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**MINUTES OF A REGULAR MEETING  
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO  
HELD AT THE TOWN HALL  
March 10, 2014**

**OATH OF OFFICE ADMINISTERED: 4a)**

District Judge George P. Eichwald administered the oath of office to Mayor Jack Torres, Councilor Dale Prairie and Councilor Tina Dominguez.

The Governing Body of the Town of Bernalillo met in a regular session within the law and rules of the Town on March 10, 2014, at 6:30 P.M.

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

**PRESENT:**

Councilor Dominguez  
Councilor Prairie  
Councilor Sisneros  
Councilor Jaramillo  
Mayor Torres

**ALSO PRESENT:**

Steve Amiot      Margie Amiot  
James Pike      Anna Torres  
Marty Kuhn      Charron McFadden  
Carlos Torres      Mario Torres  
Rebecca Torres      Renee Montoya

**ABSENT:**

**Others Present Not Identified**

**APPROVAL OF AGENDA: 5a)**

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

**APPROVAL OF MINUTES: 6a) Regular Meeting of February 24, 2014**

Mayor Torres stated that on line 465 should read "Twelve Hundred Dollars" on line 469 should read "One Hundred and Fifty" on line 473 should read "Six Hundred Dollars", on Line 476 should read " Seventy Five Dollars", on line 478 should read "Seven Hundred and Fifty Dollars to match the printed numbers and on line 495 strike the word "unanimously".

Councilor Prairie moved to approve the minutes of February 24, 2014 as amended. The motion was seconded by Councilor Jaramillo and the motion carried unanimously.

**NEW BUSINESS: 7a) Discussion, Consideration and Action on Reorganization.**

**Presenter: Mayor Torres**

**Mayor Pro-tem Recommendation**

Mayor Torres recommended Councilor Marian Jaramillo as Mayor Pro-Tem.

Mayor Torres entertained a motion.

47 Councilor Sisneros moved to approve the appointment of Marian Jaramillo as Mayor Pro-Tem.  
48 The motion was seconded by Councilor Prairie.

49

50 Roll Call Vote

51 Councilor Dominguez Yea

52 Councilor Prairie Yea

53 Councilor Sisneros Yea

54 Councilor Jaramillo Yea

55

56 **Appointed Positions**

57

58 Interim Town Administrators Ida Fierro and Maria Rinaldi

59

60 Councilor Dominguez stated that due to the added duties of the position there be compensation  
61 for added duties. It is beneficial for them to be compensated due to the added responsibilities of  
62 the individuals.

63

64 Mayor Torres stated that at this time that has not been taken into consideration due to the fact at  
65 the time the individual took on the extra responsibilities the Town did not have it in their budget  
66 to compensate the individuals but if that is the wish of the Governing Body he would do so and  
67 bring it back to the Governing Body for consideration.

68

69 Mayor Torres entertained a motion.

70

71 Roll Call Vote

72 Councilor Jaramillo Yea

73 Councilor Sisneros Yea

74 Councilor Prairie Yea

75 Councilor Dominguez Yea

76

77 Mayor Torres stated that he would like to recommend the appointment of Juan Torres as Interim  
78 Town Treasurer.

79

80 Councilor Dominguez stated the same consideration to be taken for compensation.

81

82 Mayor Torres entertained a motion.

83

84 Councilor Jaramillo moved to approve the recommendation of Juan Torres as Interim Town  
85 Treasurer as presented. The motion was seconded by Councilor Sisneros.

86

87

88 Roll Call Vote

89	Councilor Jaramillo	Yea
90	Councilor Sisneros	Yea
91	Councilor Prairie	Yea
92	Councilor Dominguez	Yea

93

94 Mayor Torres stated that he would like to recommend the appointment of Ida Fierro as Town  
95 Clerk.

96

97 Mayor Torres entertained a motion.

98

99 Councilor Dominguez moved to approve the recommendation of Ida Fierro as Town Clerk as  
100 presented. The Motion was seconded by Councilor Sisneros.

101

102 Roll Call Vote

103	Councilor Prairie	Yea
104	Councilor Dominguez	Yea
105	Councilor Sisneros	Yea
106	Councilor Jaramillo	Yea

107

108

109 Mayor Torres stated that he would like to recommend the appointment of Michael Carroll as  
110 Interim Fire Chief.

111

112 Councilor Dominguez stated the same consideration to be taken for compensation.

113

114 Mayor Torres entertained a motion.

115

116 Councilor Prairie moved to approve the recommendation of Michael Carroll as Interim Fire  
117 Chief as presented. The motion was seconded by Councilor Jaramillo and carried unanimously.

118

119 Roll Call Vote

120

121	Councilor Dominguez	Yea
122	Councilor Jaramillo	Yea
123	Councilor Sisneros	Yea
124	Councilor Prairie	Yea

125

126 Mayor Torres stated that he would like to recommend the appointment of Lieutenant Chris  
127 Stoyell as Interim Police Chief.

128

129 Councilor Dominguez stated the same consideration to be taken for compensation.  
130 Mayor Torres entertained a motion

131  
132 Councilor Prairie moved to approve the recommendation of Lieutenant Chris Stoyell as Interim  
133 Police Chief as presented. The motion was seconded by Councilor Sisneros.

134  
135 Roll Call Vote

136  
137 Councilor Sisneros Yea  
138 Councilor Prairie Yea  
139 Councilor Jaramillo Yea  
140 Councilor Dominguez Yea

141  
142 **NEW BUSINESS: 7b) Discussion Consideration, Action on Appointment of**  
143 **Lodger's Tax Board. Presenter: Mayor Torres**

144 Mayor Torres stated his recommendation for two individuals on the Lodger's Tax Board as  
145 required by law and by the Ordinance. There are still three seats open for the Board. The  
146 composition of the board must be two individuals from the lodging industry, two individuals  
147 from tourism and one individual at large.

148  
149 The two individuals are:

150  
151 Santosh Moody Owner of Day's Inn and Holiday Inn Express  
152  
153 Ann Fisher-Ives Manager of The Range Café

154  
155 Mayor Torres entertained a motion.

156  
157 Councilor Sisneros made a motion to approve the recommendation of Santosh Moody and Ann  
158 Fisher- Ives for the Lodger's Tax Board. The motion was seconded by Councilor Jaramillo and  
159 the motion carried unanimously.

160  
161 **NEW BUSINESS: 7c) Discussion Consideration and Adoption of Joint Powers**  
162 **Agreement with Mid-Region Councilor of Governments for the Participation of Rio Metro**  
163 **Regional Planning District in Planning, Design and Construction of a Rail Safety for the**  
164 **for the Town of Bernalillo. Presenter: Maria Rinaldi**

165  
166 JOINT POWERS AGREEMENT  
167 BETWEEN  
168 THE TOWN OF BERNALILLO AND  
169 THE RIO METRO REGIONAL TRANSIT DISTRICT

170 **THIS JOINT POWERS AGREEMENT**, hereinafter referred to as “**Agreement**”, is  
171 made and entered into this 10th day of March **2014** by and between the Town of  
172 Bernalillo (“Bernalillo”) and the Rio Metro Regional Transit District (“RMRTD”) , a New  
173 Mexico political subdivision created pursuant to the Regional Transit District Act,  
174 Sections 73-25-1 through 73-25-18 NMSA 1978 collectively referred to as the “Parties”  
175

176 **RECITALS**  
177

178 **WHEREAS**, the Parties are public agencies authorized to enter into Agreements;  
179 and  
180

181 **WHEREAS**, the State of New Mexico Department of Transportation (“NMDOT”)  
182 owns the railroad right of way which runs through Bernalillo; and  
183

184 **WHEREAS**, the New Mexico Rail Runner Express operates on the railroad right of  
185 way which runs through Bernalillo; and  
186

187 **WHEREAS**, RMRTD serves as the Administrative Entity responsible for the  
188 operations and maintenance of the NMRX pursuant to an Agreement between RMRTD  
189 and NMDOT (“NMDOT Agreement”); and  
190

191 **WHEREAS**, RMRTD has a contractual relationship with Herzog Transit Services,  
192 Inc. (“Herzog”) by which Herzog operates the NMRX and is responsible for maintenance  
193 and capital improvements on the NMRX; and  
194

195 **WHEREAS**, the Mid-Region Council of Governments is the fiscal agent for the  
196 capital outlay appropriation to fund the Barrier/Fencing/Trail Crossing Project; and  
197

198 **WHEREAS**, Bernalillo received an appropriation for funding from the State of New  
199 Mexico from severance tax bond proceeds in the amount of \$310,000.00 to plan, design,  
200 construct and install barrier fencing and a trail along the railroad right of way, including  
201 pedestrian crossings, in Bernalillo in Sandoval County ; and  
202

203 **WHEREAS**, RMRTD has the ability to plan, design, construct and install  
204 improvements to the railroad right of way in Bernalillo.  
205

206 **NOW, THEREFORE**, in consideration of the foregoing recitals, the mutual  
207 covenants, promises, agreements and representations herein, the Parties agree as follows:  
208

209 **SECTION 1. PURPOSE OF AGREEMENT**  
210

211 The purpose of this Agreement is to allow RMRTD to plan in collaboration with Bernalillo,

212 improvements to the NMRX right-of-way through the Town of Bernalillo including barrier  
213 fencing, a walking trail and pedestrian crossings consistent with Federal and state law and  
214 regulations.

215  
216 RMRTD may provide additional services to include construction of any of the  
217 improvements. Any additional services shall be included by written amendment to this  
218 Agreement, executed by the Parties.

219  
220 **SECTION 2. RESPONSIBILITIES OF THE PARTIES**

221  
222 **A. RMRTD**

223  
224 RMRTD shall, in collaboration with Bernalillo, plan improvements to the NMRX right-of-way  
225 in Bernalillo. The planning of any proposed improvements may be performed by RMRTD or  
226 RMRTD may elect to utilize existing agreements with Herzog or other contractors to  
227 perform the necessary plan and design work. RMRTD shall ensure that any proposed  
228 improvements to the NMRX right-of-way are approved by NMDOT consistent with the  
229 terms and requirements of the NMDOT Agreement.

230  
231 RMRTD shall ensure that any work performed under this Agreement meets the  
232 requirements of the Procurement Code, NMSA 1978 § 13-1-1 et. seq.

233  
234 **B. TOWN OF BERNALILLO**

235  
236 Bernalillo shall collaborate with RMRTD on the plan of any proposed improvements to the  
237 NMRX right-of-way. Bernalillo shall ensure that any proposed improvements to the NMRX  
238 right-of-way are approved by NMDOT consistent with the terms and requirements of the  
239 NMDOT Agreement. Bernalillo agrees to pay compensation to RMRTD consistent to the  
240 terms set forth in Section 3 of this Agreement.

241  
242  
243 **SECTION 3. COMPENSATION**

244  
245 A. For and in consideration of all services performed under the terms of this  
246 Agreement, the total amount payable by Bernalillo to RMRTD shall be an amount  
247 **not to exceed** fifteen thousand, five hundred dollars (\$15,500.00). This amount  
248 shall constitute full and complete compensation for RMRTD's services described in  
249 the Scope of Work, including all expenditures made and expenses incurred,  
250 including payment to any contractors for work performed under this Agreement and  
251 any applicable gross receipts tax.

252

253 B. Bernalillo shall reimburse RMRTD within 30 days after receiving a written request  
254 for payment containing an invoice for work completed, unless causes beyond the  
255 reasonable control and without the fault or negligence of Bernalillo prevent timely  
256 payment.

257  
258

259 **SECTION 4. TERM OF AGREEMENT**

260

261 This Agreement shall take effect when executed by the Parties and shall remain in  
262 effect through December 31, 2015 unless the term is extended by written amendment  
263 executed by the Parties. Any Party to this agreement can terminate their involvement by  
264 providing 60 days written notice to the other Parties of the Agreement.

265

266 **SECTION 5. SCOPE OF AGREEMENT**

267

268 This Agreement incorporates all of the agreements, covenants, and understandings  
269 between the parties hereto concerning the subject matter hereof, and all such covenants,  
270 agreements, and understandings have been merged into this written Agreement. No prior  
271 agreements or understandings, verbal or otherwise, of the parties or their agents shall  
272 become valid or enforceable unless embodied in this Agreement.

273

274 **SECTION 6. THIRD-PARTY BENEFICIARY CLAUSE**

275

276 This Agreement is not intended by any of the provisions of any part of this Agreement to  
277 create in the public, or any member thereof, a third-party beneficiary or to authorize anyone  
278 not a party to the Agreement to maintain a suit for breach of contract, wrongful death,  
279 bodily or personal injury to persons, damage to property, or any other claim(s) whatsoever  
280 pursuant to the provisions of this Agreement.

281

282 **SECTION 7. JURISDICTION**

283

284 This Agreement shall be subject to the jurisdiction of the laws of the State of New Mexico  
285 and the appropriate courts of competent jurisdiction in the State of New Mexico.

286

287 **SECTION 8. NOTICE**

288

289 All notices required by this Agreement to be given to any party shall be deemed to have  
290 been fully delivered, given, made or sent when made in writing and deposited in the United  
291 States mail, certified, with postage prepaid thereon, and addressed to the following  
292 persons and addresses unless any of the Parties change their respective address by giving  
293 written notice of such change to the other:

294

295 **SECTION 9. INDEMNIFICATION**

296  
297 That by entering into this AGREEMENT, the PARTIES shall not be responsible for  
298 liability incurred as a result of the other PARTIES' acts or omissions in connection with  
299 this AGREEMENT. Any liability incurred in connection with this AGREEMENT is subject  
300 to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978,  
301 Sections 41-4-1, et seq. This paragraph is intended only to define the liabilities between  
302 the PARTIES hereto and it is not intended to modify, in any way, the PARTIES'  
303 liabilities as governed by common law or the New Mexico Tort Claims Act. Bernalillo  
304 and their "public employees" and RMRTD and its "public employees" as defined in the  
305 New Mexico Tort Claims Act, do not waive any defense and/or do not waive any  
306 limitation of liability pursuant to law. No provision in this AGREEMENT modifies and/or  
307 waives any provision of the New Mexico Tort Claims Act.

308  
309

310  
311 Notice to the Town of Bernalillo: Maria G. Rinaldi  
312 Interim Town Administrator  
313 PO Box 638  
314 Bernalillo, NM 87004  
315 [mrinaldi@townofbernalillo.org](mailto:mrinaldi@townofbernalillo.org)

316  
317  
318 Notice to RMRTD: Terrence Doyle  
319 Director, RMRTD  
320 809 Copper Avenue NW  
321 Albuquerque, New Mexico 87102  
322 [tdoyle@mrcog-nm.gov](mailto:tdoyle@mrcog-nm.gov)

323  
324 Notice to RMRTD: Dewey Cave  
325 Executive Director  
326 RMRTD  
327 809 Copper Avenue NW  
328 Albuquerque, New Mexico 87102  
329 [dcave@mrcog-nm.gov](mailto:dcave@mrcog-nm.gov)

330  
331

332 **SECTION 9. SEVERABILITY**

333  
334 In the event any portion of this Agreement is determined to be void, unconstitutional or  
335 otherwise unenforceable, the remainder of this Agreement shall remain in full force and  
336 effect.



337 **SECTION 10. AMENDMENT**

338  
339 This JPA shall not be altered, changed or amended except by an instrument in writing and  
340 executed by the Parties hereto.

341  
342 Mayor Torres entertained a motion.

343  
344 Councilor Jaramillo made a motion to approve the JPA between the Town of Bernalillo and the  
345 Rio Metro Regional Transit District. The motion was seconded by Councilor Dominguez and the  
346 motion carried unanimously.

347  
348  
349 **NEW BUSINESS: 7d) Discussion Consideration and Action on Approval and**  
350 **Adoption of Resolution 3/10/14 Authorizing the Submittal of a Community Development**  
351 **Block Grant (CDBG) Application for a Planning Grant in the Amount of \$50,000.00.**

352 **Presenter: Maria Rinaldi**

353  
354 **RESOLUTION 03-10-2014**  
355 **A RESOLUTION AUTHORIZING THE APPLICATION FOR COMMUNITY**  
356 **DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR APPLICATION YEAR 2014**

357  
358 **WHEREAS**, The Town of Bernalillo wishes to participate in the Small Cities Non-Entitlement  
359 Community Development Block Grant Program (CDBG) in order to update the Town of  
360 Bernalillo Comprehensive Land Use Plan adopted in 2004, and

361  
362 **WHEREAS**, the Comprehensive Land Use Plan provides a basis for determining key strategies  
363 to guide and manage the future development of the Town of Bernalillo, and

364  
365 **WHEREAS**, The Town of Bernalillo has solicited public input on community needs at a public  
366 hearing held on February 18, 2014, and

367  
368 **WHEREAS**, The Town of Bernalillo determines that there is significant need to update the 2004  
369 plan to meet the current requirements established by the Community Development Council, and

370  
371 **WHEREAS**, such an update will include revision to the community profile, review and analysis  
372 of land use and housing, transportation, infrastructure, water resources, hazards mitigation, and  
373 economic development, and

374  
375 **WHEREAS**, the format of the plan will include a formal statement of goals and objectives for  
376 future development of the community and an implementation strategy identifying  
377 recommendations for action to achieve the goals and objectives of the plan, and

378 **WHEREAS, The** Town of Bernalillo has determined that an application for the purpose of  
379 updating the Comprehensive Land Use Plan meets the requirements of the Community  
380 Development Block Grant Program (CDBG).

381  
382 **NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Town of Bernalillo  
383 does hereby authorize Mayor Jack Torres to sign and submit a Community Development Block  
384 Grant (CDBG) application on behalf of the Town of Bernalillo under the category of Planning in  
385 the amount of \$50,000.00.

386  
387 **Passed, Approved and adopted this 10<sup>th</sup> day of March, 2014**

388  
389 Mayor Torres entertained a motion.

390  
391 Councilor Dominguez made a motion to approve the adoption of Resolution 3/10/14 Authorizing  
392 the Submittal of a Community Development Block Grant Budget Amendment for the Planning  
393 Grant in the Amount of \$50,000.00. The motion was seconded by Councilor Prairie.

394  
395 Roll Call Vote

396  
397 Councilor Prairie Yea  
398 Councilor Dominguez Yea  
399 Councilor Sisneros Yea  
400 Councilor Jaramillo Yea

401

402

403 **FINANCIAL SECTION:8a) Approval of Accounts Payable Voucher List.**

404 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of  
405 \$226,957.92.

406

407 Councilor Prairie made a motion to approve the accounts payable voucher list in the amount of  
408 \$226,957.92. The motion was seconded by Councilor Dominguez and the motion carried  
409 unanimously.

410

411 **MISCELLANEOUS SECTION:9a) Public Comment.**

412 None.

413

414 **MISCELLANEOUS SECTION: 9b) Update on Well 2. Presenter: Maria Rinaldi**

415 Maria Rinaldi, Capital Improvement Director for Well 2 we have a CDBG grant in the amount  
416 of \$500,000 with a match of \$100,000. Advertising and soliciting for design engineer firms were  
417 solicited, 7 were received all were rated and ranked based on the rate and ranking Wilson and  
418 Company was chosen. On Thursday of this week we will meet with them to negotiate a

419 contract. Will be bidding and in full construction by the end of May.

420

421 **MISCELLANEOUS SECTION: 9c) Announcements. Presenter: Mayor Torres**

422 Mayor Torres made the following announcements;

423

424 Mayor Torres stated we have received 19 applications for the Chief of Police position. We are  
425 moving forward with the screening of the applicants there is a wide range of experience in the  
426 applicants and will do our due diligence to go thru the process carefully.

427

428 Mayor Torres stated he received an e-mail from the Bernalillo Public School Superintendent that  
429 he had been directed to move forward in discussion with us for a School Resource Officer at the  
430 high school. The letter sent to the BPS Superintendent on March 5, 2014 has the cost  
431 breakdown of salary benefits and equipment. We have proposed that cost be split 50/50. The  
432 second page of the letter is more of a job description. This is a draft and we are open to  
433 discussions with the Superintendent. This is just a draft and information for your all to be  
434 informed.

435

436 Mayor Torres stated that Maria Rinaldi and he met with Middle Rio Grande Conservancy District  
437 Engineer Subhas Shah and attended their board meeting today. In short the Town has \$800,000  
438 of federal highway money to do some work on Hill Rd. We all know there is an issue with  
439 flooding in that area. What we would like to do is to get permission to hold temporarily some  
440 storm water in the Bernalillo Acequia proposing to widen the ditch between Bobby Place and  
441 Richardson by taking the road on the east side and putting some structures in there thru a trunk  
442 line and thru a release valve to take the water to Athena Pond. Their executive director stated  
443 that the west side of the ditch be armored with concrete which we agree with a cost sharing  
444 between the Town and the Conservancy. Their executive director was absent today at the board  
445 meeting due to an emergency. Our proposal was well accepted by the board and we are working  
446 aggressively to get this done.

447

448 Mayor Torres stated you received a hard copy of the Water and Waste Water Department Seven  
449 Day Operation and Hourly Wage Increase for Certifications. On the Schedule Change in efforts  
450 to provide better service to Town of Bernalillo water system customers and to reduce operating  
451 cost (specifically overtime) the Public Works Department has modified the Water Department  
452 staffing schedule. Water Department Staff will be scheduled to 8:00 a.m. to 5:00 p.m. seven days  
453 a week beginning March 3, 2014. This schedule change will eliminate overtime and make the  
454 department more efficient. The draft proposal is to establish a more stable and predictable pay  
455 structure and provide equitable pay for employees with similar work experience, knowledge,  
456 certifications, and work tasks. Please review the proposal and at the next meeting we will ask for  
457 approval of the reorganization and the restructuring of salary for the Water and Wastewater  
458 Department.

459

460 Ida Fierro Town Clerk reminded the Council of the District meeting for the New Mexico  
461 Municipal League will be held in Los Lunas on March 21, 2014 from 10:00 a.m. to 4:00p.m. We  
462 will leave Town hall at 9:00 a.m.

463  
464 Juan Torres stated that on Wednesday at the Directors Meeting he will be handing out budget  
465 sheets to the directors for their departments so that we can start the budget process.

466  
467 There being no further business, Councilor Prairie moved to adjourn the meeting at 7:39  
468 P.M. The motion was seconded by Councilor Sisneros and carried unanimously.

469  
470  
471 Done this 10th day of February 2014.

472  
473  
474 ATTEST:

475 \_\_\_\_\_  
476 Ida Fierro, Town Clerk  
477 (seal)

\_\_\_\_\_  
Jack S. Torres, Mayor