

1 **MINUTES OF A REGULAR MEETING**  
2 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**  
3 **HELD AT THE TOWN HALL**  
4 **May 09, 2011**  
5

6 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules  
7 of the Town on May 09, 2011, at 6:30 P.M.

8 Upon Roll call the following members were found to be present:  
9

10 **PRESENT:**

11 Mayor Torres  
12 Councilor Montoya  
13 Councilor Sisneros  
14 Councilor Jaramillo  
15 Councilor Prairie  
16

**ALSO PRESENT:**

Mike Moloney James Pike  
Julian Gonzales Margie Amiot  
Steve Amiot Mike Moloney  
Mike Carroll George Perez  
Maria Rinaldi Rick Bela  
Jason Soto Jim Hooper  
Adrienne Hooper Jerome I. Armijo  
Dottie Lane Joseph Rinaldi  
Jordon Barion Andre Johnsen  
Robin Huerta Leo Huerta  
Christina Becker Lora Romero  
Sean Burkland Maria Burkland  
Debbie Heefner

17  
18  
19  
20  
21  
22  
23  
24  
25  
26 **ABSENT:**

**Others Present Not Identified**

27  
28 **APPROVAL OF AGENDA: 4a)**

29 Ida Fierro Town Clerk requested that item 7a) for a Manufacture Stone Sales Business be  
30 removed the item would read Discussion, Consideration, Action, Approval and Adoption of  
31 Ordinance 261 Implementing a Change on the Zoning Atlas to C-1.  
32

33 Councilor Prairie moved to approve the agenda as amended. The motion was seconded by  
34 Councilor Montoya and motion carried unanimously.  
35

36 **RECOGNITION: 5a) Town of Bernalillo Recreation Staff and First Assembly of**  
37 **God Church. Presenter: Mayor Torres**

38 Mayor Torres recognized the Town of Bernalillo Recreation Staff and the First Assembly of God  
39 Church for the successful 12<sup>th</sup> Eggstravaganza. Pastor Christian stated he looks forward in  
40 assisting the Town in other events such as the Christmas Event. Jason Soto stated the event has  
41 been hosted by the Town of Bernalillo Recreation Department and the First Assembly of God  
42 Church. There were over 5,000 eggs filled by staff with candy, 25 prize egg spread out between  
43 the age groups with prizes such as gift baskets, stuffed animals and DVD's, 4 bikes were given  
44 away by drawing, Food and refreshments were provided by First Assembly and Meal on Wheels  
45 by Greg Archuleta, Executive Chef. Pastries, doughnuts, cookies, coffee and hot chocolate were  
46 served upon arrival. Hot dogs, chips, drinks for lunch. Jumpers contracted from A Ton of Fun

47 Leonard Casaus. The event started at 9:30 with refreshments welcoming the participants and  
48 families. The actual Eggstravaganza started at 10:00a.m. An estimated 400 children ages 1-12  
49 participated in the event. Upon completion of the hunt families were provided with a hot dog  
50 lunch and the children were invited to enjoy the fun jumps. The entire event closed at 12:00p.m.  
51

52 Mayor Torres commented on how well the event was organized. Councilor Prairie and  
53 Councilor Sisneros stated that it was enjoyed by all.  
54

55 **APPOINTMENT: 6a) Planning and Zoning Commissioners (4) Presenter: Mayor**  
56 **Torres**

57 Mayor Torres presented Joseph Rinaldi, Jim Hooper, Mike Moloney and Erroll Chavez for  
58 appointment to the Planning and Zoning Commission for the Town of Bernalillo.  
59

60 A brief discussion ensued. The Mayor and Council thanked the Planning and Zoning  
61 Commissioners whose terms have expired for the years of service on the Commission which are  
62 Cipriano Montoya, Robert Satriana, Christopher Hyer and Rita Last.  
63

64 Mayor Torres entertained a motion.  
65

66 Councilor Prairie moved to appoint Joseph Rinaldi, Jim Hooper, Mike Moloney and Erroll  
67 Chavez for appointment to the Planning and Zoning Commission for the Town of Bernalillo.  
68 The motion was seconded by Councilor Jaramillo.  
69

70 Roll Call Vote  
71

72 Councilor Montoya Yea

73 Councilor Jaramillo Yea

74 Councilor Sisneros Yea

75 Councilor Prairie Yea  
76

77 **PUBLIC HEARING: 7a) Public Hearing for Flood Plain and Wetlands Review for**  
78 **CDBG Project 10-C-NR-I01-A-07/Water System Improvement Phase II (Las Cocinitas).**  
79 **Presenter: Maria Rinaldi**  
80

81 New Mexico Community Development Block Grant Program

82 Water System Improvements

83 CDBG Project No: 10-C-NR-I-01-G-07

84 Town of Bernalillo

85 Sandoval County, New Mexico  
86

87 **1.0 Statement of Purpose and Need for the Proposal**

88 The proposed project is located in the Town of Bernalillo (Town), Sandoval County, New  
89 Mexico. The purpose of the project is to install approximately 8,600 linear feet of replacement  
90 6-inch diameter PVC waterlines and appurtenances, including gate valves, isolation valves, valve  
91 boxes, and fire hydrants in the municipal water distribution system on the following streets  
92 Camino del Bosque, Calle San Lorenzo, Calle Don Pedro, Calle San Ysidro, Calle Don Rodrigo,  
93 and Camino del Pueblo (NM313) in order to replace aging section of old waterline in the Las  
94 Cocinitas residential neighborhood.

95  
96 The new waterlines would be constructed to replace deteriorating sections of old waterlines that  
97 were installed 64 years ago in (1947). This grant would allow the Town to provide water system  
98 rehabilitation grant assistance to the “Las Cocinitas” neighborhood, which is a low and moderate  
99 income neighborhood. The project will benefit 6,611 persons of which 4,277 or 64% are low to  
100 moderate income based on the 2000 HUD Census Data. The Town will provide \$50,000 or 10%  
101 local cash match in addition to \$217,370.00 in leveraging.

102  
103 The installation of the new waterlines would benefit operation of the water system by reducing  
104 the amount of required maintenance and improving and delivery pressure to customers. The  
105 water system would also have better capabilities for providing fire flow following the completion  
106 of improvements.

107  
108 **2.0 Location of the Proposed Project in a Floodplain or Wetland**  
109 The proposed waterline replacements will occur within a designated floodplain hazard area.  
110 Water line replacements are not considered a critical structure, although waterlines are seen as  
111 critical in assuring proper distribution of potable water to Town residences and businesses. No  
112 alternate sites have been proposed, given the location-specific needs for waterline replacement in  
113 the designated residential areas. Anchoring of the water lines installations will not be necessary.

114  
115 Communication with The Town of Bernalillo Floodplain Manager confirmed that the proposed  
116 waterline improvements are located within either: 1) “Zone X (area of 0.2 percent annual chance  
117 of flood); areas of 1 percent annual chance of flood with average depth of less than 1-foot or with  
118 drainage areas less than 1 square mile; and areas protected by levees from one protected by  
119 levees from one percent annual chance of flood); or 2) ‘Zone-AO – Depth 1 foot.’” A small  
120 portion of the Project Area (at its northwest corner) is located with ‘Zone A’ – Special Flood  
121 Hazard Area – No Base Flood elevation determined.” These designations became effective on  
122 March 18, 2008, and are reported on the National Flood Insurance Program, Flood Insurance  
123 Rate Maps (FIRM) for Sandoval County New Mexico and Incorporated Areas (Map Number  
124 35043C-19916D).

125  
126 The area of the proposed project is protected from flooding by an extensive system of levees  
127 along the Rio Grande, located 0.25 miles to the west of the project area. This levee system  
128 provides a mitigating circumstance that substantially eliminates the occurrence of the 1 percent

129 flood. No impact(s) of the proposed action are anticipated with respect to installation of the new  
130 waterlines. However, any unanticipated impacts resulting from the proposed action will be  
131 mitigated where avoidance cannot be achieved.

132  
133 For the opportunity to comment on the proposed action and the Flood plain and Wetland Review  
134 was solicited and advertised as required. No comment or request to review the documents was  
135 received. Maria Rinaldi stated that she had Mike Castillo Engineer for ESCAFCA review the  
136 document he indicated there were no issues with the Floodplain and Wetland Review.

137  
138 Mayor Torres asked if anyone in the audience would like to speak or had any questions for the  
139 Public Hearing on the Floodplain and Wetlands Review for CDBG Project 10-C-NR-O-01-A-07  
140 Water System Improvement Phase II (Las Cocinitas).

141  
142 There were none.

143  
144 Mayor Torres stated being that there were no public comments for the public hearing the  
145 Governing Body would hear the next public hearing and considered this public meeting  
146 concluded.

147  
148 **PUBLIC HEARING: 7b) Discussion, Consideration, Action and Adoption of**  
149 **Ordinance #261 Implementing a Change on the Zoning Atlas to C-1. Presenter: Maria**  
150 **Rinaldi**

151  
152 STATE OF NEW MEXICO TOWN OF BERNALILLO  
153 ORDINANCE NO. 261

154  
155 AN ORDINANCE IMPLEMENTING A CHANGE ON THE ZONING ATLAS TO C-1.

156 WHEREAS, Cindy Chavez on her behalf has filed an application for amendment  
157 to the zoning ordinance; and,

158 WHEREAS, a public hearing was held by the Planning and Zoning Commission  
159 of the Town of Bernalillo on said application; and,

160 WHEREAS, the Planning and Zoning Commission of the Town of Bernalillo has  
161 recommended the requested zone change; and

162 WHEREAS, the Governing Body of the Town of Bernalillo has had a public  
163 hearing on the said recommendation.

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

166 1. That Ordinance No. 175, entitled "Comprehensive Zoning Ordinance":  
167 duly adopted by the Town of Bernalillo, be hereby amended to provide for a  
168 change in the zoning atlas to Commercial for the property designated in  
169 Exhibit "A" attached hereto.

170 PASSED, APPROVED AND ADOPTED THIS 9<sup>TH</sup> DAY OF MAY, 2011

171

172 Mayor Torres solicited public comment. There was none.

173

174 Mayor Torres entertained a motion.

175

176 Councilor Sisneros moved to approve and adopt Ordinance #261 Implementing a Change on the  
177 Zoning Atlas to C-1. The motion was seconded by Councilor Montoya.

178

179 Roll Call Vote

180

181 Councilor Montoya Yea

182 Councilor Sisneros Yea

183 Councilor Prairie Yea

184 Councilor Jaramillo Yea

185

186

187 **APPROVAL OF MINUTES: 8a) Regular Meeting of April 25, 2011**

188 Councilor Marian Jaramillo stated that line 28 should read no instead of not.

189

190 Councilor Sisneros moved to approve the minutes of April 25, 2011 as amended. The motion  
191 was seconded by Councilor Prairie and the motion carried unanimously.

192

193 **NEW BUSINESS: 9a) Discussion, Consideration and Action on Adoption of Resolution**  
194 **05/09/11 Adopting a Section 2 Plan for the Town of Bernalillo. Presenter: Maria Rinaldi**

195

**RESOLUTION 5-09-11**

196

**ADOPTING A SECTION 3 PLAN**

197

**FOR THE TOWN OF BERNALILLO**

198

199 **WHEREAS**, The Town of Bernalillo is committed to comply with Section 3 of the Housing and  
200 Urban Development Act of 1968, as this act encourages the use of small local businesses and the  
201 hiring of low income residents of the community and,

202

203 **WHEREAS**, The Town of Bernalillo has appointed Yolanda Mora, Personnel Director, as the  
204 Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially  
205 serve as focal point on Section 3 Complaints, as the on-site monitoring of prime contractors and  
206 subcontractors to ensure the implementation and enforcement of their Section 3 Plans. The  
207 approval or disapproval of the Section 3 Plan is the ultimate responsibility of the Town.

208 Documentation of Town efforts will be retained on file in the appropriate office for monitoring  
209 by the State of New Mexico.

210

211 **THEREFORE**, the Town shall:  
212

213 1. Hiring

- 214 a. Advertise for all Town positions in local newspapers.  
215 b. List all Town job opportunities with the State Employment Service.  
216 c. Preference in hiring will be given to lower income persons residing in the town.  
217 If two equally qualified persons apply and one is a resident of the town, and one is  
218 not, the resident will be hired.  
219 d. Maintain records of Town hiring which list job classification, number of positions  
220 to be filled, number of positions to be filled by lower income town residents,  
221 number of positions filled and number of positions filled by lower income town  
222 residents.  
223

224 2. Contracting

- 225 a. The Town will compile a list of businesses, suppliers and contractors located in  
226 the town.  
227 b. These vendors will be contacted whenever the Town requires supplies, service or  
228 construction to solicit bids or quotes.  
229 c. Preference will be given to small local businesses. If identical bids or quotes are  
230 received from a small business located within the town and one from outside the  
231 town, the contract will be awarded to the business located within the town.  
232

233 3. Training

234 The Town shall maintain a list of all training programs operated by the Town and its  
235 agencies and will direct them to give preference to town residents. The Town will  
236 also direct all CDBG sponsored training to provide preference to town residents.  
237

238 4. CDBG Contracts

239 All CDBG bid packages and contracts shall include the following Section 3 language:

- 240 a. The work to be performed under this contract is on a project assisted under, a  
241 program providing direct federal financial assistance from the Department of  
242 Housing and Urban Development and is subject to the requirements of Section 3  
243 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C.  
244 1701u. Section 3 requires that to the greatest extent feasible, opportunities for  
245 training and employment be given to lower income residents of the project area  
246 and contracts for work in connection with the project be awarded to business  
247 concerns residing in the project area.  
248 b. The parties to this contract will comply with the provisions of said Section 3 and  
249 the regulation issued pursuant thereto by the Secretary of Housing and Urban  
250 Development set forth in 24 CFR and all applicable rules and orders of the  
251 Department issued there under prior to the execution of this contract. The parties

- 252 to this contract certify and agree that they are under no contractual or other  
253 disability, which would prevent them from complying with these requirements.  
254 c. The contractor will send to each labor organization with which he has a collective  
255 bargaining agreement or other contract or understanding, if any, a notice advising  
256 the said labor organization of his commitments under this Section 3 clause and  
257 shall post copies of the notice in conspicuous places available to employees and  
258 applicants for employment and training.  
259 d. The contractor will include this Section 3 clause in every subcontract for work in  
260 connection with the project and will, at the direction of the applicant for, or  
261 receipt of, federal financial assistance, take appropriate action pursuant to the  
262 subcontract upon a finding that the subcontractor is in violation of regulations  
263 issued by the Secretary of Housing and Urban Development, 24 CFR 135. The  
264 contractor will not subcontract with any subcontractor where it has notice or  
265 knowledge that the latter has been found in violation of regulations under 24 CFR  
266 135, and will not let any subcontract unless the subcontractor has first provided it  
267 with the requirements of these regulations.  
268 e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR  
269 135, and all applicable rules and order of the Department, issued there under prior  
270 to the execution of the contract, shall be a condition of the federal financial  
271 assistance provided to the project, binding upon the applicant or recipient for such  
272 assistance, its successors, and assigns. Failure to fulfill these requirements shall  
273 subject the applicant or recipient, its contractors and subcontractors, its successors  
274 and assigns to those sanctions specified by the grant or loan agreement or contract  
275 through which federal assistance is provided, and to such sanctions as are  
276 specified by 24 CFR. 135.

277  
278 The Town of Bernalillo will maintain all necessary reports and will ensure that all contractors  
279 and subcontractors submit required reports. The Town will also require each contractor to  
280 prepare a written Section 3 Plan as part of their bids on all jobs exceeding \$100,000.00. All  
281 Section 3 Plans shall be reviewed and approved by the Town's Equal Opportunity Section 3  
282 Compliance Officer and shall be retained for monitoring.

283 LOWER INCOME CLARIFICATION

284  
285 A family who resides in Bernalillo and whose income does not exceed Eighty (80) percent of the  
286 statewide median is considered by the State to be a lower income family. Information contained  
287 in this Section 3 Plan reflects the status of the Town employees regarding lower income  
288 consideration based on their salary paid by the Town.

289  
290 Mayor Torres entertained a motion.  
291  
292 Councilor Jaramillo made a motion to approve and adopt Resolution 05/09/11 Adopting a

293 Section 3 Plan for the Town of Bernalillo. The motion was seconded by Councilor Sisneros and  
294 the motion carried unanimously.  
295

296 **NEW BUSINESS: 9b) Discussion, Consideration and Action on Adoption of Resolution**  
297 **05/09/11A Adopting Payment Standards for the House Choice Voucher (Section 8)**  
298 **Program for the Town of Bernalillo and Village of Cuba. Presenter: Rick Bela**  
299

300 RESOLUTION 04-12-2010  
301

302  
303 A RESOLUTION  
304

305 ADOPTING A RENTAL PAYMENT STANDARD SCHEDULE  
306 FOR  
307 THE HOUSING CHOICE VOUCHER (SECTION 8) PROGRAM  
308 FOR  
309 THE TOWN OF BERNALILLO HOUSING AND VILLAGE OF CUBA  
310

311 WHEREAS, 24 CFR 985.3 (b) requires that the Town of Bernalillo Housing Services  
312 Department implement a reasonable method to determine and document that the rents paid to  
313 landlords is reasonably based on rents for comparable unassisted units; and,  
314

315 WHEREAS, HUD annually publishes the results of their research as to what the Fair Market  
316 Rent is for each market area and requires Public Housing Authorities to be within 90% to 110%  
317 of these published Fair Market Rent rates; and,  
318

319 WHEREAS, the Town of Bernalillo Housing Services Department staff has reviewed the HUD  
320 Fair Market Rents, compared them to local area market rents, its budgetary constraints and  
321 current and past experience,  
322

323 WHEREAS, the Town of Bernalillo Department of Housing Services has reviewed the HUD  
324 Fair Market Rents for the Albuquerque Metropolitan Statistical Area compared them to the Cuba,  
325 NM local area market rents and determined the Fair Market Rents for Cuba, NM to be  
326 significantly lower than the HUD Fair Market Rents; and  
327

328  
329 WHEREAS, the Town of Bernalillo Department of Housing Services has completed a review  
330 and revision of its Payment Standard for Cuba, NM for its Fiscal Year beginning July 1, 2011,  
331 and has requested and received approval from the Albuquerque HUD Field Office for  
332 establishing a Payment Standard for Cuba at below 90% of the Albuquerque Metropolitan  
333 Statistical Area Fair Market Rents recommends the following for its Housing Choice Voucher

334 (Section 8) Program for the Town of Bernalillo and the Village of Cuba:

335

336 **Town of Bernalillo**

337 Rental Unit Size:                    1 Bedroom    2 Bedroom    3 Bedroom    4 Bedroom

338 HUD Fair Market Rent:            \$ 642            \$ 811            \$1,181            \$1,416

339 **Rent Payment Standard:    \$ 597            \$ 811            \$1,098            \$1,317**

340 Percentage to FMR:                93%            100%            93%            93%

341

342 **Village of Cuba**

343 Rental Unit Size:                    1 Bedroom    2 Bedroom    3 Bedroom    4 Bedroom

344 HUD Fair Market Rent:            \$ 642            \$ 811            \$1,181            \$1,416

345 **Rent Payment Standard:    \$ 507            \$ 608            \$720            \$906**

346 Percentage to FMR:                79%            75%            61%            64%

347

348

349 NOW THEREFORE, BE IT RESOLVED that, effective July 1, 2011, the Payment Standard  
350 Schedule for the Housing Choice Voucher (Section 8) Program for the Town of Bernalillo  
351 Housing and Village of Cuba be as presented:

352

353 Councilor Sisneros moved to approve Adoption of Resolution 05/09/11 Resolution Adopting a  
354 Payment Standards for the Housing Choice Voucher (Section 8) for the Town of Bernalillo and  
355 Village of Cuba. The motion was seconded by Councilor Jaramillo and carried unanimously.

356

357 **NEW BUSINESS: 9c) Discussion, Consideration and Action on Adoption of Resolution**  
358 **05/09/11B Adopting a Utilities Allowances Schedule for the Housing Choice (Section 8)**  
359 **Program for Town of Bernalillo and Village of Cuba. Presenter: Rick Bela**

360

361 RESOLUTION 05-09-2011-B

362

363

364 ADOPTING A UTILITIES ALLOWANCE SCHEDULE

365 FOR

366 THE HOUSING CHOICE VOUCHER (SECTION 8) PROGRAM

367 FOR

368 THE TOWN OF BERNALILLO AND VILLAGE OF CUBA

369

370 WHEREAS, 24 CFR 982.517(c)(1) requires annual review and necessary revision of the Public  
371 Housing Authorities allowance for a utility category; and,

372

373 WHEREAS, the Town of Bernalillo Housing Services Department, in cooperation with the  
374 county of Bernalillo, has completed a review and revision of the 2011/2012 Utility Allowance

375 Schedule according to Federal Regulation;

376

377 NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Town of Bernalillo that  
378 the Utility Allowance Schedule, a copy of which is attached as part of this resolution, be  
379 approved as presented, and applied as of July 1, 2011, to the Housing Choice Voucher (Section  
380 8) Program of the Town of Bernalillo Housing Services Department.

381

382 Councilor Prairie moved to approve the adoption of Resolution 5/09/10B Resolution Adopting a  
383 Utility Allowance Schedule for the Housing Choice (Section 8) Program for the Town of  
384 Bernalillo Housing and Village of Cuba. The motion was seconded by Councilor Montoya and  
385 carried unanimously.

386

387

388 **FINANCIAL SECTION:10a) Approval of Accounts Payable Voucher List.**

389 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of  
390 \$123,804.57.

391

392 Mayor Torres entertained a motion.

393

394 Councilor Jaramillo made a motion to approve the accounts payable voucher list in the amount of  
395 \$123,804.57. The motion was seconded by Councilor Montoya and the motion carried  
396 unanimously.

397

398 **MISCELLANEOUS SECTION:11a) Public Comment. Presenter: Mayor Torres**

399 Mayor Torres welcomed the Public to speak. There were no members of the public that wished  
400 to speak.

401

402 **MISCELLANEOUS SECTION:11b) Announcements. Presenter: Juan Torres**

403 Mayor Torres announced the 2011-2012 Budget Hearing for May 16<sup>th</sup> 10:a.m. to 3:00 p.m. Town  
404 Hall Council Chambers.

405

406 Mayor Torres announced the 3<sup>rd</sup> Town Hall meeting on May 17, 2011 @ 6:30 First Assembly of  
407 God Church on Don Tomas.

408

409 There being no further business, Councilor Sisneros moved to adjourn the meeting at  
410 7:28 P.M. The motion was seconded by Councilor Montoya and carried unanimously.

411

412 Done this 09th day of May 2011.

413

414 ATTEST:

415

Minutes of the Town Council Meeting  
May 09, 2011  
Page 11

416 \_\_\_\_\_  
417 Ida Fierro, Town Clerk  
418 (seal)

\_\_\_\_\_  
Jack Torres, Mayor