



**MINUTES
VILLAGE OF TIJERAS
PUBLIC HEARING
FRIDAY, MARCH 31, 2023 AT 6:00 P.M.
VILLAGE COUNCIL CHAMBERS**

1. **Call to Order**

Meeting called to order at 6:00 p.m. 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**

MA	✓	YG	✓	JO	✓	MW	✓
Quorum present		Yes	No				

4. **Introduction of Guests**

Jessica Nixon, Village Attorney
Audrey Caufield, Finance Director
Betsy Hawkins, Applicant
Ramon Garcia, P&Z Commissioner
Willy Nuanez, Resident
Delfinio Garcia, Resident

Alyssa Herrera, Robles Rael & Anaya
Alexa Alvarez, Applicant
Nathan Hawkins, Applicant
David Thompson, P&Z Commissioner
George Nuanez Jr., Resident

5. **Public Comment**

The Mayor asked Willy Nuanez and George Nuanez if they intended to make general public comment or only to speak during the Public Hearing on ZA 1170. Both gentlemen clarified they only intend to make comment on ZA 1170.

6. Approval of Agenda

Clerk Kennedy noted that the version of the meeting agenda sent electronically to the Council contained a typo, referring to the proposed ordinance by the number 230 rather than 235. He clarified that the correct ordinance number is 235 and that updated copies of the agenda have been placed in the Councilors' packets.

A C T I O N	Motion	Approve the agenda for 3/31/2023		
	Made by:	Garcia		Councilor Armenta-Yes
	Second by:	Armenta		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

7. Council to Open Public Hearing and Hear Public Comment on Proposed Ordinance 235

Mayor Bruton noted that no individual had signed up to make public comment on proposed Ordinance 235. He asked if anyone in the audience had any testimony to give regarding the proposed ordinance. No one came forward.

Betsy Hawkins asked for information regarding the current and proposed new MGRT rate. Mayor Bruton replied that the Council would discuss that information following the Public Hearing.

A C T I O N	Motion	Open Public Hearing and hear public comment on Ordinance 235		
	Made by:	Ortiz		Councilor Armenta-Yes
	Second by:	Wilson		Councilor Garcia-Yes Councilor Ortiz-Yes
	Motion carried?	PASSED	FAILED	Councilor Wilson-Yes

8. Council to Close Public Hearing on Proposed Ordinance 235

A C T I O N	Motion	Close Public Hearing on Ordinance 235		
	Made by:	Armenta		Councilor Armenta-Yes
	Second by:	Garcia		Councilor Garcia-Yes Councilor Ortiz-Yes
	Motion carried?	PASSED	FAILED	Councilor Wilson-Yes

9. Council to Review and Take Action on Ordinance 235 – Adopting a Municipal Gross Receipts Tax

[Attachment A - Ordinance 235 Adopting a Municipal Gross Receipts Tax.pdf](#)

Mayor Bruton called the Council's attention to several handouts prepared by Village staff related to this item. He noted that the proposed ordinance in its current form would raise the MGRT rate in the Village by 0.45%. He explained that the state legislature ultimately decided to decrease the state GRT

rate by 0.25%, rather than the 0.5% that was originally proposed. Based on that information, Mayor Bruton explained, he asked Finance Director Caufield to project GRT revenues at several levels of increase, including 0.25%.

Mayor Bruton noted that under the current legislation, the state GRT rate will decrease again on July 1, 2024. He explained that the Council could enact one MGRT increase now and another prior to July 1, 2024, in order to keep pace with the incremental decrease in the state GRT rate, but advised the Council to enact only one increase, explaining that the NM Taxation and Revenue Department (TRD) may take issue with the Village adjusting its MGRT rate in consecutive years.

Councilor Armenta clarified that if the Village enacted an MGRT increase of 0.45%, the total GRT rate in the Village would be 0.2% higher than current levels. Mayor Bruton confirmed that would be the case until July 1, 2024, at which point the total GRT rate in the Village would drop to 0.05% below 2022 levels.

Councilor Ortiz asked if the Mayor is certain that TRD would disapprove of the Village enacting one MGRT increase now and another in 2024. Mayor Bruton stated he is not certain. He explained that, within certain parameters, the Village Council has the authority to adjust the MGRT rate however they wish. However, he also noted that it places an administrative burden on TRD staff to make frequent adjustments to local GRT rates. Mayor Bruton suggested the Council adopt a single higher increase now, as the automatic decrease in the state GRT rate in 2024 would equalize the Village's total GRT rate.

Clerk Kennedy clarified that the Village's next opportunity to adjust the MGRT rate would be January 1, 2024.

Councilor Armenta asked how the Village's total GRT rate would compare to that of other municipalities if it enacted a 0.45% increase to MGRT. Mayor Bruton stated there are several municipalities in the state with total GRT rates higher than that which the Village is proposing.

Councilor Ortiz asked to confirm that if the Village enacts a 0.45% increase, the total GRT in the Village will be 7.95% on July 1, 2023. Mayor Bruton confirmed that is correct.

Councilor Garcia stated she would prefer to raise the MGRT rate once and avoid making another adjustment next year. She confirmed that the state GRT rate is set to decrease again in 2024. Mayor Bruton stated that is the case.

Mayor Bruton noted that the Village last raised its MGRT rate in 2012, adding that he believes municipalities should adjust their MGRT rates infrequently and based on projected growth. He clarified that the Council can move to amend proposed Ordinance 235 to adjust the MGRT rate in the Village to whatever level they wish.

Clerk Kennedy explained that House Bill 547, which is currently awaiting the Governor's signature, would decrease the state GRT rate from 5% to 4.75% effective July 1, 2023. Effective July 1, 2024, the state GRT rate would decrease further to 4.625%. He noted that this is the best information currently available to the Village and that the state legislature could possibly pass a bill in the 2024 legislative session to adjust those numbers. He added that there is language in HB547 providing for the Secretary of Taxation and Revenue to adjust the state GRT rate depending on actual impacts to state revenues. Clerk Kennedy summarized that the Village's interest in increasing its MGRT rate was sparked by the

decrease to state GRT proposed by HB547, but noted that changes in the state GRT rate are not guaranteed.

Village Attorney Nixon added that 2023 is the second year in a row that the state legislature has voted to decrease the state GRT rate, which suggests a trend. She added she would personally be surprised if the legislature reversed the proposed decreases.

Councilor Wilson asked about the impact of the proposed MGRT increase to local businesses. Mayor Bruton explained local businesses would see a slight increase to their GRT rate.

Councilors Wilson and Armenta asked to confirm that the revenue generated by the proposed MGRT increase would benefit the Village only. Mayor Bruton stated that is correct, adding that an increase in the Village's MGRT rate of 0.45% is projected to increase annual GRT revenues by over \$200,000, all of which will go to the Village.

Finance Director Caufield reiterated that the surplus in the Village's FY23 budget was fairly minimal and stated she believes a 0.25% increase to MGRT is insufficient. She stated additional revenue is needed to cover the Village's future commitments and ensure the Village is eligible for certain grant funding programs and able to cover its capital project expenses.

A C T I O N	Motion	Approve Ordinance 235		
	Made by:	Ortiz		Councilor Armenta-Yes Councilor Garcia-Yes Councilor Ortiz-Yes Councilor Wilson-Yes
	Second by:	Armenta		
	Motion carried?	PASSED	FAILED	

10. **Council to Open Public Hearing and Hear Public Comment on ZA 1168**

Mayor Bruton noted that no one had signed up to provide testimony on ZA 1168. He asked the audience if anyone would like to make a comment on ZA 1168. There was no response.

A C T I O N	Motion	Open Public Hearing and hear public comment on ZA 1168		
	Made by:	Garcia		Councilor Armenta-Recused Councilor Garcia-Yes Councilor Ortiz-Yes Councilor Wilson-Yes
	Second by:	Wilson		
	Motion carried?	PASSED	FAILED	

11. **Council to Close Public Hearing on ZA 1168**

A C T I O N	Motion	Close Public Hearing on ZA 1168		
	Made by:	Ortiz		Councilor Armenta-Recused Councilor Garcia-Yes Councilor Ortiz-Yes Councilor Wilson-Yes
	Second by:	Wilson		
	Motion carried?	PASSED	FAILED	

12. **Council to Review and Take Action on ZA 1168 – Alexa Alvarez 10 Camino Municipal – Proposed Subdivision**

[Attachment B - ZA 1168 - Alexa Alvarez 10 Camino Municipal - Proposed Subdivision.pdf](#)

[Attachment C - 022223 Approved P&Z Minutes.pdf](#)

Mayor Bruton noted that this application has been reviewed by the Planning and Zoning Commission and was referred to the Village Council with a recommendation to approve.

Councilor Armenta recused himself from discussion of ZA 1168.

A C T I O N	Motion	Approve ZA 1168		
	Made by:	Ortiz		Councilor Armenta-Recused Councilor Garcia-Yes Councilor Ortiz-Yes Councilor Wilson-Yes
	Second by:	Wilson		
	Motion carried?	PASSED	FAILED	

13. **Council to Open Public Hearing and Hear Public Comment on ZA 1169**

Mayor Bruton noted that no one had signed up to give testimony on ZA 1169. He asked if anyone in the audience would like to speak to ZA 1169. No one responded.

A C T I O N	Motion	Open Public Hearing and hear public comment on ZA 1169		
	Made by:	Garcia		Councilor Armenta-Yes Councilor Garcia-Yes Councilor Ortiz-Recused Councilor Wilson-Yes
	Second by:	Wilson		
	Motion carried?	PASSED	FAILED	

14. **Council to Close Public Hearing on ZA 1169**

A C T I O N	Motion	Close Public Hearing on ZA 1169		
	Made by:	Wilson		Councilor Armenta-Yes Councilor Garcia-Yes Councilor Ortiz-Recused Councilor Wilson-Yes
	Second by:	Garcia		
	Motion carried?	PASSED	FAILED	

15. **Council to Review and Take Action on ZA 1169 – Jonathan Ortiz 17 Tijeras Avenue – Proposed Zone Change**

[Attachment D - ZA 1169 - Jonathan Ortiz 17 Tijeras Ave - Proposed Zone Change.pdf](#)

[Attachment C - 022223 Approved P&Z Minutes.pdf](#)

Councilor Ortiz recused himself from discussion of ZA 1169.

Mayor Bruton explained the Planning and Zoning Commission reviewed the proposed zone change and recommended its approval. He stated he does not see any reason to deny the zone change.

Councilor Wilson stated she believes it makes sense to change the zone of the property to be consistent with that of surrounding properties.

A C T I O N	Motion	Approve ZA 1169		
	Made by:	Armenta		Councilor Armenta-Yes
	Second by:	Garcia		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Recused Councilor Wilson-Yes

16. Council to Open Public Hearing and Hear Public Comment on ZA 1170

A C T I O N	Motion	Open Public Hearing and hear public comment on ZA 1170		
	Made by:	Garcia		Councilor Armenta-Yes
	Second by:	Ortiz		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

Mayor Bruton swore in Willy Nuanez, George Nuanez Jr., Betsy Hawkins, and Nathan Hawkins.

Mr. Willy Nuanez introduced himself and explained that he is a resident of the area and representative of Holy Child Parish. He stated he is concerned that there are no plans indicating where the proposed self-storage facility will be located. He also voiced his concern that once the zone of the property is changed, any number of uses may be allowed, which may not be compatible with the community. Lastly, he stated he is concerned about potential impacts to the cemetery maintained by the Holy Child Parish. Mr. Nuanez clarified that he is not necessarily opposed to a self-storage facility, but would like more information regarding what else may be developed on the property. He stated that once the zone is changed, anything that is allowable under the zoning can be developed without the input of residents.

Mayor Bruton explained that the property is currently zoned Residential Zone 1 (R-1). Therefore, before anything other than a single-family residence can be developed on the property, the zone must be changed. He stated the Village is not currently aware of what specifically the property owners intend as far as development of the property, nor does the Village have specific information about the proposed self-storage facility. He explained that the zone change must be the first step.

Mr. Willy Nuanez reiterated his concern that once the zone is changed, it will open the door to a variety of uses and Village residents will not have an opportunity to voice their opinion.

Mayor Bruton explained that any future development of the property will also need to be approved by the Planning and Zoning Commission and possibly the Village Council. He encouraged Mr. Nuanez to attend any future meetings of the Commission or Council regarding this property.

Mr. Willy Nuanez asked how he can obtain information about Planning and Zoning Commission meetings, noting that he was only notified by mail of the zone change when it came time for the Public Hearing.

Mayor Bruton explained that the Village only sends notice by mail in specific scenarios, as required by state law. He stated that Planning and Zoning Commission meetings are held the second and fourth Wednesday of each month and agendas are published on the Village's website and social media and in six physical locations in the Village. He reiterated that Mr. Nuanez will have another opportunity to provide testimony on the development of the property.

Mr. George Nuanez Jr. introduced himself and stated he owns property near the parcel in question. He stated his comments echo those of Mr. Willy Nuanez. He asked to clarify which lot is 2A and which is 2B (Mayor Bruton clarified the location of the lots). Mr. Nuanez stated he feels to change the zone is to put the cart before the horse. He stated he has not seen any plans regarding the proposed self-storage facility. He added he believes changing the zone to I/M-3 will open the door for other businesses to develop on the property. He stated he is concerned about potential noise, light, and traffic impacts. He encouraged the Council to think about the potential future implications of a zone change. He clarified that, like Mr. Willy Nuanez, he does not have any particular concerns about a self-storage facility, but reiterated he would like to see plans and have information about traffic and other impacts.

Mayor Bruton stated he can understand how the zone change may appear to be a "cart-before-the-horse" situation and explained that the Village is following a procedure set out in state law. He added that because the property owners would like to eventually develop a self-storage facility on the property, they must first change the zone, because self-storage facilities are not allowed in the R-1 zone.

Mr. George Nuanez Jr. stated that once the zone is changed, the property owners can allow any business to develop the property without approval from the Village.

Mayor Bruton clarified that any future development of the property would require review and approval by the Planning and Zoning Commission, and certain kinds of development would also require secondary approval by the Village Council. Mayor Bruton added that the Village's zoning ordinance establishes regulations for lighting, traffic, water use, building height, signage, fencing, and other topics. He stated the Village is happy to provide copies of the zoning ordinance. He encouraged Mr. Nuanez to attend future Commission and Council meetings related to this property.

Ms. Betsy Hawkins stated she completely appreciates how Mr. Willy Nuanez and Mr. George Nuanez Jr. feel. She added she and her husband do not want to develop anything that is incompatible with the community. She stated she regrets that the only Village zone which allows for a self-storage facility is the Industrial/Manufacturing zones, as she believes her intentions for the property are not industrial in nature. She reiterated that she does not want to put anything on the property that residents will be unhappy with, adding that her children attend the local schools. She stated she believes the proximity of her property to the cement plant and the PNM substation makes it suited to a transitional zone from industrial to residential. She stated the storage units she intends to develop will be quiet and will not generate much traffic. She stated she hopes the residents feel better about the development and that she wants to add to the community.

Mayor Bruton thanked Ms. Hawkins for her testimony. He reiterated that the property owners need to apply for a permit for any future development. He stated the Village tries to be friendly to business development as it is beneficial to the community.

Mr. Nathan Hawkins echoed his wife's statements, stating he is excited to develop a business in the Village and is prepared to comply with all of the Village's requirements.

Mayor Bruton asked if anyone else in the audience would like to give testimony regarding the proposed zone change.

17. **Council to Close Public Hearing on ZA 1170**

A C T I O N	Motion	Close Public Hearing on ZA 1170		
	Made by:	Ortiz		Councilor Armenta-Yes
	Second by:	Armenta		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

18. **Council to Review and Take Action on ZA 1170 – Nathan and Betsy Hawkins 11795 NM-337 – Proposed Zone Change**

[Attachment E - ZA 1170 - Nathan and Betsy Hawkins 11795 NM 337 - Proposed Zone Change.pdf](#)

[Attachment F - 030823 Draft P&Z Minutes.pdf](#)

Mayor Bruton stated he is in favor of the zone change, noting that the Council has discussed potential commercial development of the property in the past. He stated the location is appropriate for a self-storage unit. He added that he would like to see other commercial development on the property, because the Village benefits in the form of gross receipts tax. Mayor Bruton encouraged residents to attend meetings of the Planning and Zoning Commission and Village Council pertaining to proposed developments on the property, and encouraged the Commission and Council to take into consideration the concerns of residents. Mayor Bruton concluded by reiterating that he is in favor of the zone change and noted that the Planning and Zoning Commission has recommended approval.

Councilor Armenta stated he appreciates the concerns of residents. He added that he is familiar with another self-storage facility owned by the Hawkins, and it is a clean and well-organized facility.

A C T I O N	Motion	Approve ZA 1170		
	Made by:	Armenta		Councilor Armenta-Yes
	Second by:	Garcia		Councilor Garcia-Yes
	Motion carried?	PASSED	FAILED	Councilor Ortiz-Yes Councilor Wilson-Yes

19. **Updates**

- a. Mayor - None
- b. Councilors - None
- c. Clerk - None
- d. Deputy Clerk - None

e. Departments - None

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

*THE NEXT MEETING OF THE VILLAGE OF TIJERAS GOVERNING
BODY WILL BE HELD ON MONDAY, APRIL 3, 2023.*

ADJOURNMENT

The meeting adjourned at 6:52 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 a reader, 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 office of the Village Clerk at (505) 281-1220 at least four (4) calendar days prior to the meeting. Public documents including the agenda and minutes can be provided in digital or hardcopy format. The Village of Tijeras strictly prohibits any form of unlawful discrimination based on race, color, religion, gender identity, sexual orientation, sex, national origin, age, disability, or political affiliation in any program, activity, or service sponsored by the Village. Contact the office of the Village Clerk for more information.