

1
2 **MINUTES OF A REGULAR MEETING**
3 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**
4 **HELD AT THE TOWN HALL**
5 **April 13, 2009**

6 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules
7 of the Town on April 13, 2009, at 6:30 P.M.

8 Upon Roll call the following members were found to be present:

9
10 **PRESENT:**

11 Mayor Chávez
12 Councilor Montoya
13 Councilor Jaramillo
14 Councilor Sisneros
15 Councilor Torres

ALSO PRESENT:

George Perez Felicia Rodriquez
Jason Soto Tim Archibeque
Santiago Chavez Mike Moloney
Mary Kwapick Mary Jo Moloney
Fred Radosevich John Estrada
Veronica Reyes David Stoliker
Steve Amiot Margie Amiot
George Perez Catherine Wambach

16
17
18
19
20
21
22 **ABSENT:**

Others Present Not Identified

23
24 **APPROVAL OF AGENDA: 4a)**

25 Santiago Chavez asked that Item 9e) be tabled for a later date. Councilor Torres asked that items
26 9c) and item 9g) be tabled as well being they were items to be presented by Stephen Jerge. A
27 vote was taken Councilor Montoya and Councilor Torres both voted to table the items Councilor
28 Jaramillo and Councilor Sisneros voted against tabling the items Mayor Chávez broke the tie and
29 voted not to table the items as well. Councilor Jaramillo moved to approve the agenda as
30 amended with item 9e) tabled. The motion was seconded by Councilor Sisneros and the motion
31 carried unanimously.
32
33

34 **PRESENTATION: 7a) Discussion, Consideration and Action on Approval and**
35 **Adoption of Ordinance 250 Implementing an Amendment to the Town of Bernalillo**
36 **Building Code and Performance Standards (TEXT) to Change Required Wording.**
37 **Presenter: Wayne Wormhood**

38
39 STATE OF NEW MEXICO

TOWN OF BERNALILLO

40
41 **ORDINANCE NO.250**

42
43 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE TOWN OF**
44 **BERNALILLO BUILDING CODE AND PERFORMANCE STANDARDS (TEXT) TO**
45 **CHANGE REQUIRED WORDING**

46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88

WHEREAS, the 48th Legislature of the State of New Mexico, First Session, 2007, Amended Section 3-17-6 NMSA 1978; and,

WHEREAS, municipalities shall not be in conflict with the laws of the State of New Mexico; and,

WHEREAS, some administrative review costs are not currently recovered under the Town of Bernalillo Building Code and Performance Standards Ordinance; and,

WHEREAS, application and filing fees should cover the full amount necessary for all aspects of the required administrative review, in order that new development not be a financial burden on existing Town residents and businesses;

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, AS FOLLOWS:

That the text of Ordinance No. 199 entitled the “The Town of Bernalillo Building Code and Performance Standards” be hereby amended to provide for a change to the required language to reflect current State of New Mexico law, use, and terms as designated in “Exhibit ‘A’” attached hereto.

APPROVAL OF MINUTES 8a) Regular Meeting of March 23, 2009

Councilor Jaramillo moved to approve the minutes of March 23, 2009 as presented. The motion was second by Councilor Montoya and the motion carried unanimously.

NEW BUSINESS: 9a) Discussion Consideration and Action on Approval of Memorandum of Understanding between City of Rio Rancho, Town of Bernalillo and Sandoval County, New Mexico for JAG Program. Presenter: Fred Radosevich

MEMORANDUM OF UNDERSTANDING BETWEEN
CITY OF RIO RANCHO, TOWN OF BERNALILLO AND SANDOVAL COUNTY, NEW

MEXICO

This Memorandum of Understanding (MOU) is made and entered into this 13th day of April, 2009, by and between the CITY OF RIO RANCHO, NEW MEXICO, hereinafter referred to as City; the TOWN OF BERNALILLO, NEW MEXICO, hereinafter referred to as Town; and the COUNTY OF SANDOVAL, NEW MEXICO, hereinafter referred to as County.

WITNESSETH:

WHEREAS, the parties hereto are collective recipients of Justice Assistance Grant (JAG) Program funding totaling Two Hundred Forty Three Thousand Eight Hundred Five Dollars (\$243,805); and

WHEREAS, the City of Rio Rancho desires to be the fiscal agent for such funding; and

WHEREAS, each governing body finds that the performance of this MOU is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this MOU; and

NOW, THEREFORE, in consideration of the premises and mutual obligations set forth herein, the parties agree as follows:

Section One. The City shall serve as the fiscal agent for all JAG funding received. As the fiscal agent, the City shall disseminate JAG funding as follows:

- a. The City agrees to pay County a total of \$31,395 of JAG funding within two weeks of receiving such funding.
- b. The City agrees to pay Town a total of \$68,949 of JAG funds within two weeks of receiving such funding.
- c. The City shall retain \$143,461 of JAG funding for its own use.

Section Two. Each party shall use its allocated JAG funding in accordance with the rules and regulations as set forth by the U.S. Department of Justice. All funding described herein shall be spent within a three year period ending June 30, 2012.

Section Three. Nothing in the performance of this MOU shall impose any liability for claims against the City, the Town or the County other than claims for which liability may be imposed by the New Mexico Tort Claims Act.

Section Four. Each party to this MOU will be responsible for its own actions in providing services under this MOU and shall not be liable for any civil liability that may arise from the furnishing of the services of the other parties.

175 **WHEREAS**, Any person desiring a permit shall, at the time of filing an application therefore, pay to
 176 the Town a fee in the amount specified herein, which this resolution adopts by reference together with all
 177 amendments and future editions thereof;

178
 179 **THEREFORE**, be it resolved by the Governing Body of the Town of Bernalillo that:

180
 181 **The fee for the Town of Bernalillo Floodplain Development Permit, shall be Sixty-**
 182 **five dollars (\$65.00) and is hereby approved and entered into.**

183
 184 Councilor Torres moved to approve Resolution 04/13/09 approving the Collection Fees for
 185 all Floodplain Development Permits issued for the Development Activities within the Town of
 186 Bernalillo. The motion was seconded by Councilor Sisneros and the motion carried unanimously.

187
 188 **NEW BUSINESS: 9c) Discussion, Consideration, and Action on Approval of**
 189 **Records of Destruction. Presenter: Ida Fierro**
 190

Town of Bernalillo
Records for Destruction April 13, 2009

Code	Record Series	Description	Dates	Location
F 1.15.5.208	Receipts	Receipts, Campground	2001	Records
F 1.15.5.208		Receipts, Water Tickets	1999-2002	Records
F 1.15.5.208		Receipts, Meter Deposit	1999-2002	Records
F 1.15.5.208		Receipts, Misc.	1999-2002	Records
F 1.15.5.208		Housing Authority Receipts.	1998-2001	Records
F 1.15.5.303.1	Deposit Slips	Bank Deposit Books	1998-2002	Records
F 1.15.5.303.2		Water Account Deposit Books	1998-2002	Records
F 1.15.5.307	Cash Reports, Daily	Misc. Receipts	1999-2002	Records
F 1.15.5.310		Water Daily Reports	1999-2002	Records
F 1.15.5.310		CC Utility Billing Receipt Register	1999-2002	Records
F 1.15.5.310		CC Adjustments & UB Update	1999-2002	Records
F 1.15.5.402.2	Payment voucher file	Vouchers, General	1998-2002	Records
F 1.15.5.402.2		Vouchers, Utility	1999-2002	Records
F 1.15.5.402.2		Vouchers, MVD	1999-2002	Records
F 1.15.5.402.2		Vouchers, LR Housing	1999-2002	Records
F 1.15.5.402.2		Vouchers, Drug Elimination	1999-2002	Records
F 1.15.5.402.2		Vouchers, Section 8	1999-2002	Records
F 1.15.5.409	Checks	Checks, General	1999-2001	Records
F 1.15.5.409		Checks, Payroll	1999-2001	Records
F 1.15.5.409		Checks, Utility	1999-2001	Records
F 1.15.5.409		Checks, Housing	1999-2001	Records
F 1.15.5.409		Checks, Drug Elimination	1999-2001	Records
M 1.15.5.502	Payroll Register	Payroll Update to GL	2001-2002	Records
M 1.15.5.506		Payroll changes	2001-2002	Records
M 1.15.5.508	payroll)	Checks, Payroll	2001-2002	Records
M 1.15.5.508	Payroll Register	Payroll Check Register	1994-2002	Records
M 1.19.8.106	Journals	Journal Print	1998-2002	Records
M 1.19.8.111		Journal Entries	1998-2002	Records

Minutes of the Town Council Meeting
April 13, 2009

Page 6

M	1.19.8.153.5	General Ledger	GL History	1998-2001	Records
M	1.19.8.153.5		Housing Authority Ledgers	1998-2001	Records
M	1.19.8.153.5	MVD	MVD History	2000-2002	Records
M	1.19.8.203		Year End Balance Forward	1999-2001	Records
M	1.19.8.209		AP & PR Reconciliation	2001-2002	Records
M	1.19.8.209		Trial Balance	2000-2002	Records
M	1.19.8.209		List Transactions	2000-2002	Records
M	1.19.8.504		Misc. General Ledger reports	1999-2002	Records
M	1.19.8.504	Reconciliation of cash transactions	Bank reconciliations	2001-2002	Records
M	1.19.8.555	Bank Statements	Town - all funds	1994-2001	Records
M	1.19.8.557		Town DVD Check Copies	1998-1999	Records
M	1.19.8.557		CDBG Bank Statements	2001-2002	Records
P	1.19.8.557	Business Registration Files	Business Registration Receipts	1989-2002	Records
P	1.19.8.708.2	Election Files	Municipal Election Files	2002	Records
P	1.19.8.902	Utility billing register	Utility Billing - EOM Reports	1999-2002	Records
			Utility Billing - Trial Balance	1999-2002	Records
			Utility Billing - History Reports	1999-2002	Records

191 Mayor Chávez entertained a motion.

192

193 Councilor Jaramillo made a motion to approve Record of Destruction for 2009 as presented. The
194 motion was seconded by Councilor Montoya and carried unanimously.

195

196 **NEW BUSINESS: 9d) Discussion, Consideration, and Action on Approval of**
197 **Memorandum of Understanding between City of Rio Rancho, Town of Bernalillo and**
198 **Sandoval County, New Mexico for Improvements to be located within the Right-of-Way of**
199 **Camino Alto. Presenter: Santiago Chavez**

200

201 **MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF RIO RANCHO**
202 **AND**
203 **THE TOWN OF BERNALILLO**

204

205 THIS AGREEMENT, made and entered into effective this 13th day of April 2009,

206 By and between the CITY OF RIO RANCHO, hereinafter called "CITY" and the TOWN

207 OF BERNALILLO, hereinafter called "TOWN".

208

WITNESSETH:

209 **WHEREAS**, the CITY and the TOWN are desirous of entering into an agreement specific to the
210 CITY'S construction, operation, maintenance, repair and ownership of public infrastructure
211 improvements as shown on Exhibit 'A', hereinafter called "IMPROVEMENTS", for Special Assessment
212 District 8, said IMPROVEMENTS to be located within the right-of-way of Camino Alto, a roadway
213 within the limits of the TOWN, and,

214 **WHEREAS**, the IMPROVEMENTS shall include an 8" water line and appurtenances, an 8"

215 sanitary sewer line and manholes, and 36” to 48” storm drain lines as shown graphically on said Exhibit
216 ‘A’; and,

217 **WHEREAS**, the storm drain pipe includes a 48” outlet pipe from a storm drainage pond located at
218 the northwest corner of the intersection of Hapsburg Road within the CITY and Camino Alto within the
219 TOWN and said 48” outlet pipe shall connect to a storm drain system to be located within the right of
220 way of Calle Baack, a roadway within the TOWN; and,

221 **WHEREAS**, both parties will benefit from the management of the cross-boundary watershed to be
222 conveyed in the resultant combined storm drain systems;

223 **NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND**
224 **PROMISES HEREINAFTER CONTAINED, BE IT AGREED BETWEEN THE PARTIES:**

225 The TOWN hereby grants to the CITY, and its successors and assigns, a License to construct,
226 operate, maintain and repair the IMPROVEMENTS in the Camino Alto right of way, together with full
227 ingress thereto subject to the following terms and conditions:
228

- 229 1. All plans for the construction of the IMPROVEMENTS shall obtain CITY Approval and shall
230 be subject to review and written approval by the TOWN prior to commencement of construction.
231
- 232 2. Before the Construction of the IMPROVEMENTS begins, the CITY shall notify the TOWN’s
233 Field Engineer in writing ten days before beginning work in the right of way and shall also have
234 the contractor notify the TOWN verbally two days prior to beginning said work.
235
- 236 3. Construction of the IMPROVEMENTS shall be subject to periodic inspection by TOWN
237 inspectors and staff. Any TOWN comments shall be directed to the CITY Project Manager with
238 a copy provided to the ENGINEER
239
- 240 4. Workmanship and materials shall conform to the American Public Works Association Standard
241 Specifications for Public Works construction.
242
- 243 5. The CITY shall provide the TOWN with one set of “as built” prints within thirty (30) days of
244 acceptance of the work by the CITY.
245
- 246 6. The CONTRACTOR’S WARRANTY shall warranty all work within the TOWN right-of-way
247 to be free of defects in workmanship and adequate for design flows for a period of one year after
248 acceptance by the CITY.
249
- 250 7. Subject to a review and approval from the CITY Engineer, the CITY shall be permitted to
251 modify the IMPROVEMENTS as constructed in the right of way, provided that such
252 modification shall be jointly agreed to by the TOWN, in writing, in advance of such work.
253
- 254 8. All construction, operation, maintenance, repair, relocation and removal of IMPROVEMENTS
255 shall be accomplished at sole expense of the CITY. After CITY acceptance of the
256 IMPROVEMENTS, the CITY shall assume operation, maintenance, repair, relocation and

257 removal responsibilities at the CITY'S expense. All work shall be performed in such a manner
258 as will not damage or interfere with the operation and maintenance of the TOWN'S roadway and
259 water utility and equipment. Any existing survey control or right-of-way monuments that are
260 moved or destroyed as a result of the actions permitted by this License Agreement shall be
261 replaced by a registered surveyor at the expense of the CITY.

262
263 9. As between the CITY and TOWN, each party acknowledges that it will be responsible for
264 claims or damages arising from personal injury or damage to persons or tangible property to the
265 extent they result from negligence of its employees. The liability of the CITY and the TOWN
266 shall in all cases be subject to the limitations and immunities of the New Mexico Tort Claims
267 Act Section 41-4-1 et.seq., NMSA 1978, as amended.

268
269 10. Should the CITY fail to comply with the provisions of the License Agreement, or should the
270 CITY fail to properly maintain its portion of the IMPROVEMENTS, this License Agreement
271 and all rights and privileges herein granted may be terminated by the TOWN. However, such
272 termination shall be proceeded by written notice, giving the CITY at least thirty (30) days. The
273 TOWN may perform the required repair or maintenance and invoice the CITY for incurred
274 costs. The CITY shall pay such costs within sixty (60) days of the date of said invoice.

275
276 11. This License Agreement shall be construed according to the laws of the State of New Mexico.

277
278 12. In the event of a dispute between the CITY and the TOWN regarding the License Agreement,
279 the prevailing Party shall be entitled to the reimbursement of its costs and reasonable attorney's
280 fees.

281

282 Mayor Chávez entertained a motion.

283

284 Councilor Jaramillo made a motion to approve the MOU between the City of Rio Rancho, Town
285 of Bernalillo and Sandoval County, New Mexico for Improvements to be located within the
286 Right-of-Way of Camino Alto. The motion was seconded by Councilor Sisneros and carried
287 unanimously.

288

289 **NEW BUSINESS: 9e) Discussion, Consideration, and Action on Approval of Joint**
290 **Powers Agreement between Southern Sandoval Arroyo Flood Control Authority and the**
291 **Town of Bernalillo for Design and Construction of Drainage Improvements in Calle Baack**
292 **in the Town of Bernalillo.**

293

294 **TABELED**

295

296 **NEW BUSINESS: 9f) Discussion, Consideration, and Action on Approval and**
297 **Adoption of Resolution 04/13/09A Regarding the Disposal of Property. Presenter Santiago**
298 **Chavez**

299

300 Town of Bernalillo

301

302 **Resolution No. 04-13-09A**

303

304 A Resolution regarding disposal of property.

305

306 **WHEREAS,** the Town of Bernalillo has accumulated numerous vehicles, attached
307 hereto as Exhibit A, which are no longer needed for essential
308 governmental purposes and which are now so deteriorated that they
309 have very little value, if any and

310

311 **WHEREAS,** Section 3-5-2(A) N.M.S.A. Comp. Provides that a municipality may
312 dispose of personal property at private sale without notice where it
313 is shown to the governing body that such property does not exceed
314 the value of Two Thousand Five Hundred (\$2,500) dollars; and

315

316 **WHEREAS,** the Governing Body is satisfied that none of these vehicles has a value in
317 excess of Two Thousand Five Hundred (\$2,500) dollars.

318

319 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BERNALILLO**
320 **THAT**

321

322 None of the vehicles identified in the attached Exhibit have a value over Two
323 Thousand Five Hundred (\$2,500.00) dollars.

324

368 program activities related to municipal streets.

369

370 Mayor Chávez entertained a motion.

371

372 Councilor Torres made a motion to approve the adoption of Resolution 04/13/09B to Enter into
373 an Agreement with the State of New Mexico Department of Transportation. The motion was
374 seconded by Councilor Montoya and carried unanimously.

375

376 **NEW BUSINESS: 9h) Discussion, Consideration, and Action on Approval and**
377 **Adoption of Resolution 04/13/09D Budget Adjustment for General Fund. Presenter**
378 **Santiago Chavez**

TOWN OF BERNALILLO
RESOLUTION 04-13-09D

WHEREAS, the Town of Bernalillo meeting in Regular Session on the 13th day of April, 2009 at the Town Hall at 6:30 p.m., as per law,

WHEREAS, the need for a budget adjustment has developed due to the unanticipated increase in expenditures:

NOW, THEREFORE BE IT RESOLVED; that the budget be amended as follows:

	TO	FROM
<u>General Fund</u>		
Library Bond Proceeds		\$ (165,010.00)
Library	\$ 165,010.00	
GRT Bond Proceeds		\$ (894,352.00)
Administration	\$ 894,352.00	
TOTAL	\$ 1,059,362.00	\$(1,059,362.00)

379

380 Mayor Chávez entertained a motion.

381

382 Councilor Jaramillo made a motion to approve the adoption of Resolution 04/13/09D Budget
383 Adjustment to the General Fund. The motion was seconded by Councilor Montoya and carried
384 unanimously.

385

386

387 **NEW BUSINESS: 9j) Discussion, Consideration, and Action on Approval and**
388 **Adoption of Resolution 04/13/09C Budget Adjustment for Utility Fund. Presenter Santiago**
389 **Chavez**

TOWN OF BERNALILLO
RESOLUTION04-13-09C

WHEREAS, the Town of Bernalillo meeting in Regular Session on the 13th day of April, 2009 at the Town Hall at 6:30 p.m., as per law,

WHEREAS, the need for a budget adjustment has developed due to the unanticipated increase in expenditures:

NOW, THEREFORE BE IT RESOLVED; that the budget be amended as follows:

	TO	FROM
<u>Enterprise Fund</u>		
Water		\$(174,766.00)
Wastewater	\$174,766.00	
TOTAL	\$174,766.00	\$(174,766.00)

390 Mayor Chávez entertained a motion.

391
392 Councilor Torres made a motion to approve the adoption of Resolution 04/13/09C Budget
393 Adjustment to the General Fund. The motion was seconded by Councilor Montoya and carried
394 unanimously.

395
396 **FINANCIAL SECTION:10a) Approval of Account Payable List.**

397 Councilor Montoya asked if there was a breakdown of the streets that had the paving and patch
398 work done on by the contractor.

399
400 Santiago Chavez indicated he would obtain that information from the contractor as soon as
401 possible.

402
403 Council Torres asked if the breakdown of the MasterCard payment was a summary.

404
405 Santiago Chavez indicated yes.

406
407 Councilor Montoya asked what the charges were for Stephen Jerge credit card.

408

Minutes of the Town Council Meeting

April 13, 2009

Page 13

409 Santiago Chavez stated that again this was only a summary of all the charges made on the card.

410

411 Councilor Torres made a motion to table any charges made by Stephen Jerge to his credit card
412 and approve all the other vouchers presented for payment. The motion was seconded by
413 Councilor Montoya and the motion carried unanimously.

414

415 There being no further business, the meeting was adjourned at 8:07P.M.

416 Done this 13rd day of April 2009.

417

418 ATTEST:

419

420

421 _____
Ida Fierro, Town Clerk

422 (seal)

Patricia A. Chávez, Mayor