Village, in part so that he can pay the standard rate for water.

Mr. Gonzales noted that the petition packet includes documentation of the transfer of water rights from YWCA to the Village of Tijeras. He stated he does not feel it is proper that the Village owns the water rights associated with his property but does not represent him.

Mayor Bruton noted the Village supplies water to several customers who live outside of Village limits. He added that the transfer of water rights from YWCA to the Village was legally permissible and Mr. Gonzales inherited the arrangement when he purchased the property. Mr. Gonzales stated it was his understanding that the laws regarding transfer of water rights had changed. Mayor Bruton explained the transfer of residential water rights to a municipality is no longer permissible, but the transfer in question took place prior to the change in law and the water rights formerly owned by the YWCA were most likely commercial.

Mr. Gonzales stated the Village would receive taxes for the property if annexed.

Mrs. Gonzales shared some historical information about the property. She noted that the property, prior to being purchased by the well-known Kaseman family, was owned by the Anaya family. She added that Mr. Gonzales is a direct descendent of the Anayas. She stated the land is tied to the Village of Tijeras historically, culturally, and geographically. She stated she and her husband intend to preserve the heritage of the property.

Mr. Gonzales stated the land was originally patented to the heirs of Candelaria by President Woodrow Wilson. He stated he is not sure how the property transferred from the land grant heirs to George Kaseman. He added that Mr. Kaseman willed the property to the YWCA.

Councilor Ortiz asked why many of the parcels in the proposed annexation area are less than an acre in size. Mr. Gonzales stated he does not have an explanation, and added that he attempted to contact the owners of the other parcels in the proposed annexation area. Councilor Ortiz stated that it is likely unknown where the other landowners stand on the proposed annexation. Mr. Gonzales stated that is correct. Mrs. Gonzales noted the remainder of the parcels in the proposed annexation area are owned by about five families.

Councilor Armenta asked for clarification about the reference maps included with the petition. Mr. Gonzales explained the parcels of land outlined in red on the reference map belong to individuals who did not sign the petition. Councilor Armenta clarified that none of the landowners whose properties are adjacent to the existing Village boundary signed the petition. Clerk Kennedy provided additional details about the reference maps included in Attachment D.

Mr. Clement noted that the petition complies with the requirement in state statute to be signed by the owners of a majority of the acreage in the proposed annexation area.

Councilor Armenta asked to clarify the location of water facilities on the property. Mayor Bruton explained there is a lodge on the property currently owned by Mr. Gonzales that receives water service from the Village. Councilor Armenta stated that additional infrastructure would be required to provide water to other portions of the property.

Mayor Bruton asked if Mr. Gonzales has subdivided his property. Mr. Gonzales stated he has not and intends to keep it intact, adding that he is considering using the land for a vineyard.

Mayor Bruton clarified that Mr. Gonzales and two of his neighbors purchased the land formerly owned by YWCA. Mr. Gonzales stated that is correct. Mayor Bruton then clarified that Mr. Gonzales and his two neighbors subsequently divided the land into three parcels. Mr. Gonzales stated that is correct, adding that the petition packet includes documentation of the subdivision. Mayor Bruton asked why the east-most newly-created lot is not included in the proposed annexation area. Mr. Gonzales explained that, despite initially expressing interest in annexation, the owner of that lot ultimately decided not to join the petition.

Mayor Bruton clarified that the current Bernalillo County zoning of the property prohibits the subdivision of the parcels into lots smaller than two acres. Councilor Ortiz stated that is accurate. Mayor Bruton noted that Village zoning would potentially allow the subdivision of the parcels into single acre lots, which could result in the creation of many new lots. Mayor Bruton asked what Mr. Gonzales intends to do with the property following annexation. Mr. Gonzales stated he has no plans other than to possibly install a vineyard. Mr. Gonzales added that there is a lodge on his property designed by a well-known architect, which he plans to preserve and restore. Mrs. Gonzales stated the lodge has huge cultural and historical potential. Mayor Bruton asked if they intend to open the lodge to the public. Mr. Gonzales stated it is possible.

Councilor Wilson asked about access to Mr. Gonzales' property. Mr. Gonzales stated a road easement is noted on the documentation included in the petition packet. Clerk Kennedy referred to the page of the petition packet which reflects the new road easement. Councilor Wilson clarified that Mr. Gonzales must therefore access his property from a road that is not within Village limits. Mayor Bruton stated that is correct. Councilor Wilson noted the Village is typically responsible for maintaining access to properties within Village limits, but the proposed annexation would create a complicated situation

in which the properties are within the Village limits but the road is not. Mayor Bruton agreed the situation is unusual and would require further research. Councilor Armenta noted the access is largely undeveloped and would require significant improvement.

Mayor Bruton noted that the proposed annexation area borders on two parcels of land which are the subject of a separate petition for annexation, but which are not currently part of the Village of Tijeras. He asked what it would mean for the petition before the Council tonight if, hypothetically, Bernalillo County disapproved the annexation of the two adjacent parcels. Mr. Zarr stated the hypothetical scenario would create an issue for the present petition, because the present petition would then create an “island” of unincorporated territory completely surrounded by territory annexed to the Village of Tijeras. He added the petitioners would likely need to resubmit their petition to include the two adjacent parcels.

Mayor Bruton noted that the road accessing the parcels on the southern portion of McAtee Place is unimproved.

Councilor Wilson noted potential property tax revenue was an important discussion item during consideration of the last petition for annexation. She added that the taxable value of a property is higher if the property is developed, noting that most of the parcels encompassed by the present petition are unimproved. Mayor Bruton agreed the present petition for annexation would result in less tax revenue for the Village.

Councilor Armenta stated he is concerned about the water usage of the proposed annexation area and the potential for the large parcels encompassed by the petition to be subdivided into many smaller parcels. Mr. Gonzales stated that he and his two neighbors have an agreement to limit the number of wells that can be drilled on the properties, thereby preventing the largescale development of the parcels. Mayor Bruton asked if they specifically limited the number of new lots that can be created. Mr. Gonzales stated he can divide his land into four lots, Mr. Clement can divide his land into two lots, and their other neighbor can divide his land into two lots. Mr. Clement agreed that he and his neighbors purchased the YWCA land to prevent it from being developed, adding that he would like to subdivide the parcel he owns into two new lots and give one to each of his sons. Councilor Armenta noted the agreement is only between the current owners.

Mayor Bruton noted that the Village’s water ordinance does not permit the drilling of new wells on lots which have access to the Village’s water utility. Mr. Gonzales stated if the annexation is successful, they would be willing to connect to the Village’s water utility in lieu of drilling new wells.

Councilor Wilson stated she thinks it would be premature to approve this petition for annexation while the Cravens petition is pending.

Councilor Ortiz asked if the limitation to subdivision is in the form of a covenant, is recorded on the deed, or takes another form. Mr. Gonzales stated the limitation is reflected on the purchase agreement and is not a covenant.

A C T I O N	<b>Motion</b>	<b>Refer ZA 1154 to Bernalillo County Commission</b>	
	<b>Made by:</b>	<b>Ortiz</b>	<b>Councilor Armenta- Councilor Garcia- Councilor Ortiz- Councilor Wilson-</b>
	<b>Second by:</b>		
	<b>Motion carried?</b>	PASSED	

The motion failed for lack of a second and no action was taken.

## 9. **Council to Review and Approve Change Order for Well No. 3 Phase 2 Construction**

[Attachment G - WellNo3\\_ChangeOrderNo1Rev1.pdf](#)

Mayor Bruton explained the Well No. 3 Phase 2 project is nearly complete. He stated the Village plans to develop the site into a small municipal park following completion of the well project. He noted that the Village has additional funding for the Well 3 project and would like to use some of it to pay for TLC to perform earthwork and other preliminary improvements necessary to prepare the site for the park.

Clerk Kennedy explained the Village received three awards for the Well 3 project, a federal grant just under \$750,000, a capital outlay appropriation for \$625,000, and a second capital outlay appropriation in the amount of \$500,000, for a total of almost \$2 million. He added the current unexpended balance is just under \$1 million.

Mayor Bruton noted a significant portion of the unexpended balance will be expended before the Well 3 project is closed. He stated it is in the Village's interest to expend as much of the funding as possible, as leftover funding will revert to the funding agency. He stated there is plenty of work that can be done to prepare the site for development into a park.

Councilor Armenta asked for more information about the layout of the park. Mayor Bruton stated he does not have the schematics handy. Councilor Armenta asked if the existing retention pond will remain in place. Mayor Bruton stated it will be removed after testing of the well is complete. Councilor Armenta stated there does not appear to be much room for parking. Mayor Bruton agreed the parking area for the park will be small, adding that he hopes the park attracts plenty of foot traffic. Councilor Armenta stated he would like to ensure the park is accessible to Village residents and community members with mobility issues. Mayor Bruton stated he would be happy to go over the plans with Councilor Armenta.

Councilor Armenta asked if the alternate connection to Well No. 3 will be in place before development of the park. Mayor Bruton explained the Village had to abandon the

alternate connection for the time being due to the final cost of the connection coming in well above the original estimate. He added that the Village would prefer to dedicate the unexpended grant funding to the park.

A C T I O N	<b>Motion</b>	<b>Approve change order for Well No. 3 Phase 2 Construction</b>		
	<b>Made by:</b>	Garcia		Councilor Armenta-Yes Councilor Garcia-Yes Councilor Ortiz-Yes Councilor Wilson-Yes
	<b>Second by:</b>	Ortiz		
	<b>Motion carried?</b>	PASSED	FAILED	

10. **Council to Review and Approve Conference Registration and Travel for Clerk to attend NMML Clerks and Finance Officers Association Workshop and Spring Meeting 4/19/22 – 4/22/22**

[Attachment H - 2022-Certification-Workshop-Announcement.pdf](#)

[Attachment I - 2022-Spring-Certification-Preliminary-Program.pdf](#)

[Attachment J - 2022-CFOA-Spring-Meeting-Announcement.pdf](#)

[Attachment K - 2022-CFOA-Spring-Meeting-Preliminary-Program.pdf](#)

[Attachment L - Drury Plaza Hotel Santa Fe Rates.pdf](#)

Clerk Kennedy explained this is one of two certification workshops hosted by the New Mexico Municipal League Clerks and Finance Officers Association. He noted that participation in these workshops will eventually result in receiving a Certified Municipal Clerk certification. He outlined the costs of registration and accommodations. Councilor Ortiz determined the total cost would be \$735.39.

Mayor Bruton stated he supports allowing Clerk Kennedy to attend this conference and continue his professional development.

Councilor Armenta stated he feels the workshop will be valuable.

A C T I O N	<b>Motion</b>	<b>Approve conference registration and travel for Clerk to attend NMML Clerks and Finance Officers Association workshop and spring meeting, not to exceed \$740.00</b>		
	<b>Made by:</b>	Garcia		Councilor Armenta-Yes Councilor Garcia-Yes Councilor Ortiz-Yes Councilor Wilson-Yes
	<b>Second by:</b>	Ortiz		
	<b>Motion carried?</b>	PASSED	FAILED	

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

[Attachment M - 030322 Shredding Records Index.xls](#)

[Attachment N - 030922 Shredding Records Index.xls](#)

[Attachment O - 032122 Shredding Records Index.xls](#)

A C T I O N	<b>Motion</b>	<b>Approve list of record destruction</b>		
	<b>Made by:</b>	Armenta		Councilor Armenta-Yes
	<b>Second by:</b>	Garcia		Councilor Garcia-Yes
	<b>Motion carried?</b>	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

## 12. Updates

- a. Mayor
  - i. The Council retreat was a great success and the information was very valuable.
  - ii. Water will be out in the Camino Primera Agua area on Wednesday, April 6 as part of the Well 3 Phase 2 project.
  - iii. Last weekend, the Village hosted a wedding at the historic Santo Nino Church.
  - iv. I participated in an interview with a reporter from the Santa Fe Reporter regarding the governor's veto of the junior bill. Our state legislative delegation is working to resecure the funds.
  - v. Inform Clerk Kennedy by Monday, April 11 if you are attending the trip to Washington, D.C.
- b. Councilors
  - i. Councilor Armenta: Thank you to you and Clerk Kennedy for the retreat. Thank you to Mr. Zarr for his presentation.
  - ii. Councilor Garcia: Thank you for Saturday. Will the Village resume the Park and View this summer? (Mayor Bruton stated the Village does plan to show one movie per month this summer, beginning in May).
  - iii. Councilor Ortiz: I have been approaching local businesses about donations for the Earth Day event. If you know anyone who would be interested, please reach out. I am working to finalize the t-shirt design.
  - iv. Councilor Wilson: I will be attending NOLEO from April 19 to 21. It is held in Chicago. The workshop is a policy institute on emergency preparedness. I received a scholarship which will pay for most of the expenses.
    1. I received a recommendation from a P&Z Commissioner to install backup generators at our wells. (Mayor Bruton explained the Well 3 project includes a backup generator).
    2. Thank you to the Planning and Zoning Commission for their good questions during their review of the petition for annexation.



3. During the last Council meeting, someone incorrectly stated that my well has gone dry. I would like to state for the record that this is inaccurate.
- c. Clerk
    - i. The Village has received several inquiries about facility rentals. The approval of the new facility rental agreement came at the perfect time.
    - ii. I have a budget summary handout from Finance Director Audrey Caufield to distribute to the Council.
  - d. Deputy Clerk
  - e. Departments

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

*THE NEXT MEETING OF THE VILLAGE OF TIJERAS GOVERNING BODY WILL BE HELD ON MONDAY, APRIL 18, 2022.*

### **ADJOURNMENT**

The meeting adjourned at 7:07 PM.

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