

1 **MINUTES OF A REGULAR MEETING**
 2 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**
 3 **HELD AT THE TOWN HALL**
 4 **April 14, 2014**
 5
 6

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

9 **PRESENT:**
 10 Councilor Dominguez
 11 Councilor Prairie
 12 Councilor Sisneros
 13 Councilor Jaramillo
 14 Mayor Torres

ALSO PRESENT:
 Steve Amiot Margie Amiot
 Thomas Romero Anna Torres
 Carla Sonntag Francisco Uvina
 Sergio Carrillo Mario Carrillo
 Manuel Pacheco Renee Montoya
 Shane Hernandez Gabriel Martinez
 Chris Stoyell Danny Brendenburg

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 16
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 19 **ABSENT:** **Others Present Not Identified**

20
 21
 22 **APPROVAL OF AGENDA: 4a)**

23 Ida Fierro Town Clerk asked that Item 7 Information become Item 6 and Appointments become
 24 item 7.
 25

26 Councilor Prairie moved to approve the agenda as amended. The motion was seconded by
 27 Councilor Jaramillo and the motion carried unanimously.
 28

29 **RECOGNITION: 5a)**

30 Paula Pierce was recognized for all her efforts as receptionist for the Town of Bernalillo she
 31 serves the Town so well and treats constituents with respect and for her assistance with the 2014
 32 Municipal Election.
 33

34 **INFORMATION: 6a) Valarie Espinoza New Mexico Public Regulations**
 35 **Commissioner District 3**

36 Valarie Espinoza New Mexico Public Regulations Commissioner of District 3 addressed the
 37 Governing Body and wanted to thank the Governing Body for their support. She brought a
 38 representative from the New Mexico Shareholders Alliance and knows that the Town had issues
 39 when the gas was disconnected due to shortages within the system.
 40

41 Councilor Sisneros thanked the Commissioner for all the work she has done in behalf of the
 42 Town.
 43

44 Councilor Jaramillo asked about is there going to be the possibility of the loss of natural gas
 45 again.
 46

47 Commissioner Espinoza stated she did not know but Carla many be able to answer some of your
48 questions.

49

50 Mayor Torres thanked the Commissioner for not forgetting the Town of Bernalillo sometimes
51 people forget once they are elected into office.

52

53 Valarie Espinoza introduced Carla Sonntag Executive Director of New Mexico Shareholders
54 Alliance she wanted to let the Governing Body know that she does not have a vested interest in
55 NM Gas Co or Teco she represents shareholders who invest in utility companies in the state. The
56 issue you bring up about the gas shortage. Carla stated that the gas shortage was due to the fact
57 that the gas was being cut off in Texas and not able to be pumped to the transmission lines in
58 New Mexico. The new company that has purchased NM Gas is Teco a gas utility company that
59 has been in business for 118 years. There will be some jobs consolidated so therefore some
60 individuals will lose their jobs. During the hearing they mentioned they would look at obtaining a
61 storage tank.

62

63 Mayor Torres stated for the recorded that the purchase of NM Gas Co will hurt the economy state
64 wide consolidation of jobs not a good thing for the community at large. The truth of the matter
65 of the gas being cut off was due to lack of storage. The gas was diverted and we paid the price for
66 NM Gas selling their assets there was storage tanks in the North Valley and San Ysidro. They
67 needed the money and sold those storage tanks. It was convenient for them to get rid of them it
68 was all about the bottom line and we did not matter. I will not stand for any apology for NM Gas.
69 What is Teco going to do for us locally? If we go from NM Gas that was not responsive our
70 concerns are we going from bad to worse. Unfortunately, the bottom line is still a fact. We could
71 be an easy target again for Teco as well.

72

73 Councilor Jaramillo agreed NM Gas had to make a choice to cut gas off and chose Bernalillo and
74 small communities to be disconnected.

75

76 Carla stated the issue was decisions had to be made so that the entire system of distribution
77 would not be lost. I am not excusing NM Gas. It took up to two weeks to get all the consumers
78 up and all working again. If that decision had not been made it could have been a lot worse.

79

80 Carla also stated there would be 99 jobs lost within a 3 year period. Teco was name on of the top
81 150 places to work by their employees.

82

83 **APPOINTMENTS:7a) Police Chief Thomas Romero**

84 Mayor Torres stated that he would like to recommend the appointment of Thomas Romero as

85 Police Chief.

86

87 Mayor Torres entertained a motion.

88

89 Councilor Jaramillo moved to approve the recommendation of Thomas Romero as Police Chief
90 as presented. The Motion was seconded by Councilor Sisneros.

91

92 Roll Call Vote

93 Councilor Sisneros Yea

94 Councilor Prairie Yea

95 Councilor Jaramillo Yea

96 Councilor Dominguez Yea

97

98

99 **OATH OF OFFICE ADMINISTERED**

100 Mayor Torres administered the oath of office to Police Chief Thomas Romero.

101

102 **APPOINTMENTS: 7b) Lodger's Tax Board Sean Brennan and Brock Fuller**

103 Mayor Torres stated that he would like to recommend the appointment of Sean Breanan (La
104 Junta Gallery and Brock Fuller (Resident at Large) for the Lodger's Tax Board.

105

106 Mayor Torres entertained a motion.

107

108 Councilor Dominguez moved to approve the recommendation of Sean Breanan (La Junta
109 Gallery and Brock Fuller (Resident at Large) as members for the Lodger's Tax Board. The
110 Motion was seconded by Councilor Prairie.

111

112 Roll Call Vote

113 Councilor Prairie Yea

114 Councilor Sisneros Yea

115 Councilor Jaramillo Yea

116 Councilor Dominguez Yea

117

118

119 **PUBLIC HEARING: 8a)Discussion, Consideration and Action on Adoption**
120 **of Ordinance # 278 An Ordinance Implementing the Approval of a Zone Map Amendment**
121 **(Zone Change) from Rural Residential (R-R) tp Retail Commercial (C-1). Presenter: Janet**
122 **Cunningham-Stephens**

123
124 STATE OF NEW MEXICO TOWN OF BERNALILLO
125 ORDINANCE NO. 278
126

127 AN ORDINANCE IMPLEMENTING THE APPROVAL OF A ZONE MAP AMENDMENT
128 (ZONE CHANGE) FROM RURAL RESIDENTIAL (R-R) TO RETAIL COMMERCIAL (C-1).

129 WHEREAS, Fred Sanchez, property owner, has complied with the requirements of the
130 Comprehensive Zoning Ordinance of the Town of Bernalillo by filing an application for a zone
131 map amendment (zone change) to the zoning ordinance; and,

132 WHEREAS, a public hearing was held by the Planning and Zoning Commission of the
133 Town of Bernalillo on said Zone Map Amendment application; and,

134 WHEREAS, the Planning and Zoning Commission of the Town of Bernalillo has
135 recommended approval of the requested zone change; and,

136 WHEREAS, the GOVERNING BODY of the Town of Bernalillo has acknowledged the
137 requested Zone Map Amendment recommendation by the Planning and Zoning Commission;
138 and,

139 WHEREAS, the Governing Body of the Town of Bernalillo has held a public hearing on
140 said recommendation.

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

143 That Ordinance No. 278, duly adopted by the Town of Bernalillo, is hereby approved for
144 the Zone Map Amendment (Zone Change) on the property addressed as 207 Camino
145 del Pueblo, legally described as Tract A-1, Lands of Fred Sanchez, Projected Section 29,
146 Township 13 North, Range 4 East, New Mexico Principal Meridian, Town of Bernalillo,
147 Sandoval County, New Mexico.

148
149 This Zone Map Amendment changes the zoning designation from RURAL RESIDENTIAL
150 (R-R) to RETAIL COMMERCIAL (C-1) and is consistent with the intent of the
151 Comprehensive Land-Use Plan and Comprehensive Zoning Ordinance of the Town of
152 Bernalillo.

153 PASSED, APPROVED AND ADOPTED THIS 14TH DAY OF APRIL, 2014

154
155 Janet Cunningham-Stephen Planning and Zoning Director read her staff report.

156
157 **Planning and Zoning Commission Meeting**
158 *Regular Meeting*
159 *March 11, 2014*

160

Staff Report

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Subject:

The applicant, Fred Sanchez, requests a recommendation of approval from the Planning and Zoning Commission for an Amendment to the Zoning Ordinance for a Map change from R-R (Rural Residential) to C-1 (Retail Commercial) zoning at the following location: 207 Camino del Pueblo, and having the following Legal Description: Tract A-1, Lands of Fred Sanchez, Projected Section 29, Township 13 North, Range 4 East, New Mexico Principal Meridian (NMPM), Town of Bernalillo, Sandoval County, New Mexico. The requested zone change is due to a proposed lot line adjustment which would cause two zoning classifications on one lot.

The proposed lot line adjustment (Refer to Case SumP 14-002) will add additional area to Tract A. Tract A (prior to the proposed lot line adjustment) is zoned C-1 (Retail Commercial). Tract B-2 is classified R-R (Rural Residential). If the lot-line adjustment is approved, the addition of area to the new Tract A-1 will cause a mixture of both zoning classifications to fall on Tract A-1. This would require a zone map amendment to change the zoning to a single classification of C-1 on the new lot.

The subject site is located north of US Highway 550 and Old Highway 44, west of North Camino del Pueblo (NM 313), east of Ronald Drive and south of Boni Lane.

Site Data:

Zone: C-1 (Retail Commercial) and R-R (Rural Residential)

Surrounding Zoning: North – C-1 (Retail Commercial) and R-R, South – R-R and C-1, East – R-R, West – R-R.

Current Land Use: residential

Surrounding Land Uses: Residential and school

Required Lot Size: Area – C-1 - No requirements, R-R – 12,000 square feet with a lot width of 70 feet along the front yard setback line.

Actual Lot Size: Tract A – 0.192 acres /Tract A-1 – 0.3599 acres

Tract B-2 – 1.1631 acres/Tract B-2-A – 0.9949 acres Total Platted Area: 1.3548 acres more or less (one acre equals 43,560 square feet)

Access: Via North Camino del Pueblo and Old Highway 44

199 **Utilities:** Municipal water and sewer
200 **Parking:** Residential – Two parking spaces per unit, Non-residential – Depends on
201 classification of use
202 **Handicapped Parking:** Not applicable
203 **Setbacks:** Rural Residential - Front-20 feet, Side-5 feet, Rear-10 feet
204 Retail Commercial – Front-10 feet, Side-10 feet where the site abuts the
205 side or rear of a lot in a residential use or a residential zone, otherwise no
206 requirements, Rear-10 feet
207

208 **Plans, Policies, and Regulations:**

209
210 Comprehensive Land Use Plan:

211 The Comprehensive Land Use Plan contains goals and objectives that serve as a guide for
212 policy decisions regarding the future management and development of the Town. A
213 Resolution approving the goals and objectives was adopted by the community on May 13,
214 2002.
215

216 Goals and Objectives applicable to this proposal are as follow:

217 Form of Development –

218 Goal: Preserve and enhance the unique small town character and culture of
219 Bernalillo.

220 Objective: Protect the character of established residential neighborhoods.
221

222 The subject site/s are zoned C-1 (Commercial Retail) and R-R (Rural Residential). The
223 adjustment of the boundary line between Tract A-1 and Tract B-2-A (Refer to Case SumP
224 14-002) will cause a mixture of the two zoning classifications on Tract A-1. The
225 neighborhood is comprised of a majority of C-1 zoning along Camino del Pueblo and R-R
226 zoning along Old Highway 44. Adjusting the boundary line and extending the C-1 zone
227 onto all of Tract A-1 should not significantly change the character of the nearby established
228 neighborhood.
229

230 Subdivision Regulations (April 1997):

231 The Subdivision Regulations apply to Case No. SumP 14-002, which accompanies this
232 case. The lot line adjustment and subsequent inclusion of two zoning classifications on
233 Tract A-1 is the reason for the requested Zone Map Amendment.
234

235
236 Comprehensive Zoning Ordinance:

237 The purpose of the C-1 Retail Commercial Zone is to allow those commercial and business
238 activities that serve the community on a day-to-day basis. Also allowed is one single-
239 family dwelling unit per lot, but not including mobile homes.

240
241 The purpose of the R-R Rural Residential Zone is to provide for large lot and low density
242 residential uses that are conducive to a rural atmosphere. Limited agricultural activities are
243 allowed.

244
245 The property zoned R-R is occupied by a home and outbuilding/s. The property zoned C-1
246 is occupied by a residence rather than a commercial structure.

247
248 Mainstreet Overlay District:
249 The Design Guidelines *are not applicable* due to the location of the subject property.

250
251 **Notifications:**
252 Notices were posted at US Bank, T&T Supermart, Town Hall, US New Mexico Federal
253 Credit Union, US Post Office, and on the Town of Bernalillo website. Notices were mailed
254 (certified, return receipt requested) to abutting property owners within 100 feet of the
255 subject site.

256
257 **Staff Recommendation:**
258 Recommendation to Town Council for APPROVAL, based on Findings and with
259 Conditions.

260
261 **Findings:**
262 1. **ZMA 14-003** is a request by Fred Sanchez for a Zone Map Amendment on Tract
263 A-1.
264 2. The need for the Zone Map Amendment is caused by a lot line adjustment, (SumP
265 14-002) adding additional area to Tract A-1 from Tract B-2-A. This action causes
266 two zoning classifications on Tract A-1.
267 3. Existing Tract A is zoned C-1 (Retail Commercial) and existing Tract B-2 is zoned
268 R-R (Rural Residential).
269 4. A Zone Map Amendment will correct the situation by including all of Tract A-1 in
270 the C-1 zone.

271
272 **Conditions For a Recommendation of Approval:**
273 1. The Zone Map Amendment allowing C-1 zoning on all of Tract A-1 must be
274 approved by the Town Council.

- 275 2. The plat (SumP 14-002) must not be recorded in the office of the Sandoval County
276 Clerk until a final decision on the Zone Map Amendment is made by Town Council.
277 3. If the Town Council does not approve the Zone Map Amendment, the plat may not
278 be recorded and the platting action is null and void.
279

280
281 Mayor Torres asked the governing body if there were any questions. The Governing Body had none.
282

283 Mayor Torres asked if there was anyone wishing to speak for/against Ordinance#278.
284

285 There was no one wishing to speak for or against.
286

287 Mayor Torres entertained a motion to adopt Ordinance #278 An Ordinance Implementing the
288 Approval of a Zone Map Amendment (Zone Change) from Rural Residential (R-R) to Retail
289 Commercial (C-1).
290

291 Councilor Prairie moved to adopt Ordinance #278. The Motion was seconded by Councilor Jaramillo.
292

293 Roll Call

294 Councilor Sisneros Yea

295 Councilor Jaramillo Yea

296 Councilor Prairie Yea

297 Councilor Dominguez Yea
298
299

300 **PUBLIC HEARING: 8b) Discussion, Consideration and Action on Adoption of**
301 **Ordinance # 279 An Ordinance Implementing the Approval of a Zone Map Amendment**
302 **(Zone Change) from Retail Commercial (C-1) to Commercial Residential (C-R). Presenter:**
303 **Janet Cunningham-Stephens**
304

305 STATE OF NEW MEXICO

TOWN OF BERNALILLO

306 ORDINANCE NO. 279
307

308 AN ORDINANCE IMPLEMENTING THE APPROVAL OF A ZONE MAP AMENDMENT
309 (ZONE CHANGE) FROM RETAIL COMMERCIAL (C-1) TO COMMERCIAL
310 RESIDENTIAL (C-R).

311 WHEREAS, Helen Abousleman, property owner, has complied with the requirements of
312 the Comprehensive Zoning Ordinance of the Town of Bernalillo by filing an application for a

313 zone map amendment (zone change) to the zoning ordinance; and,
314 WHEREAS, a public hearing was held by the Planning and Zoning Commission of the
315 Town of Bernalillo on said Zone Map Amendment application; and,
316 WHEREAS, the Planning and Zoning Commission of the Town of Bernalillo has
317 recommended approval of the requested zone change; and,
318 WHEREAS, the GOVERNING BODY of the Town of Bernalillo has acknowledged the
319 requested Zone Map Amendment recommendation by the Planning and Zoning Commission;
320 and,
321 WHEREAS, the Governing Body of the Town of Bernalillo has held a public hearing on
322 said recommendation.

323
324 NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
325 TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO AS FOLLOWS:
326 That Ordinance No. 279, duly adopted by the Town of Bernalillo, is hereby approved for
327 the Zone Map Amendment (Zone Change) on the property addressed as 131 East Don
328 Francisco, legally described as Lot A, Section 5, Township 12 North, Range 4 East, New
329 Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico.

330
331 This Zone Map Amendment changes the zoning designation from RETAIL COMMERCIAL
332 (C-1) to COMMERCIAL RESIDENTIAL (C-R) and is consistent with the intent of the
333 Comprehensive Land-Use Plan, the Bernalillo TOD (Transit Oriented Development) Plan
334 and the Comprehensive Zoning Ordinance of the Town of Bernalillo.

335 PASSED, APPROVED AND ADOPTED THIS 14TH DAY OF APRIL, 2014

336
337
338 Janet Cunningham-Stephen Planning and Zoning Director read her staff report
339

340
341 **Planning and Zoning Commission Meeting**
342 *Regular Meeting*
343 *March 13, 2014*

344
345 **Staff Report**

346
347 **Subject:**
348 The applicant, Helen Abousleman, requests a recommendation of approval from the
349 Planning and Zoning Commission for an Amendment to the Zoning Ordinance for a

350 Map change from C-1 (Retail Commercial) to C-R (Commercial Residential) zoning at
351 the following location: 131 Calle Don Francisco, and having the following Legal
352 description: Lot A, Section 5, Township 12 North, Range 4 East, New Mexico
353 Principal Meridian (NMPM), Town of Bernalillo, Sandoval County, New Mexico.
354

355 A single-family dwelling currently occupies the subject site. The applicant is proposing
356 to remodel the interior of the structure to create three (3) apartments. As per the
357 applicant, the space lends itself to this action because of the amount of square footage
358 and how the home's interior is laid out.
359

360 The property is located on East Calle Don Francisco between Rinaldi Lane and E.
361 Avenida Bernalillo to the south, Camino del Pueblo to the west, and the railroad
362 tracks on the east.
363

364

365 **Site Data:**
366

367

368 **Zone:** C-1 (Retail Commercial)

369

Proposed Zone: C-R (Commercial Residential)

370

Surrounding Zoning: North – C-1, South – R-1A (Mixed Single-Family
371 Residential), East – Railroad tracks and R-R (Rural Residential), West – C-1

372

Current Land Use: Residential

373

Surrounding Land Uses: Residential, retail, vacant, and railroad

374

Required Lot Size: C-1: Every lot in residential use shall have the same minimum
375 area and width requirements as in the R-1 Zone, otherwise no requirements (R-1:
376 Area – 6,000 square feet, Width – 60 feet along the front yard setback line)

377

C-R: Area – Same as in the R-1 Zone

378

Actual Lot Size: 0.2761 acres (12,026.916 square feet) as per plat recorded
379 December 19, 2013. Width – one hundred feet plus or minus

380

Access: Via Calle Don Francisco

381

Utilities: Municipal water and sewer service provided by the Town of Bernalillo

382

Required Parking: Single-family dwelling: Two parking spaces per dwelling unit
383 Multiple-family dwelling: One and a half parking spaces per dwelling unit
384

385

Required Parking: 5 spaces if the home is remodeled into three (3) residential units

386

Handicapped Parking: Per Comprehensive Zoning Ordinance: Not applicable to
387 residential premises

388 **Setbacks:** Front-20 feet; Side-5 feet; Rear-10 feet

389

390 **Plans, Policies, and Regulations:**

391

392 *Comprehensive Land Use Plan:*

393 The Comprehensive Land Use Plan contains goals and objectives that serve as a guide for
394 policy decisions regarding the future management and development of the Town. A
395 Resolution approving the goals and objectives was adopted by the community on May 13,
396 2002.

397

398 Goals and Objectives applicable to this proposal are as follow:

399 *Form and Development –*

400 *Goal:* Preserve and enhance the unique small town character and culture of
401 Bernalillo.

402 *Objective:* Protect the character of established residential neighborhoods.

403 *Objective:* Use zoning and other regulatory ordinances to control the density and
404 distribution of development.

405 *Goal:* Apply long-range planning and land use management techniques that ensure
406 a desirable mix of land uses and densities in future development.

407 *Objective:* Allow flexibility for mixed-use zoning and expand the range of
408 densities and housing types.

409 *Goal:* Provide adequate housing for all residents of the Town of Bernalillo.

410 *Objective:* Provide opportunities for multi-family housing units to be located in
411 areas where higher density is acceptable and designed in a manner that would not
412 be disruptive to surrounding neighborhoods.

413

414 The property is zoned C-1 (Commercial Retail), but has historically been used as a
415 residence. The neighborhood to the north is also zoned C-1 and appears to be used
416 primarily for commercial uses. Immediately adjacent to the east and west are residential
417 uses. A parcel of vacant land to the south is zoned R-1A (Mixed Single-Family Residential
418 Zone) which allows a mix of residential uses. Property to the west (adjacent to Camino
419 Del Pueblo) is zoned C-1 (Retail Commercial). Across the railroad tracks to the east,
420 properties are zoned R-R (Rural Residential). The conversion of the home into three
421 residential units would blend in with the existing neighborhood and provide additional
422 housing for residents of Bernalillo.

423

424 *Bernalillo TOD (Transit Oriented Development) Plan (October 2007):*

425 The subject site is within the Downtown Core identified in the Bernalillo TOD

426 (Transit Oriented Development) Plan. “For this area, the plan recommends
427 commercial mixed-use development that is compliant with permitted uses in the
428 current C-R Commercial Residential Zone.”
429

430 Bernalillo TOD Goals:

- 431 ○ Solidify a sense of place around each railroad station that is suited to
- 432 the history and character of the Town.
- 433 ○ Ensure that future station area development supports both TOD
- 434 principles and the Town Vision.
- 435 ○ Improve connectivity for pedestrians, transit-riders, bicyclists, and
- 436 drivers throughout Town.
- 437 ○ Reduce the need for driving and decrease auto congestion.
- 438 ○ Energize Bernalillo’s business community.
- 439
- 440 ○ Provide a range of housing types.
- 441 ○ Build on recent planning processes and community articulation.
- 442

443 The property is within approximately a block of Camino del Pueblo, the business
444 Main Street of Bernalillo, and also within a 10 minute (or less) walk to the
445 Commuter Rail (Railrunner) Station. Auto usage may be decreased due to the
446 viability of using alternative forms of transportation including walking, riding a
447 bicycle, or the train to commute to points north and south.
448

449 Subdivision Regulations (April 1997):

450 A division of land is not under consideration; therefore the Subdivision Regulations are not
451 applicable to this case.
452

453 Comprehensive Zoning Ordinance:

454 The C-1 Retail Commercial Zone allows those commercial and business activities that
455 serve the community on a day-to-day basis.
456

457 Permissive uses include one single-family dwelling unit per lot, but not including mobile
458 homes, stores for the sale of retail goods and products, repair shops, dressmaking shops,
459 new and used car sales, bakeries, and professional and business offices.
460

461 The C-R Commercial Residential Zone permits single-family and multiple-family
462 dwellings as well as limited retail commercial activities. Permissive uses are the same as
463 in the R-2 zone, which allows single-family dwellings, boarding and lodging houses, and

464 garage apartments. Apartment use in the C-R zone requires a Conditional Use Permit.

465
466 The home is a permissive use as it currently exists. However, according to a diagram
467 provided by the applicant, the home is not in compliance with required setbacks on the side
468 and rear-yard. The required side-yard setback is five (5) feet: The setback on the west side
469 is two (2) feet and varies along the east side from one (1) foot or less to sixteen (16) feet.
470 Rear yard setbacks range from zero (0) to more than twenty-five (25) feet. The standard
471 rear-yard setback is ten (10) feet.

472
473 Section 18. Nonconforming Uses:
474 A variance to setback requirements is not being requested at this point in time.

475
476 *Mainstreet Overlay District:*
477 The Design Guidelines are not applicable due to the location of the subject property.

478
479 **Notifications:**
480 Notices were posted at US Bank, T&T Supermart, Town Hall, US New Mexico Federal
481 Credit Union, US Post Office, and on the Town of Bernalillo website. Notices were mailed
482 (certified, return receipt requested) to abutting property owners within 100 feet of the
483 subject site.

484
485 **Staff Recommendation:**
486 Recommendation of Approval, based on Findings and Conditions.

487
488 **Findings:**
489 5. **ZMA 14-002:** Helen Abousleman, Applicant, is requesting a recommendation of
490 approval from the Planning and Zoning Commission for an Amendment to the
491 Zoning Ordinance for a Map change from C-1 (Retail Commercial) to C-R
492 (Commercial Residential) zoning, on the property located at 131 Calle Don
493 Francisco.
494 6. The proposal appears to be in compliance with Goals and Objectives of the
495 Comprehensive Land Use Plan.
496 7. C-R (Commercial Residential) zoning requires a minimum lot area of 6,000 square
497 feet and a lot width of not less than 60 feet. Minimum area and width requirements
498 are in compliance.
499 8. The subject site is within the boundaries of the Bernalillo TOD (Transit Oriented
500 Development) Plan. Conversion of the single-family dwelling into three

- 501 apartments would increase the range of housing types available and promote
502 alternative forms of transportation.
503 9. A Conditional Use Permit is required for apartment use should the zone map
504 amendment be approved.
505 10. The applicant will need to file an application for approval of a Variance to Side and
506 Rear-yard setback requirements.
507
508

509 **Conditions:**

- 510 1. A Zone Map Amendment changing the zoning of the subject site from C-1
511 to C-R must be approved by the Town Council in order to proceed with the
512 zoning process and proposed project.
513 2. If the Zone Map Amendment is approved by Town Council, the applicant
514 must file an application for a Conditional Use Permit for apartment use in the
515 C-R zone.
516 3. A request for a variance to setback requirements must be approved by the
517 Planning and Zoning Commission prior to conversion to apartment use.
518
519

520 Mayor Torres asked the governing body if there were any questions.
521

522 Councilor Jaramillo asked the square footage for the apartment.
523

524 Janet Cunningham-Stephens stated that it was around 3,500 sq. ft.
525

526 The agent for the project Francisco Uvina stated that there will be three units, 1 unit is two bed room one
527 bath small dining /kitchen, 2nd unit 1 bedroom 1 bath kitchen dining area, 3rd unit 2 bedroom kitchen,
528 dining area and garage.
529

530 Mayor Torres asked if this request met the zoning requirements.
531

532 Janet Cunningham-Stephens stated yes it did.
533

534 Councilor Dominguez asked in your staff notes you state that they will have to meet setback
535 requirements.
536

537 Janet Cunningham-Stephens stated that at the meeting of April 1st the applicant is came before
538 the Planning and Zoning Commission to request a variance for the setback requirements.

539
540 Mayor Torres asked if there was anyone wishing to speak for/against Ordinance#279.
541
542 There was no one wishing to speak for or against.
543
544 Mayor Torres entertained a motion to adopt Ordinance #279 An Ordinance Implementing the
545 Approval of a Zone Map Amendment (Zone Change) from Retail Commercial (C-1) to
546 Commercial Residential (C-R).
547
548 Councilor Dominguez moved to adopt Ordinance #279. The Motion was seconded by Councilor Prairie.
549
550 Roll Call
551 Councilor Dominguez Yea
552 Councilor Jaramillo Yea
553 Councilor Prairie Yea
554 Councilor Sisneros Yea
555

556
557 **PUBLIC HEARING: 8c) Discussion, Consideration and Action on Adoption of**
558 **Ordinance # 280 An Ordinance Implementing the Approval of a Zone Map Amendment**
559 **(Zone Change) from Rural Residential (R-R) to Retail Commercial (C-1). Presenter: Janet**
560 **Cunningham-Stephens**

561
562 STATE OF NEW MEXICO TOWN OF BERNALILLO
563 ORDINANCE NO. 280
564

565 AN ORDINANCE IMPLEMENTING THE APPROVAL OF A ZONE MAP AMENDMENT
566 (ZONE CHANGE) FROM RURAL RESIDENTIAL (R-R) TO RETAIL COMMERCIAL (C-1).
567 WHEREAS, Sergio Carrillo, property owner, has complied with the requirements of the
568 Comprehensive Zoning Ordinance of the Town of Bernalillo by filing an application for a zone
569 map amendment (zone change) to the zoning ordinance; and,
570 WHEREAS, a public hearing was held by the Planning and Zoning Commission of the
571 Town of Bernalillo on said Zone Map Amendment application; and,
572 WHEREAS, the Planning and Zoning Commission of the Town of Bernalillo has
573 recommended approval of the requested zone change; and,
574 WHEREAS, the GOVERNING BODY of the Town of Bernalillo has acknowledged the
575 requested Zone Map Amendment recommendation by the Planning and Zoning Commission;
576 and,

577 WHEREAS, the Governing Body of the Town of Bernalillo has held a public hearing on
578 said recommendation.

579
580 NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
581 TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO AS FOLLOWS:
582 That Ordinance No. 280, duly adopted by the Town of Bernalillo, is hereby approved for
583 the Zone Map Amendment (Zone Change) on the property addressed as 1119 NM
584 Highway 528, legally described as Lands of Roy L. Milbourne, Lot 2, Section 36,
585 Township 13 North, Range 3 East, New Mexico Principal Meridian, Town of Bernalillo,
586 Sandoval County, New Mexico.

587
588 This Zone Map Amendment changes the zoning designation from RURAL RESIDENTIAL
589 (R-R) to RETAIL COMMERCIAL (C-1) and is consistent with the intent of the
590 Comprehensive Land-Use Plan and Comprehensive Zoning Ordinance of the Town of
591 Bernalillo.

592 PASSED, APPROVED AND ADOPTED THIS 14TH DAY OF APRIL, 2014

593
594

595 Janet Cunningham-Stephen Planning and Zoning Director read her staff report

596
597

598 **Planning and Zoning Commission Meeting**

599 *Regular Meeting*

600 *March 13, 2014*

601
602

603 **Staff Report**

604
605

606 **Subject:**

607 The applicant, Sergio E. Carrillo, requests a recommendation of approval from the
608 Planning and Zoning Commission for an Amendment to the Zoning Ordinance for a
609 Map Change from R-R (Rural Residential) to C-1 (Retail Commercial) zoning at the
610 following location: 1119 NM Highway 528, Town of Bernalillo, Sandoval County,
611 New Mexico and having the following Legal Description: Section 36 Township 13
612 North Range 3 East, Lands of Roy L. Milbourne, Lot 2.

613

The land is currently vacant. Mr. Carrillo wishes to rezone the property in order to

614 build a “tunnel type” carwash facility on the subject site.

615
616 The property is located on the west side of NM 528, north of Idalia Road NE, south
617 of Calle De Las Lomas, and east of Maguey Lane. Magic Circle Drive, an entrance
618 to the Santiago Subdivision, is on the east side of NM 528 and north of the property.

619
620 **Site Data:**

621
622
623 **Zone:** R-R (Rural Residential)

624 **Proposed Zone:** C-1 (Retail Commercial)

625 **Surrounding Zoning:** North – R-R, C-1, and M-1 (Light Industrial), South – C-1,
626 East – NM 528 and R-1, West – R-R and the Sandoval County Government
627 Administration Complex

628 **Current Land Use:** Vacant

629 **Surrounding Land Uses:** Commercial, vacant, residential, industrial, government
630 offices

631 **Required Lot Size:** C-1: No requirements unless used for residential purposes

632 **Actual Lot Size:** Approximately 0.9 acre more or less- Width (along NM 528) –
633 one hundred fifty seven (157) feet plus or minus

634 **Access:** Via NM 528

635 **Utilities:** Municipal water and sewer service to be provided by the Town of
636 Bernalillo

637 **Required Parking:** Carwash – Not addressed in the Comprehensive Zoning
638 Ordinance

639 **Handicapped Parking:** Carwash – Not addressed in the Comprehensive Zoning
640 Ordinance

641 **Setbacks:** Non-residential: Front-10 feet; Rear-10 feet; Side – 10 feet where the site
642 abuts the side or rear of a lot in a residential use or a residential zone, otherwise no
643 requirements.

644
645 **Plans, Policies, and Regulations:**

646
647 **Comprehensive Land Use Plan:**

648 The Comprehensive Land Use Plan contains goals and objectives that serve as a guide for
649 policy decisions regarding the future management and development of the Town. A
650 Resolution approving the goals and objectives was adopted by the community on May 13,
651 2002.

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Goals and Objectives applicable to this proposal are as follow:

Form and Development –

Goal: Concentrate commercial development in specified corridors and centers.

Objective: Allow for highway-related business and retail commercial activities to be located predominantly along US 550 and clustered around the I-25 interchanges to help prevent the disruption of residential neighborhoods.

Objective: Use zoning and other regulatory ordinances to control the density and distribution of development.

Goal: Apply long-range planning and land use management techniques that ensure a desirable mix of land uses and densities in future development.

Water Infrastructure –

Goal: Ensure an adequate supply of quality water for current and future needs of the Town.

Objective: Acquire and secure water rights to meet projected future demands.

Economic Development -

Goal: Support and promote the local business community.

Objective: Recruit new retail businesses that will provide a greater range of shopping opportunities for Town residents.

The property is currently zoned R-R (Rural Residential). As growth has been occurring in the area, various properties have been zoned/used for commercial activities due to the proximity of NM 528, a major regional north-south roadway corridor serving Bernalillo, Rio Rancho, and other communities. NM 528 is under the jurisdiction of the State of New Mexico Department of Transportation (NMDOT). Access and/or any required improvement/s to NM 528 will be determined by NMDOT. In addition, the applicant may be required to purchase and transfer water rights to the Town if water usage exceeds an annual threshold level. A water budget will need to be prepared by the Town’s hydrologist should the Zone Map Amendment be approved, and prior to issuance of a Building Permit.

Bernalillo TOD (Transit Oriented Development) Plan (October 2007):

Not applicable to this proposal due to the location of the subject site.

Subdivision Regulations (April 1997):

A division of land is not under consideration; therefore the Subdivision Regulations are not applicable to this case.

690 Comprehensive Zoning Ordinance:
691 The C-1 Retail Commercial Zone allows those commercial and business activities that
692 serve the community on a day-to-day basis.
693
694 Permissive uses include one single-family dwelling unit per lot, but not including mobile
695 homes, stores for the sale of retail goods and products, repair shops, dressmaking shops,
696 new and used car sales, bakeries, and professional and business offices.
697
698 Conditional Uses include eating and drinking establishments, grocery markets,
699 convenience food stores, banks, theaters, lumber yards, research and development offices,
700 amusement enterprises, automobile service stations, and any other similar use which is
701 compatible with the general nature and intent of this zone district.
702
703 The closest category under C-1 for this use is “any similar use which is compatible with the
704 general nature and intent of this zone district.” Therefore, if the Zone Map Amendment is
705 approved by Town Council, the applicant would need to request approval for a Conditional
706 Use Permit.
707
708
709 Section 18. Nonconforming Uses:
710 Based on the sketch provided by the applicant, a variance to side-yard setback requirements
711 on the north side, which is zoned R-R, will be needed. However, actual site design may
712 correct the situation so that setbacks can be met.
713
714
715 Mainstreet Overlay District:
716 The Design Guidelines are not applicable due to the location of the subject property.
717
718
719 **Notifications:**
720 Notices were posted at US Bank, T&T Supermart, Town Hall, US New Mexico Federal
721 Credit Union, US Post Office, and on the Town of Bernalillo website. Notices were mailed
722 (certified, return receipt requested) to abutting property owners within 100 feet of the
723 subject site.
724
725
726 **Staff Recommendation:**
727 Recommendation of Approval, based on Findings and Conditions.

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Findings:

11. **ZMA 14-001:** Sergio E. Carrillo, Applicant, is requesting a recommendation of approval from the Planning and Zoning Commission for an Amendment to the Zoning Ordinance for a Map Change from R-R (Rural Residential) to C-1 (Retail Commercial) zoning at the following location: 1119 NM Highway 528.
12. The proposal appears to be in compliance with Goals and Objectives of the Comprehensive Land Use Plan.
13. C-1 (Retail Commercial) zoning has no minimum lot area requirement for non-residential use.
14. A Conditional Use Permit is required for the carwash should the zone map amendment be approved.
15. The applicant will need to file an application for approval of a Variance to side-yard setback requirements unless the conceptual layout of the lot changes to be in compliance.

Conditions:

4. A Zone Map Amendment changing the zoning of the subject site from R-R to C-1 must be approved by the Town Council in order to proceed with the zoning process and proposed project.
5. If the Zone Map Amendment is approved by Town Council, the applicant must file an application for a Conditional Use Permit for a carwash in the C-1 zone.
 6. A request for a variance to side-yard setback requirements must be approved by the Planning and Zoning Commission prior to proceeding with the process unless the layout of the site changes to incorporate required setbacks.

Mayor Torres asked if there was anyone wishing to speak for/against Ordinance#280.

Paul Wimer from Bohannon and Huston agent for Sergio Carrillo gave a brief overview of the location for the carwash.

Councilor Prairie asked what portion of the water is going to be recycled.

Danny Brandenburg owner of a similar car wash in Albuquerque answered the question for Mr. Carrillo and stated that 80 to 85% of the water will be recycled.

766
767 Councilor Sisneros asked about the entrance no left hand turn onto 528.
768
769 Paul from Bohannon and Huston indicated they are in negotiation with NMDOT to obtain a permit for the
770 entrance to the sight.
771
772 Mayor Torres stated that he is happy that Bernalillo was chosen for the car wash and not another gas
773 station and the drive way permit must be negotiated and obtained from NMDOT and not the Town because
774 it is not within our jurisdiction.
775
776 Paul from Bohannon and Huston stated that he is aware and is continuing to work with NMDOT to obtain
777 the drive way permit from NMDOT.
778
779 Councilor Jaramillo do they have to provide extra acre feet of water for the business.
780
781 Janet Cunningham-Stephen Planning and Zoning Director stated that the consultant for the Town will
782 prepare a water budget for Mr. Carrillo and determine that for the location.
783
784 Councilor Sisneros asked so is this going to be a tunnel car wash system.
785
786 Danny Brandenburg stated yes that was correct. The car owner would never leave their car. There will be
787 1 or 2 employees there to make sure the vehicle gets on the conveyer to go into the car wash. There will
788 vacuums with unlimited use for the customer to use.
789
790 Mayor Torres asked if there was anyone wishing to speak for/against Ordinance#280
791
792 There was no one wishing to speak for or against.
793
794 Mayor Torres entertained a motion to adopt Ordinance #280 An Ordinance Implementing the
795 Approval of a Zone Map Amendment (Zone Change) from Rural Residential (R-R) to Retail
796 Commercial (C-1).
797
798 Councilor Prairie moved to adopt Ordinance #280. The Motion was seconded by Councilor Jaramillo.
799
800 Roll Call
801 Councilor Prairie Yea
802 Councilor Sisneros Yea
803 Councilor Jaramillo Yea

804 Councilor Dominguez Yea

805

806 **APPROVAL OF MINUTES: 9a) Regular Meeting of March 10, 2014**

807 Ida Fierro Town Clerk stated that the spelling of Dwayne Brown should be Duane Brown from
808 Modrall & Sperling on lines 346, 348, 354, 366 and 374.

809

810 Councilor Sisneros moved to approve the minutes of March 10, 2014 as amended. The motion
811 was seconded by Councilor Dominguez and the motion carried unanimously.

812

813

814 **NEW BUSINESS: 10a) Discussion Consideration and Adoption of Information**

815 **Technology-Acceptable Use Policy for the Town Bernalillo. Presenter: Fernando Lomas**

816

817 Juan Torres Treasurer presented the IT Policy for Fernando Lomas and stated the IT policy is one
818 of many policies that will come before you. The policy sets out the guidelines for using our IT
819 infrastructure and defines what is our IT Infrastructure is phones, computer and cell phones. It is
820 a comprehensive policy it will outline how the Town uses IT resources. It will give IT the right to
821 enforce the policy for misuse. Right now if an employee installs some software that is not
822 approved there is no repercussion for that employee. It safeguards our IT infrastructure. This
823 policy is one required by the auditors. It will help with internal controls such as who has access
824 to passwords and controls.

825

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

827

828 Councilor Sisneros stated that is a good policy and at his employer they are in the process of
829 implementing these policies as well.

830

831 Councilor Jaramillo asked how the employees be notified of this new policy.

832

833 Juan Torres stated that Fernando Lomas will have a training session for all employees to attend.

834

835 Mayor Torres stated that at the end of the policy there is an area for the employee to sign
836 acknowledging they have reviewed and received a copy of the IT policy.

837

838 Mayor Torres entertained a motion.

839

840 Councilor Dominguez made a motion to approve the Information Technology-Acceptable Use
841 Policy for the Town Bernalillo. The motion was seconded by Councilor Sisneros and the motion

842 carried unanimously.

843

844

845 **NEW BUSINESS: 10b) Discussion Consideration, Action and Approval of**
846 **Resolution 4/14/14 A Resolution Authorizing Grant of Easement between the Town of**
847 **Bernalillo and the Board of Education-Bernalillo Public Schools. Presenter: Maria Rinaldi**

848

849

RESOLUTION 04-14-2014

850

GRANT OF EASEMENT

851

BETWEEN THE TOWN OF BERNALILLO AND

852

THE BOARD OF EDUCATION-BERNALILLO PUBLIC SHCOOLS

853

854 **WHEREAS**, THIS Grant of Easement is entered into the 14th day of April 2014, between the
855 Board of Education-Bernalillo Public Schools (hereinafter referred to as the “Board”) and the
856 Town of Bernalillo (hereinafter referred to as the “Town”).;

857

858 **WHEREAS**, the Board are the owners of the property as shown and described in Exhibit A
859 attached hereto, located in the Town of Bernalillo, Sandoval County, New Mexico

860

861 **WHEREAS**, The Town and the Board wish to establish a public utility easement as shown and
862 designated in the above-reference Exhibit A;

863

864 **NOW, THEREFORE**, the Board does hereby grant and establish a public utility easement as
865 shown and designated in Exhibit A for the benefit of the Town.

866

867 **IN WITNESS WHEREOF**, both the Town and Board have caused this Grant of Easement to be
868 duly executed. Governing Body of the Town of Bernalillo

869

870 Mayor Torres entertained a motion.

871

872 Councilor Dominguez made a motion to approve the adoption of Resolution 4/14/14 Authorizing
873 Grant of Easement between the Town of Bernalillo and the Board of Education-Bernalillo Public
874 Schools. The motion was seconded by Councilor Prairie and the motion carried unanimously.

875

876

877 **NEW BUSINESS: 10c) Discussion Consideration, Action and Approval of**
878 **Memorandum of Agreement between the Village of Corrales and the Town of Bernalillo.**
879 **Presenter: Janet Cunningham-Stephens**

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Janet Cunningham-Stephen gave a brief overview in the need for item 10c Memorandum of Agreement and 10d Resolution. The State of NM now requires a certified building official to inspect buildings. The Village of Corrales has agreed to do that for us until Joseph Benny our building official becomes certified. They would receive 30% of the building fees. The ICC 2006 Building Permit Fee Schedule (item10d) is the fee schedule Corrales is currently using. The Town has not updated their fee schedule since 1997. By adopting the 2006 Building Permit Fee Schedule would make us in line with Corrales fee schedule. The Building Official for the Village of Corrales was present for the meeting and Mayor Torres thanked them for their help during our transition in training our new building official and their assistance in the inspection of buildings.

MEMORANDUM OF AGREEMENT BETWEEN THE VILLAGE OF CORRALES AND THE TOWN OF BERNALILLO

This Memorandum of Agreement (hereinafter referred to as “MOA”) is made and entered into by and between the Town of Bernalillo, a New Mexico municipal corporation (hereinafter referred to as the “Town”), and the Village of Corrales (hereinafter referred to as the “Village”), also a municipal corporation.

Whereas, the Town and the Village are linked by common geographic, legal and safety interests; and

Whereas, each of these municipalities have adopted by ordinance all the authority conferred upon municipalities by NMSA 1978 § 3-17-6.A.3, and are in compliance with all state and local laws applicable to their building programs; and

Whereas, in the judgment of both municipalities, it is necessary and desirable to operate more efficiently by sharing a Building Official and a building inspector for the betterment of both communities.

NOW, THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

SECTION ONE: THE TOWN AGREES TO:

918

919 1. Review building permit applications for consistency with zoning regulations, i.e.,
920 setbacks, height, massing, elevation certificate if in FEMA designated flood plain, grading and
921 drainage plan review and approval, and other requirements of the Town of Bernalillo. Each page
922 of the permit application plan sets (3) shall be stamped by the Town development department, or
923 designee.

924 2. Provide inspections as requested, in coordination with the Building Official.

925 3. Provide final inspection, and issue a Certificate of Occupancy in coordination with the
926 Building Official.

927 4. Adopt the International Building Code 2006 building permit fee schedule as provided the
928 Village of Corrales, by Resolution, and update from time to time as needed. A copy of said fees
929 is attached hereto as Exhibit A.

930 5. Purchase and install ZonePro permitting software in "the cloud" utilizing property
931 database provided by Sandoval County Assessor's Office. Update database at least yearly,
932 utilizing updated database from Sandoval County.

933 6. Consider developing and adopting building codes to enable historical preservation.

934

935 SECTION TWO: THE VILLAGE OF CORRALES AGREES TO:

936

937

938 1. Review and stamp all pages of plans for residential, public, and commercial construction.
939 Issue Permits for residential and commercial construction.

940 2. Maintain permit, fee, and inspection records on ZonePro permitting software.

941 3. Collect total permit fee; remit 30% of permit fee to the Town of Bernalillo on a monthly
942 basis, until such time as the Town of Bernalillo has a Certified Building Official (CBO) on staff.

943 4. Provide monthly report on number of permits issued, type of structure, class of
944 construction, valuation, and permit fee.

945 5. Perform inspections as requested.

946 6. Provide oversight/supervision of inspector(s).

947 7. Retain one copy of the plan set with permit application documents.

948 8. Review building regulations and suggest text amendments, as needed.

949 9. Issue Certificates of Occupancy as requested of Building Official or designee.

950

951 SECTION THREE BOTH THE VILLAGE AND TOWN AGREE AS FOLLOWS:

952

953 1. Term. Upon approval by each municipality, this MOA shall remain in effect until
954 terminated by either municipality. Either the Town or Village may terminate this agreement by
955 giving the other party at least ninety (90) days written notice prior to the intended date of such

956 termination. Termination shall be without penalty. Upon termination, the Town or Village shall
957 not be liable to the other for any monetary or other losses that may result from the termination.
958 However, neither party may nullify obligations already incurred for performance or failure to
959 perform prior to the date of termination.

960
961 2. Liability. Neither party shall be responsible for liability incurred as a result of the other
962 party's acts or omissions in connection with this MOA. Any liability incurred in connection with
963 this MOA is subject to the immunities and limitations of the New Mexico Tort Claims Act,
964 NMSA 1978, §41-4-1 et seq. (1976 as amended).

965
966 3. Effective Date. The effective date of this MOA shall be the date when it has been
967 approved by each municipality.

968
969 4. Compliance with Laws. In performing the services required in this MOA, the Town and
970 Village shall comply with all applicable laws, ordinances and rules of federal, state and local
971 governments.

972
973 5. Governing Law. This MOA shall be interpreted in accordance with the laws of the State
974 of New Mexico.

975
976 6. Agreement. This document incorporates all agreements, covenants and understandings of
977 the parties hereto concerning the subject matter hereof and such provisions are merged into this
978 Agreement.

979
980 7. Amendment. This Agreement shall be altered, changed or amended as Building Official
981 certification milestones are met and mutually agreed upon in writing by the parties hereto.

982
983 8. Notices. The parties agree that any notices or documents required under this MOA shall
984 be mailed or delivered to:

985
986 **Fees Schedule is Exhibit B**

987
988 Mayor Torres entertained a motion.

989
990 Councilor Prairie made a motion to approve the Memorandum of Agreement between the Village
991 of Corrales and the Town of Bernalillo. The motion was seconded by Councilor Dominguez and
992 the motion carried unanimously.

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NEW BUSINESS: 10d) Discussion Consideration, Action and Adoption of Resolution 4/14/14A Resolution Regarding the International Code Council (ICC) 2006 Building Permit Fee Schedule. Presenter: Janet Cunningham-Stephens

RESOLUTION 04-14-2014 A

A RESOLUTION REGARDING THE INTERNATIONAL CODE COUNCIL (ICC) 2006 BUILDING PERMIT FEE SCHEDULE

WHEREAS, the Town of Bernalillo and the Village of Corrales have entered into a Memorandum of Agreement for sharing the services of a Certified Building Official and a building inspector for the betterment of both communities; and

WHEREAS, the Town of Bernalillo agreed to adopt International Code Council (ICC) 2006 building permit fees as shown on Exhibit A of the Memorandum of Agreement; and

WHEREAS, the Town of Bernalillo is using the 1997 Uniform Building Code permit fee schedule.

NOW THEREFORE, the Town of Bernalillo does hereby adopt the International Code Council (ICC) building permit fee schedule as identified on Exhibit A attached hereto.

PASSED, APPROVED, AND ADOPTED this 14TH day of April, 2014.

Fees Schedule is Exhibit B

Mayor Torres entertained a motion.

Councilor Jaramillo made a motion to approve the adoption of Resolution 4/14/14A Regarding the International Code Council (ICC) 2006 Building Permit Fee Schedule. The motion was seconded by Councilor Sisneros and the motion carried unanimously.

NEW BUSINESS: 10e) Discussion Consideration, Action and Approval of Well 2 Rehabilitation Design Service Contract with Wilson and Company. Presenter: Maria Rinaldi

Maria Rinaldi Capital Project Improvements Directors stated that there were 6 proposal submitted and ranked Wilson and Company rated the highest.

The agreement is made between the Town of Bernalillo and Wilson and Company, Inc Engineers and Architects to perform professional services for the project of Town of Bernalillo Municipal Drinking Water Well #2 Rehabilitation.

1032
1033 Phase I: Prepare Preliminary Report (PER) and Plans, Technical Specifications and Bidding
1034 Documents for: 1) equipping of well #2 with new pump motor and column pipe; 2) electrical
1035 demo of existing system and upgrades; 3) rehab existing well house; 4) disinfection system and
1036 5) miscellaneous site improvements as required to operate Well #4.

1037
1038 Mayor Torres entertained a motion.

1039
1040 Councilor Jaramillo made a motion to approve the award of contract to Wilson and Company,
1041 Inc. for Well 2 Rehabilitation Design Services. The motion was seconded by Councilor
1042 Dominguez Sisneros and the motion carried unanimously.

1043
1044 **FINANCIAL SECTION:11a) Approval of Accounts Payable Voucher List.**

1045 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of
1046 \$363,502.39.

1047
1048 Councilor Jaramillo made a motion to approve the accounts payable voucher list in the amount of
1049 \$363,502.39. The motion was seconded by Councilor Dominguez and the motion carried
1050 unanimously.

1051
1052 **MISCELLANEOUS SECTION:12a) Public Comment.**

1053 Earle Dixon resident of Riesling Road came to speak on behalf of his neighborhood and would
1054 like to make a formal request for some road maintenance for that subdivision. The residents have
1055 requested it this year but there were not funds in the budget to purchase gravel.

1056
1057 Mayor Torres stated that if Mr. Dixon prepared his request it would come before the Council for
1058 the Budget Workshop and we should have the date here to give you so that we can get your
1059 request for the workshop.

1060
1061 **MISCELLANEOUS SECTION: 12b) Announcements. Presenter: Mayor Torres**

1062 Mayor Torres made the following announcements;

1063
1064 Juan Torres Treasurer stated that by Friday he will have the budget and place them in your boxes
1065 so you can review the budget. It will include all department budgets and their wish list with
1066 explanations for the need of the request.

1067
1068 The Governing Body agreed to have the Budget Workshop on April 28th from 9:00 a.m-1:00 p.m.
1069 and May 1st same time.

1070

1071 Ida Fierro Town Clerk reminded the Council about the Eggstravaganze at Rotary Park present by
1072 the Town of Bernalillo Recreation Department and First Assembly of God Church beginning at
1073 10:00 a.m. Saturday, April 19.

1074

1075 There being no further business, Councilor Prairie moved to adjourn the meeting at 8:15
1076 P.M. The motion was seconded by Councilor Dominguez and carried unanimously.

1077

1078

1079 Done this 14th day of April 2014.

1080

1081

1082 ATTEST:

1083

1084 _____
Ida Fierro, Town Clerk

1085 (seal)

Jack S. Torres, Mayor