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**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
October 08, 2012**

The Governing Body of the Town of Bernalillo met in a regular session within the law and rules of the Town on October 08, 2012, at 6:30 P.M.

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

PRESENT:

Mayor Torres
Councilor Jaramillo
Councilor Montoya
Councilor Sisneros

ALSO PRESENT:

James Pike
Maria Rinaldi
Bob Gorrell
George Perez
Margie Amiot
Steve Amiot
Joseph Moreno
Ty Jameson

ABSENT:

Councilor Prairie

Others Present Not Identified

APPROVAL OF AGENDA: 4a)

Ida Fierro, Town Clerk asked for item 5c) and 5d) to be tabled until further notice. Both items are for Fisher Sand and Gravel. Fisher Sand and Gravel are in the process of preparing the items that the Governing Body requested at the meeting of September 24, 2012.

Councilor Sisneros moved to approve the agenda as amended. The motion was seconded by Councilor Montoya and the motion carried unanimously.

PUBLIC HEARING: 5a) Discussion, Consideration and Action on Adoption of Ordinance #263 Implementing a Change in the Town Zoning from R-1 to C-1 for Bernalillo Public Schools. Presenter: Ty Jameson

Mayor Torres stated the public hearing coming before the council is on an adoption of Ordinance #263 Implementing a Change in the Town Zoning from R-1 to C-1 for Bernalillo Public Schools.

Ty Jameson will be presenting for the Planning and Zoning Department for the Town of Bernalillo. The council will have the opportunity to ask questions. Those that wish to speak please sign in and the oath will be administered to tell the truth.

Ty Jameson stated that Bernalillo Public Schools request is at 560 Camino Del Pueblo. The request is for the property behind the building to be rezoned to from R-1 to C-1 for a district warehouse for the Bernalillo Public Schools.

45 Councilor Sisneros asked how big the property is.

46

47 Ty Jameson stated it is 2 ½ acres.

48

49 Mayor Torres asked is the frontage in front of the property already commercial.

50

51 Ty Jameson stated that is correct.

52

53 Councilor Montoya asked where access will be to that property.

54

55 Ty Jameson stated that the access will be on Calle Montoya and Camino del Pueblo. The site
56 plans shows access to the property off of Calle Montoya.

57

58 Councilor Sisneros will there be improvements on the 2 ½ acres.

59

60 Ty Jameson stated that the warehouse is going to be built on the 2 ½ acres and tenant
61 improvement will be made to the building in the front.

62

63 Mayor Torres asked is the property in back considered part of the same parcel.

64

65 Ty Jameson stated that it is owned by the same individual but a different parcel.

66

67 Mayor Torres asked if the property in the front only required to follow the Town Overlay
68 guidelines.

69

70 Maria Rinaldi Capital Improvement Director stated it only applies to the front parcel the second
71 parcel is not subject to the overlay.

72

73 Mayor Torres asked then that property will not be subject to the overlay requirements.

74

75 Maria Rinaldi stated they will be subject to the building code.

76

77 Mayor Torres stated on line 194 of the Planning and Zoning minutes of September 18, 2012 it
78 stated "It will not interfere with residential community. They will put up a privacy fence (6 feet
79 chain link) then on line 201 immediate land owners directly north of this piece of property. He
80 does not oppose to this particular zoning change. Putting a solid wall will be good for the
81 property. I am confused on what type of fence is to be put on the property.

82

83 Ty Jameson stated the Bernalillo Public Schools is committed to put a solid wall with design
84 guideline north and east property lines.

85

86 Mayor Torres asked George Perez does that need to be placed on the Ordinance.

87

88 George Perez stated that the item being voted on is the zone change at this point in time. If there
89 are other requirements that staff has placed on the applicants that is between staff and the
90 applicants. It will not hurt to put it in the ordinance contingent on the wall being built.

91

92 Mayor Torres stated that if the Ordinance was passed suggested that the approval of the zone
93 change be contingent on the solid wall being built.

94

95 Mayor Torres stated that on the sheet for those that wish to speak there is only one for Ordinance
96 #263 the others were for Ordinance #266 which has been tabled.

97

98 Steve Amiot wishing to speak was sworn in.

99

100 Public Comment

101

102 Steve Amiot asked to the zoning of a warehouse it is unusual in a commercial zone and what is
103 going to be stored there.

104

105 Ty Jameson stated that equipment, dry goods and items necessary to support the schools. It is an
106 accessory building which is a permissive use is a C-1 zone.

107

108 Steve Amiot stated food storage warehouse is under M-1 zoning. This C-1 I think is fine for this
109 property.

110

111 Mayor Torres stated that the public did attend and comment concerns one was on the lighting.

112

113 Ty Jameson stated that they plan to make an appropriate lighting plan for the parking lot and the
114 warehouse. The schools are committed to make a quality property.

115

116 Mayor Torres entertained a motion.

117

118 Councilor Jaramillo moved to approve Ordinance #263 contingent on the building of a solid wall
119 on the north and east side of the property and not a chain link fence. The motion was seconded by
120 Councilor Montoya.

121

122 Roll Call Vote

123 Councilor Sisneros Yea

124 Councilor Jaramillo Yea

125 Councilor Montoya Yea

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PUBLIC HEARING: 5b) Discussion, Consideration and Action on Adoption of Ordinance #264 Implementing a Change in the Town Zoning from (SU) Special Use to C-1 for Retain Commercial Zone. Presenter: Ty Jameson

Mayor Torres stated the public hearing coming before the council is on an adoption of Ordinance #264 implementing a Change in the Town Zoning from (SU) Special Use to C-1 for Bingham Construction Corp. Ty Jameson will be presenting for the Planning and Zoning Department for the Town of Bernalillo. The council will have the opportunity to ask questions. Those that wish to speak please sign in and the oath will be administered to tell the truth.

Ty Jameson stated that the property is on 550 East of Don Tomas between AutoZone and Subway. It is currently zoned SU Special Use. The developer went before the Planning and Zoning Commission on September 18, 2012 and was approved for the zone change to C-1 and a Conditional Use permit for the permanent outdoor sales for the tractor sales.

Mayor Torres asked on the map it shows the 19,000 sq. ft. for the proposed retail area and 15,000 sq. ft. outside in the fence area will be for outdoor sales and in front of the store and on the front of the road way will be permanent displays for the trailers to be displayed.

Ty Jameson stated that is correct.

Mayor Torres wanted to inform the Governing Body that Ty Jameson set up a meeting with the developer of this property, the developer that has a contract for the old PNM building and NMDOT to discuss the construction of a raised median that will extend from the current median on 550 just east of Don Tomas and extend to the end of the property being developed on both sides of US HWY 550. The cost for the median is to be between the developers. This meeting went well NMDOT is reviewing some of the requests from the developers their concerns were the deceleration lane required by NMDOT if NMDOT will require a right in/right out. That is between NMDOT and the developers.

Mayor Torres stated from his point of view this is a nice project. Gross Receipt for the Town and a dozen or so jobs for the community. That property has been vacant for many years this infill project will be good for the Town.

Mayor Torres asked if there were any questions from the Governing Body.

There were none.

Public Comment there was none.

168
169 Mayor Torres entertained a motion.
170
171 Councilor Montoya moved to approve Ordinance #264 Implementing a Change in the Town
172 Zoning from (SU) Special Use to C-1 for Retail Commercial Zone. The motion was seconded by
173 Councilor Sisneros.
174
175 Roll Call Vote
176 Councilor Montoya Yea
177 Councilor Jaramillo Yea
178 Councilor Sisneros Yea
179
180

181 **APPROVAL OF MINUTES: 6a) Regular Meeting of September 24, 2012**

182 Mayor Torres requested that the sign in sheet for the Public Hearing item 7a) be added to the
183 minutes as an attachment. Correction on line 73 Easter should be eastern.
184
185 Councilor Jaramillo moved to approve the minutes as amended. The motion was seconded by
186 Councilor Montoya and the motion carried unanimously.
187

188 **PERSONNEL: 7a) Recreation Aide. Presenter Yolanda Mora**

189 Yolanda Mora stated that she is requesting the ratification of the hiring of Trey Darnell as the
190 Recreation Aide for the Town of Bernalillo Recreation Department.
191
192 Councilor Sisneros moved to approve the hiring of Trey Darnell as the Recreation Aide for the
193 Town of Bernalillo Recreation Department. The motion was seconded by Councilor Montoya
194 and the motion carried unanimously.
195

196 **NEW BUSINESS: 8a) Discussion, Consideration, and action on Adoption of**
197 **Resolution 10/08/12 Adopting a Section 3 Plan. Presenter: Maria Rinaldi**

198 **RESOLUTION 10-08-12**
199 **ADOPTING A SECTION 3 PLAN**
200 **FOR THE TOWN OF BERNALILLO**
201

202 **WHEREAS**, The Town of Bernalillo is committed to comply with Section 3 of the Housing and
203 Urban Development Act of 1968, as this act encourages the use of small local businesses and the
204 hiring of low income residents of the community and,
205

206 **WHEREAS**, The Town of Bernalillo has appointed Yolanda Mora, Personnel Director, as the
207 Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially
208 serve as focal point on Section 3 Complaints, as the on-site monitoring of prime contractors and

209 subcontractors to ensure the implementation and enforcement of their Section 3 Plans. The
210 approval or disapproval of the Section 3 Plan is the ultimate responsibility of the Town.
211 Documentation of Town efforts will be retained on file in the appropriate office for monitoring
212 by the State of New Mexico.
213

214 **THEREFORE**, the Town shall:
215

- 216 1. Hiring
217 a. Advertise for all Town positions in local newspapers.
218 b. List all Town job opportunities with the State Employment Service.
219 c. Preference in hiring will be given to lower income persons residing in the town.
220 If two equally qualified persons apply and one is a resident of the town, and one is
221 not, the resident will be hired.
222 d. Maintain records of Town hiring which list job classification, number of positions
223 to be filled, number of positions to be filled by lower income town residents,
224 number of positions filled and number of positions filled by lower income town
225 residents.
226
- 227 2. Contracting
228 a. The Town will compile a list of businesses, suppliers and contractors located in
229 the town.
230 b. These vendors will be contacted whenever the Town requires supplies, service or
231 construction to solicit bids or quotes.
232 c. Preference will be given to small local businesses. If identical bids or quotes are
233 received from a small business located within the town and one from outside the
234 town, the contract will be awarded to the business located within the town.
235
- 236 3. Training
237 The Town shall maintain a list of all training programs operated by the Town and its
238 agencies and will direct them to give preference to town residents. The Town will
239 also direct all CDBG sponsored training to provide preference to town residents.
240
- 241 4. CDBG Contracts
242 All CDBG bid packages and contracts shall include the following Section 3 language:
243 a. The work to be performed under this contract is on a project assisted under a
244 program providing direct federal financial assistance from the Department of
245 Housing and Urban Development and is subject to the requirements of Section 3
246 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C.
247 1701u. Section 3 requires that to the greatest extent feasible, opportunities for
248 training and employment be given to lower income residents of the project area

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

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

286 LOWER INCOME CLARIFICATION

287
288 A family who resides in Bernalillo and whose income does not exceed Eighty (80) percent of the
289 statewide median is considered by the State to be a lower income family. Information contained

290 in this Section 3 Plan reflects the status of the Town employees regarding lower income
291 consideration based on their salary paid by the Town.

292
293 Councilor Jaramillo made a motion to adopt Resolution 10/08/12 Adopting a Section 3 Plan for
294 the Town of Bernalillo. The motion was seconded by Councilor Montoya and the motion carried
295 unanimously.

296
297
298

299 **NEW BUSINESS: 8b) Discussion, Consideration, and action on Adoption of**
300 **Resolution 10/08/12A Urging the State Legislature to Fund the Update of Four**
301 **Regional Water Plans Each Year. Presenter: Mayor Torres**

302
303

Town of Bernalillo

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Resolution No. 10-08-12A

307 A Resolution Urging the State Legislature to Fund the Update of Four Regional
308 Water Plans Each Year.

309
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311
312

WHEREAS, adequate water resources are a prerequisite to the health and economic wellbeing
of New Mexico's communities;

313 **WHEREAS**, the New Mexico Legislature in 1987 determined that "the future water needs of
314 New Mexico can best be met by allowing each region of the state to plan for its water future";
315

316 **WHEREAS**, the New Mexico Legislature also determined that "the state can assist the regions
317 in planning future water use by implementing a state appropriation program to ensure an
318 adequate supply of water for each region";
319

320 **WHEREAS**, the first regional water plan was completed and accepted by the Interstate Stream
321 Commission in 1999 and the last regional water plan was completed and accepted by the
322 Interstate Stream Commission in 2008;

323
324
325
326

WHEREAS, regional water plans were drafted by many local organizations and represent
collaborative strategies to address water needs;

327
328
329

WHEREAS, regional water plans were reviewed and approved by many local governments in
the state;

330 **WHEREAS**, regional water plans outline the alternatives for closing the gap between supply and

331 demand;

332

333 **WHEREAS**, regional water plans are tools for better decision-making and water project
334 implementation;

335

336 **WHEREAS**, water is a fragile and finite resource;

337

338 **WHEREAS**, drought and climate change further threaten New Mexico's communities;

339

340 **WHEREAS**, water supply and demand are not static but change continuously;

341

342 **WHEREAS**, a number of changes have occurred since the regional water plans were accepted,
343 such as new regulatory requirements, new hydrologic studies, changing population growth rates,
344 and changes in water supply due to drought and climate change;

345

346 **WHEREAS**, there is a need to develop better and more consistent hydrologic data and increased
347 coordination among regions and associated basins;

348

349 **WHEREAS**, communities in New Mexico need to update their plans and strategies to ensure an
350 adequate supply for their citizens;

351

352 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY:**

353

354 **That the Town of Bernalillo Governing Body urges the State Legislature to pass a**
355 **budget for the Interstate Stream Commission that includes a recurring budget item of an**
356 **additional \$400,000 for the update of four regional water plans each year.**

357

358 Councilor Jaramillo made a motion to adopt Resolution 10/08/12A Urging the State Legislature
359 to Fund the Update of Four Regional Water Plans Each Year. The motion was seconded by
360 Councilor Sisneros and the motion carried unanimously.

361

362 **NEW BUSINESS: 8c) Discussion, Consideration, and action on Adoption of**
363 **Resolution 10/08/12B Infrastructure Capital Improvement Plan. Presenter: Maria**
364 **Rinaldi**

365

366 **Resolution 10-08-12B**

367

A Resolution

368

Adopting an Infrastructure Capital Improvements Plan (ICIP)

369

370 **Whereas**, the Town of Bernalillo recognizes that the financing of public capital projects has

371 become a major concern in New Mexico and nationally; and

372 **Whereas**, in times of scarce resources, it is necessary to find new financing mechanisms and
373 maximize the use of existing resources; and

374 **Whereas**, systematic capital improvement planning is an effective tool for communities to define
375 their development needs, establish priorities, and pursue concrete actions and strategies to
376 achieve necessary project development; and

377 **Whereas**, this process contributes to local and regional efforts in project identification and
378 selection in short and long range capital planning efforts.

379 **Now, Therefore Be It Resolved By The Town Of Bernalillo That**

- 380 1. The Town of Bernalillo has adopted the attached Infrastructure Capital Improvements
381 Plan (ICIP), and
382 2. It is intended that the Plan be a working document, that will be modified when
383 appropriate throughout the planning process, and the adoption of the ICIP is the first of
384 many steps toward improving rational, long-range capital planning and budgeting for
385 New Mexico's infrastructure.
386

387 Councilor Sisneros made a motion to adopt Resolution 10/08/12B Infrastructure Capital
388 Improvement Plan with the deletion of the words "with the prioritization of five projects" in item
389 1. under Now, Therefore be it resolved, and to include the change of 2,000,000 for the Rio
390 Grande Levee Analysis. The motion was seconded by Councilor Jaramillo and the motion
391 carried unanimously.
392

393 **FINANCIAL SECTION: 9a) Approval of Accounts Payable Voucher List.**

394 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of
395 \$843,804.64.
396

397 Councilor Sisneros made a motion to approve the accounts payable voucher list in the amount of
398 \$843,804.64. The motion was seconded by Councilor Montoya and the motion carried
399 unanimously.
400

401 **MISCELLANEOUS SECTION: 10a) Public Comment. Presenter: Mayor Torres**

402 Mayor Torres welcomed the public to speak. There were none.
403

404 Margie Amiot stated that in the ICIP on Street Scape Project Maria Rinaldi stated Avenida
405 Bernalillo to Bosque Road why would that not included to the end of town
406

407 Maria Rinaldi stated that the project is for sidewalk replacement not installation. There is not a
408 sidewalk to the end of town. That can always be added to the project.

409
410 Ed Mica from Eastern Sandoval Citizen Association wanted to address their concerns for the
411 Fisher Sand and Gravel. In January 2011 Sandoval County ruled to shut down their operation.
412 They brought in some asphalt batching equipment. We raised some of our concerns and that was
413 removed from that site. I am concerned under the application for annexation and rezoning that
414 the mining of sand and gravel will resume and perhaps an asphalt batching plant. We still do not
415 understand what Fisher Sand and Gravel purposes to do or what the goal is we are very
416 concerned. I have not seen the minutes that ask what is required of them for the Town.

417
418 Mayor Torres stated that a public records request can be made to the Town Clerk for the minutes.

419
420
421 **MISCELLANEOUS SECTION: 10b) Wine Festival Report. Presenter: Maria Rinaldi**
422 Maria Rinaldi presented a preliminary report on the 2012 Wine Festival on the attendance and
423 income for this year's event. There was a drop of 1,200 in attendance. There will be a
424 discussion with the Wine Growers Association that will take place to negotiate the 15% of the
425 fee on the admissions due to the decline in admission. There will also be a discussion with the
426 Railrunner due to the fact that the ridership had decreased. We have an extra train but due the
427 low ridership that is no longer needed.

428
429 **MISCELLANEOUS SECTION: 10c) Announcements. Presenter: Mayor Torres**
430 Mayor Torres announced the following:

431
432 Mayor Torres thanked everyone that took part in the events that took place on Saturday the 29th
433 of September, the health walk at Rotary Park, Tree Give A Way at Town Hall and the E recycle
434 event at Santa Ana Casino parking lot.

435
436 Mayor Torres thanked the Governing Body for attending the Safety Picnic held at Rotary Park for
437 the Town Employees.

438
439 Mayor Torres announced the school supply drive was a success and we will deliver some of the
440 school supplies to Carroll Elementary tomorrow. I would also like to publically thank the
441 community of Alegria for all their donations of school supplies to our drive.

442
443 Maria Rinaldi announced that the Christmas Parade is December 1, 2012.

444
445 There being no further business, Councilor Montoya moved to adjourn the meeting at
446 7:37 P.M. The motion was seconded by Councilor Sisneros and carried unanimously.

447
448 Done this 08th day of October 2012.

449

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450

451 ATTEST:

452

453 _____
Ida Fierro, Town Clerk

454 (seal)

Jack S. Torres, Mayor