

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – July 6, 2016 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - 27 E. FRONTAGE ROAD**

• **CALL TO ORDER.**

Mayor Bassett called the meeting to order at 6:30 p.m.

Councilors Present: Chuck Ring, Rita Loy Simmons, and John Abrams

Councilor Not Present: Sherry Abraham

Also Present: Clerk/Treasurer Juan Torres, Deputy Clerk Linda Holle, Rebecca Sanchez, and Bonnie Pettee, Planning and Zoning.

• **PLEDGE OF ALLEGIANCE.**

1. **APPROVAL OF AGENDA.**

Mayor Bassett stated agenda items 11 and 13 need to be removed from this evening's agenda, as we are awaiting additional paperwork to come in on the Resolution in Item 11 and Councilor Abraham requested Item 13, approval of the EVEDA Agreement, be tabled to the July 20 meeting so that she may attend.

MOTION: Councilor Abrams made a motion to approve the Agenda removing Items 11 and 13.

Councilor Ring seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

2. **APPROVAL OF CONSENT AGENDA.**

A. Approval of the Draft Regular Council Meeting Minutes of June 15, 2016.

B. Approval of the Draft Special Meeting Minutes of June 20, 2016.

MOTION: Councilor Simmons made a motion to approve the Consent Agenda with discussion on both items.

Councilor Ring seconded the motion.

Councilor Simmons requested the Council Meeting Minutes of June 15, 2016, Item 4F, state, "Mayor Bassett stated the Selection Committee is reviewing the engineering proposals and may have something to report next **week meeting.**" Regarding the Special Council Meeting of June 20th convened to approve Resolution No. 2016-08, Banning the Sale and Use of Fireworks, Councilor Simmons stated the need to act within the laws of the State instead of waiting for Santa Fe County to act, as well as being more alert as to when to bring the matter to Council.

VOTE: All Councilors voted aye. The motion carried.

3. **MATTERS FROM THE MAYOR.**

A. Engineering Services Selection Update

Mayor Bassett announced four firms were chosen to provide engineering services to the Town: Bohannon Huston, dennis Engineering, Molzen Corbin, and Horrocks Engineers. They will each have an on-call contract. Councilor Simmons asked how the Town arrived at this arrangement. Mayor Bassett stated this will broaden our scope of engineering services. It was an arrangement brought to his attention by Mr. Torres and it was decided to give it a try.

B. Deputy Clerk Position

Mayor Bassett stated Ms. Linda Holle will be departing about the end of August 2016. The Deputy Clerk job opportunity has been posted on the Municipal Reporter and Town of Edgewood websites, as well as in newspapers and posting locations in Town.

C. Walmart Update

Mayor Bassett met with local Wal-Mart Store Manager Malachi Dawson and Regional Manager, James Torres. The Mayor stated Wal-Mart was amenable to most of the Town's requests regarding the exterior color scheme; however, Wal-Mart would like to keep the blue color. Mayor Bassett stated that was the color that aggravated people the most. The Town's preference is to return to the earth tone colors as shown in the original drawings of the store. Mayor Bassett stated the managers would respond to the Town after discussion with their upper management. Mayor Bassett addressed the concern of trash with the Wal-Mart managers who responded they were working the issue.

D. Letter of Commendation to Officer Jerod Kuchan

Mayor Bassett formally commended Officer Kuchan for stepping up to answer the call for an Acting Police Chief upon Chief Radosevich's retirement in May 2016. The Mayor lauded Officer Kuchan for his exemplary effort, his leadership during the period of transition from May 20 to July 5, 2016, and his willingness to do so.

E. 4th of July Field of Arts Festival

Mayor Bassett attended the Fourth of July Field of Arts Festival and stated there was a good turn-out. He offered kudos to the Route 66 Arts Alliance for a job well done.

F. Special Meeting Request

Mayor Bassett requested Council consider convening a Special Meeting to approve a Call for Public Hearing for a Zone Change Request. A zone change application was approved at the Planning and Zoning Commission Meeting the previous evening and the property is under a sales contract. If a Special Meeting is scheduled to approve the Call for Public Hearing, the Zone Change Request can be heard at the August 17th Council Meeting, instead of pushing it out to September. Councilor Simmons stated she would like to accommodate as best we can. The Council was in agreement with holding a Special Council Meeting on Monday, July 11, 2016 at 7:00pm in the Edgewood Community Center to approve a Call for Public Hearing.

4. DISCUSSION, CONSIDERATION, AND ACTION ON ALTERNATE JUDGE POSITION.

Mayor Bassett stated Mr. Erik Thompson is the only qualified applicant, even after posting for the Alternate Judge position for an additional two weeks. The Mayor stated the action is to consider offering Mr. Thompson's application to Judge White.

MOTION: Councilor Simmons made a motion to accept Erik Thompson for the Alternate Judge position and to offer his application to Judge White. Councilor Ring seconded the motion with discussion.

Councilor Ring stated Mr. Thompson is qualified for U.S. Supreme Court Justice.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Ring voted aye. The motion carried.

5. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Ring requested Council consider a resolution at a future meeting regarding approving roads for maintenance and the placement of cameras in various locations in Town where thefts have occurred.

Councilor Simmons noted her attendance at the NM Municipal League's Environment, Energy, and Natural Resources Policy Committee Meeting on June 25, 2016. A number of Resolutions were adopted but some were moved to Rules. There are many Task Forces working on water issues and the attempt is being made to consolidate the issues into something that would function in the Legislature. Councilor Simmons also attended the Arts Festival on the 4th and spent last week touring NM in Tin Lizzies.

Councilor Abrams commented on the good progress being made on the new bridge on Horton Road. He also stated the Town needs to consider what it is doing with the fireworks ban. With the weather we had before the 4th of July, lots of people had fireworks out and Councilor Abrams stated we might want to rethink how we pass that Resolution. Councilor Ring would prefer to do away with all fireworks except for public displays.

6. MATTERS FROM THE MUNICIPAL JUDGE.

A. Judge White will present his report for the month of June 2016. In summary, the Court collected \$1,200 more in fines and fees in the month of June as compared to the previous month. YTD fine and fee collections were down \$2,000 as compared to the same time period last year.

B. NM Municipal League Policy Committee Meeting Update. Judge White attended the NMML's Community Economic Development, Governmental Operations, and Human Resources Policy Committee Meeting on June 25. At this meeting, NMML Executive Director, Bill Fulginiti, announced the State is looking at a \$68M shortfall and the possibility of a Special Session. He also stated the State has less than 1% of its Reserve, when it is normally kept at 10%. Per Mr. Fulginiti, if the State falls into a deficit situation, a Special Session will be called and 'ugly' cuts will be made.

Hold Harmless might be in jeopardy if that occurs and it is possible the food tax exemption would be repealed. Final guidance from Director Fulginiti was to push forward with Resolutions contemplated by the Municipal League, even if it appears the funding may not be available. He noted, however, there may be rough times ahead.

C. Alternate Judge

Judge White received Alternate Judge Al Smith's resignation letter today. Judge Smith has moved and no longer meets the residency requirements of the position.

D. U.S. Department of Justice Letter

Judge White referenced a letter he received from the U.S. Department of Justice, Civil Rights Division, sent to all State and Local Courts. It is intended to assist court leadership in ensuring courts at every level of the justice system operate fairly and lawfully. The Judge highlighted some of the basic constitutional principles relevant to the enforcement of fines and fees set forth in the letter and how the Local Court fares in comparison.

E. Opening Prayer before Council Meetings

For informational purposes, Judge White shared the case, *Town of Greece v. Galloway*, in which the Supreme Court of the United States (SCOTUS) decided whether a prayer made at the beginning of a council meeting was constitutional. Basically SCOTUS found prayer before a legislative meeting is acceptable, with certain guidance.

MOTION: Councilor Abrams made a motion to accept the Municipal Court Report for the month of June 2016.
Councilor Ring seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

7. **PUBLIC HEARING.**

Quasi-Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required: Ms. Linda Holle certified Public Notice of this Hearing was posted as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Councilor Ring stated he had no conflict of interest and no ex-parte communication. Councilor Simmons stated she had no conflict of interest and no ex-parte communication. Councilor Abrams stated he had no conflict of interest and no ex-parte communication. Mayor Bassett confirmed no conflict of interest and no ex-parte communication.

Mayor Bassett asked if anyone present objected to his participation as Chairperson or any Councilor's participation in these proceedings. No objections noted.

Clerk/Treasurer Juan Torres swore in those wishing to give testimony.

- A. Adoption of proposed Ordinance No. 2016-03 granting the approval of a zone change from SU–Special Use to RE–Residential Estate for property located at 17 Hill Ranch Road, Tract C in SE1/4 of Section 4, T10N, R7E, Town of Edgewood, Santa Fe County, NMPM, Lands of Howard and Dona Hill Trust.

Mayor Bassett requested an overview from Ms. Bonnie Pettee of what the applicant is seeking to do.

Ms. Pettee stated the applicant submitted a request for a zone change for 9.4 acres located at 17 Hill Ranch Road. The current owner of the property is Calvary Chapel and they were granted a Special Use designation in 2004 for the purpose of a church.

Applicant Mr. Terry Milford presented his request for Council’s approval of a zone change to RE-Residential Estate for the property located at 17 Hill Ranch Road.

There were no questions from Council or Staff for the applicant. No proponents or opponents came forward to speak on this matter.

Ms. Pettee concluded her staff report presentation by stating the request is in compliance with requirements of the RE Residential Estate zoning. The application was heard at the Planning & Zoning Commission on May 17, 2016 and was recommended to be put forth to Council for approval.

Councilor Simmons sought clarification of the size of the parcel. Ms. Pettee stated the property was roughly 40 acres to begin with, then divided into four parcels. The parcel under consideration is 9.4 acres.

The applicant had no questions for staff.

Mayor Bassett closed the public portion of the Hearing to begin deliberations.

MOTION: Councilor Simmons made a motion to approve a zone change from SU–Special Use to RE–Residential Estate for property located at 17 Hill Ranch Road, Tract C in SE1/4 of Section 4, T10N, R7E, Town of Edgewood, Santa Fe County, NMPM, Lands of Howard and Dona Hill Trust.
Councilor Ring seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Ring voted aye. The motion carried.

- B. Adoption of Zone Map Amendment for property located at 17 Hill Ranch Road, Tract C, in SE1/4 of Section 4, T10N, R7E, Town of Edgewood, Santa Fe County, NMPM, Lands of Howard and Dona Hill Trust.

MOTION: Councilor Simmons made a motion to adopt a zone map amendment for property located at 17 Hill Ranch Road, Tract C in SE1/4 of Section 4, T10N, R7E, Town of Edgewood, Santa Fe County, NMPM, Lands of Howard and Dona Hill Trust.
Councilor Ring seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

Mayor Bassett stated the Public Hearing for the above matter was closed and we would now go into a Legislative Public Hearing for the Infrastructure Capital Improvement Program.

C. Infrastructure Capital Improvements Program (ICIP) Discussion

Mayor Bassett requested Clerk/Treasurer Juan Torres take the lead on this discussion. Mr. Torres stated the purpose of this Public Hearing is to obtain public input for future items. A series of Public Hearings have been scheduled to obtain public input to place items on the ICIP. In August, Council will vote on a final ranking of all items listed for consideration.

Ms. Holle affirmed Public Notice of this Hearing was posted as required.

Mayor Bassett noted last year's ICIP identified two projects for consideration: 1) a road maintenance water truck and 2) the extension of sewer lines and improvements to the Wastewater Treatment Plan System to increase capacity.

The Mayor's suggestion for this year's ICIP is to pave the second mile of Church Road between Quail Trail and Williams Ranch Road. Councilor Simmons noted the Mayor's interest in the adjacent property. The Mayor confirmed his interest in the adjacent property and noted that interest was the same prior to being elected Mayor, when he submitted the same project for consideration as a private citizen.

Councilor Ring stated his support for this project, primarily because of the flooding that occurs to the north. He noted it also needs attention because it is a school bus route.

Councilor Simmons related her experience of when Frost Rd was paved and her family was asked to grant an easement. They did so at no cost to the Town. Councilor Simmons pointed out the Mayor might be faced with a similar scenario. She agreed this project is worthwhile due to the heavy traffic to retail establishments on the road.

Councilor Abrams noted Church Road is a major route in and out of Edgewood in inclement weather and was identified on a draft emergency plan as a major road.

Mayor Bassett opened the discussion to the public for input.

Ms. Monica Parker, co-owner with her husband, of Parker's Farm Greenhouse, stated she was happy to hear the Governing Body so agreeable about paving the second mile of Church Street. She then made her points in support of the project: it is a dedicated city road, a school bus route and an arterial evacuation route. Ms. Parker stated the dust abatement issues are huge to the many residents who live on the road, including those in the Senior Citizens Home. She referenced a petition of almost 300 signatures of individuals who have compassion for the residents who live along the dusty road. Ms. Parker requested the Town consider widening and paving the second mile of Church St.

Mr. Steve Lampkin stated a petition of about one hundred names had been submitted to the previous mayor to get Appaloosa paved. It is the main route out of Steeplechase and the road all the delivery trucks use. This road also has dust abatement issues. Mr. Lampkin requested Council's consideration in paving this heavily traveled road. Mayor Bassett noted that Steeplechase is still on the priority list of those roads yet to be paved.

MOTION: Councilor Ring made a motion to continue this Public Hearing on Infrastructure Capital Improvements to the July 20, 2016 Meeting. Councilor Abrams seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

8. PUBLIC COMMENTS OF GENERAL MATTERS. Limit to 2 minutes per person.

Ms. Linda Burke is organizing this year's 16th annual Route 66 Run, Rally & Rock event on behalf of the Chamber of Commerce. She invites all to participate in the parade and festivities on August 6, 2016. The Expo will not only showcase businesses but also local artisans and service people in the community. She stated volunteers are needed to help in all aspects of the event. Ms. Burke announced there will be a fun zone this year to include a bouncy house, water slide, and climbing wall. There will be live entertainment provided by local talent. A new component this year will be a community picnic to fill that time from 6:00 to 9:00 before the fireworks display begins. Everyone is welcome to bring their own food and use the Picnic Tent which will be converted from the Expo Tent. Rich Ford is hosting the event at their location and providing the tent, chairs, tables and fireworks display, weather permitting. The Town is providing funds and local businesses are being contacted for sponsorships. Councilor Simmons mentioned her Dodge 3500 is available for use as a platform for judges at the parade, if requested. Ms. Burke made the request. She closed by saying she is looking for floats, horse groups and others to participate in the parade.

Mr. John Carpenter thanked all Police, Fire Department, and Emergency Medical personnel, as well as volunteers and those on the front line for their assistance during the Dog Head Fire. Although the community pulled together, Mr. Carpenter believes the Town needs to have a tactical plan to deal with emergencies. He stated there is still a problem with 911 in this area dropping calls. Mr. Carpenter inquired about forming a Public Safety Commission to coordinate with first responders in emergency situations. He sees a major gap that could be filled with volunteers. Councilor Ring recommended Mr. Carpenter head the committee if the Mayor decides to organize one. Mayor Bassett