



**MINUTES
VILLAGE OF TIJERAS
COUNCIL MEETING
MONDAY, AUGUST 1, 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	✓	MA	✓	MW	✓	YG	✓
Quorum present		Yes	No				

Councilor Jonathan Ortiz was not present at the time of roll call however arrived at 6:05 PM

4. **Introduction of Guests**

Jessica Nixon, Village Attorney
Ramon Garcia, P&Z Commission
Linda Armenta, Resident
Marie Wilson, Resident
Pauline Madrid, Resident
Tomasita Swick, Resident
David Wilson, Resident
Andrew Padilla, Prodigy Builders
John Lucero, Applicant
Jacob Lopez, Applicant

Gabby Melendez, Resident
David Murphy, First Baptist Church
Sandra Lee, Resident
Rita Rivera, Senior Center Manager
Ernest Barnes, Resident
Ann Cook, Resident
Roberta Padilla, Prodigy Builders
Peggy Pohl, Applicant
Malcolm Green, Applicant

5. **Public Comment**

Linda Armenta shared her concerns with item number 10 with the school, church and daycare nearby. Doesn't believe the Council should pass the item.

Sandra Lee also shared her concerns with item number 10 and was unaware of this Council meeting date. (Mayor Jake Bruton later addressed the posting dates and locations that do provide notice). Sandra Lee also shared concerns about the amount of water usage in the building.

Roberta Padilla announced her presence to speak on item number 9.

Peggy Pohl, Malcom Green, and Jacob Lopez all agreed to speak when item number 10 is presented.

6. **Approval of Agenda**

A C T I O N	Motion	Approve the agenda for August 1st, 2022.		
	Made by:	Garcia		Councilor Armenta-Yes
	Second by:	Armenta		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

Councilor Ortiz asked if item number 8 was just an announcement.

Mayor Jake Bruton confirmed item number 8 was just to call for a public hearing.

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

[Attachment A – 070522 Draft Minutes](#)

A C T I O N	Motion	Approval of Previous Minutes		
	Made by:	Armenta		Councilor Armenta-Yes
	Second by:	Wilson		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

8. **Council to Call for Public Hearing on Ordinance No. 220 Adopting the Village of Tijeras Code of Ordinances.**

[Attachment B – 082222 Public Hearing Legal Notice.pdf](#)

Mayor Bruton stated the codifying of Village's ordinances has been a project over the past several months.

With this process completed amendments to Ordinances will be a much faster process.

Mayor has asked the Clerk's office to make notes of Ordinances that need to be addressed for the future. Workshops will be held in the future to update Ordinances.

This item again is just for a public hearing Mayor reminded Council.

Clerk Nick Kennedy stated the public hearing would be held August 22nd.

A C T I O N	Motion	Approval of the Call to Public Hearing for Ordinance No. 220		
	Made by:	Ortiz	Councilor Armenta-Yes	
	Second by:	Garcia.	Councilor Garcia-Yes	
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Late Councilor Wilson-Yes

9. **Council to Review and Take Action on Contract for Water Utility Operation Services with Prodigy Builders, Inc.**

[Attachment C-VOT Prodigy Builders Contract 2022 with Attachments DRAFT.pdf](#)

Mayor Jake Bruton addressed the changes of the Prodigy Builders contract. The Village now has a 90-day back out clause. The other changes reflected are a cost increase due to inflation. Mayor Jake Bruton believes this amount to still be under the actual inflation amount, as the contract has not been addressed in two years.

Councilor Maxine Wilson questioned if the Village still feels Prodigy is the best course of action.

Mayor Jake Bruton stated that Prodigy is still an excellent partner in terms of training of Village staff and has prevented leaks and outages since partnering with the Village two years ago.

Councilor Matt Armenta suggested that perhaps Prodigy could use Village equipment when aiding service to cut costs.

Mayor Jake Bruton addressed Councilor Armenta's suggestion that Prodigy already uses Village equipment when applicable to cut costs.

A C T I O N	Motion	Approval of Contract with Prodigy.		
	Made by:	Wilson	Councilor Armenta-Yes	
	Second by:	Garica	Councilor Garcia-Yes	
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

10. **Council to Review and Take Action on ZA 1163- Peggy Pohl
11807 NM-337 – Variance Request**

[Attachment E – ZA 1163- Peggy Pohl 11807 NM-337 Variance Request.pdf](#)

[Attachment E- 0727i22 Draft Planning and Zoning Minutes pdf](#)

Mayor Jake Bruton discussed that Peggy Pohl intends to lease her property to a cannabis establishment. The property is located directly behind Subway. Also cultivation of the cannabis will be performed inside the property, which will be considered a micro cannabis establishment.

Mayor Jake Bruton stated that a portion of all sales at the establishment must be for medical use according to state law.

The distance from the nearest point of the proposed cannabis establishment to the property line of the nearby daycare center is 118ft (which would be the total for the variance.) State statute dictates that a municipality shall not enforce an exclusion zone greater than 300ft.

Mayor Jake Bruton questioned Mr. Green on the water usage, but no exact totals were discovered. Water usage would be minimal due to the establishment utilizing a system that recycles water.

Clerk Kennedy notified the Governing Body that this item is just an application for a variance, the permit would still have to go before Planning and Zoning once again and be brought back to Council.

Mayor Jake Bruton asked one of the elders of the First Baptist Church if they could confirm the rumor that First Steps Childcare would be shutting down within 60 days. The elder provided no comment.

Councilor Matt Armenta questioned if the entire property would be used for the cannabis establishment? Peggy Pohl stated only the building would be for the cannabis establishment the rest of the property she plans to develop.

Councilor Matt Armenta requested an explanation of how the variance is measured.

Mayor Jake Bruton explained the language in the Village's Zoning Ordinance regarding the measurement of the exclusion zone.

Councilor Matt Armenta questioned if this variance is approved, will the Governing Body be obligated to approve other variances in the future?

Mayor Jake Bruton explained to the Councilor that variances are decided on a case-by-case basis. The Mayor stated he understands approval of the variance by Council may set a precedent, however there are no current commercial properties within the Village that are more than 300 feet from a school or daycare center.

Councilor Matt Armenta requested information about what kind of security will be on the property to keep children away.

Mr. Green and Mr. Lopez stated cameras and a security guard will be active on the property.

Mr. Green stated that his goal is to partake in community events and further the education of children by providing book drives and school supply days, the goal isn't just to come into the Village and make money. It's to help grow and give back to the community.

Village Attorney Jessica Nixon stated that approving this variance does not obligate the Governing Body to approve each variance going forward.

Councilor Wilson stated that the cannabis establishments she's seen around town or during travel never really have anything that makes the community look bad. She believes that it will also deter illegal sales of cannabis.

Councilor Ortiz questioned the representatives if they were approved for the variance and the business when would they open? The representatives answered that they would open possibility in September or October. They also stated hours of operation would be pending on community engagement. The name of the business is LDM.

Councilor Garcia feels the business isn't going to attract negative attention to the Village.

Councilor Garcia requested input from the community and the nearby First Baptist Church and schools.

Mayor Jake Bruton stated that Planning and Zoning referred item to the Village Council with a favorable recommendation.

Councilor Armenta asked about the tenure of the lease, Mr. Green answered the lease would be for 3 years.

Mayor voiced his support for the business and stated that the Village has a significant amount of required local match upcoming in grant projects. This kind of business would bolster the tax revenue of the Village and help the Village to meet such obligations.

A C T I	Motion	Approval of Variance for 118.6 FT.	
	Made by:	Ortiz	Councilor Armenta-Yes Councilor Garcia-Yes
	Second by:	Wilson	

O N	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

11. Council to Review and Take Action on TextMyGov Proposal

[Attachment F TextMyGov Proposal –Tijeras NM.pdf](#)

Mayor Jake Bruton summarized the terms of the proposal.

Deputy Clerk Michael Limon explained how the features of the TextMyGov software work.

A C T I O N	Motion	Approval of TextMyGov Proposal		
	Made by:	Garcia		Councilor Armenta-Yes
	Second by:	Armenta		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

12. Council to Review and Take Action on Lists of Record Destruction Created Pursuant to Resolution 2020-19

[Attachment G – 051822 Shredding Records Index.xls](#)

[Attachment H – 052522 Shredding Records Index.xls](#)

[Attachment I- 0j60322 Shredding Records Index. xls](#)

[Attachment J – 061522 Shredding Records Index.xls](#)

A C T I O N	Motion	Approval of Record Destruction Created Pursuant to resolution 2020-19		
	Made by:	Ortiz		Councilor Armenta-Yes
	Second by:	Garcia		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

13. Updates

a. Mayor

- i. Mayor Bruton mentioned that the record destruction project is coming to an end.
- ii. Park and View's film for August will be Spiderman: No way home. Raffles will be held again for Free Tickets.
- iii. New Maintenance person was hired, start date will be August 15th, Approval for position will be same day at Council meeting.
- iv. Ongoing search for Grant writer and administer is still active.
- v. The Municipal League Annual Conference will be occurring on August 31st, Mayor Jake Bruton would like Council to attend.

- b. Councilors
 - i. Councilor Wilson stated her thanks for a great Park & View event hosted by Deputy Clerk Limon and Utility Admin Assistant Sonya Apodaca.
 - ii. Councilor Ortiz stated his thanks to staff for the Park & View event as well.
 - iii. Councilor Ortiz also requested an update in regards to the horses on guest ranch.
 - iv. Councilor Garcia noticed issues with the contact information on the website. She would like the Clerk's office to investigate and update.
- c. Clerk
 - i. Clerk Kennedy provided an update regarding fraudulent emails. Will have staff undergo training to continue to avoid clicking on any links or pictures.
 - ii. The Village will be hosting a blood drive again and will distribute flyers to help promote the event. Clerk Kennedy would like to see increased participation.
 - iii. Early voting for the 2022 General Election begins October 22nd. Relocation of Council meetings will be taking place during that week.
- d. Deputy Clerk
 - i. Deputy Clerk Michael Limon provided an update that business registrations have been mailed out and all business have been registered.
- e. Departments
 - i. None.

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

THE NEXT MEETING OF THE VILLAGE OF TIJERAS GOVERNING BODY WILL BE HELD ON MONDAY, AUGUST 15, 2022.

ADJOURNMENT

The meeting adjourned at 7:15 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