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**MINUTES OF A REGULAR MEETING  
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO  
HELD AT THE TOWN HALL  
February 25, 2019**

10 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules  
11 of the Town on February 25, 2019, at 6:30 P.M.

12 Upon roll call the following members were found to be present:

13 **PRESENT:**

14 Councilor Sisneros  
15 Councilor Prairie  
16 Councilor Dominguez  
17 Councilor Jaramillo  
18 Mayor Torres

19 **ALSO PRESENT:**

20 Mike Kloeppe M. Antontette Eichwald  
21 Geraldine Guerrero Brenda Wilson  
22 Diwan Bhathal Janice Dudley  
23 Beverly Cruz Zenon Cruz  
24 Dustin Gidgos Zach Synder  
25 Clayton King David Fite  
26 Vicki Powers Krista Gomez-Kelly  
27 Judith Turner Jim Blaszkowski  
28 Penny Nafus Dennis Mustoe  
29 Josephine Sandoval Mike Kloeppe  
30 Lisa Muzic Jim Muzic  
31 Juan Ubiera Michael Montoya  
32 Kendyce Williams Chris Daul  
33 Carolyn Barnard Ralston Barnard  
34 Suzanne Hathan Joe Watt  
35 Daniel Nowak Ed Auerbach  
36 Beverly Nowak Jed Donaldson  
37 Sara Chadwick Jennifer Donaldson  
38 Juanita Duran Brian Muniz  
39 Leroy Greer Brittany Costello  
40 Lynette Mustoe Isaiah Pacheco  
41 Todd Britton Ray & Pat Marusso  
42 Dana Koller Bernadette Candelaria

43 **ABSENT:**

44 **Others Present Not Identified**

45 **APPROVAL OF AGENDA: 4a)**

46 Councilor Prairie moved to approve the agenda as presented. The motion was seconded by  
Councilor Dominguez and the motion carried unanimously.

47  
48 **PUBLIC HEARING: 7a) Discussion, Consideration, Action, Approval and Adoption of**  
49 **Ordinance 308 An Ordinance Implementing the Approval of a Zone Map Amendment (Zone**  
50 **Change) from R-R (Rural Residential) to C-1 (Retail Commercial on 11.086 acres and R-2**  
51 **(Multiple-Family Residential) on 13.286 acres. Presenter: Ida Fierro**

52 STATE OF NEW MEXICO  
53 TOWN OF BERNALILLO

54  
55 ORDINANCE NO. 308

56  
57 AN ORDINANCE IMPLEMENTING THE APPROVAL OF A ZONE MAP AMMENDMENT  
58 (ZONE CHANGE) FROM R-R (Rural Residential) to C-1 (Retail Commercial) on 11.086 acres  
59 and R-2 (Multiple-Family Residential) on 13.286 acres.

60  
61 WHEREAS, Rusco Properties, LLC., property owner, has complied with the  
62 requirements of the Comprehensive Zoning Ordinance of the Town of Bernalillo with requesting  
63 this zone map amendment (Zone Change); and,

64  
65 WHEREAS, a public hearing was held by the Planning and Zoning Commission of the  
66 Town of Bernalillo on said Zone Map Amendment (Zone Change); and,

67  
68 WHEREAS, the GOVERNING BODY of the Town of Bernalillo has  
69 ACKNOWLEDGED the requested Zone Map Amendment approval by the Planning and Zoning  
70 Commission; and,

71  
72 WHEREAS, the Governing Body of the Town of Bernalillo has held a public hearing on  
73 said recommendation.

74  
75 NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
76 TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, FOLLOWS:

77 That Ordinance No. 308, duly adopted by the Town of Bernalillo, is hereby approved to  
78 provide for the Zone Map Amendment (Zone Change) on the following property in the Town of  
79 Bernalillo, legally described as Nazcon Subdivision, Phase 2, Section 30 and 31, Township 13  
80 North, Range 4 East, Town of Bernalillo, Sandoval County, New Mexico containing a total of  
81 24.372 acres. This Zone Map Amendment (Zone Change) is hereby adopted and Approved by  
82 the Governing Body of the Town of Bernalillo, with the Following Zone Change designation, the  
83 approved zone change is now C-1 (Retail Commercial) and R-2 (Multiple-Family Residential)  
84 from the prior Zoning Designation of R-R (Rural Residential).

85  
86  
87 Mayor Torres stated that there will be a time limit of three (3) minutes per person who wish to  
88 make a public comment for Ordinance 308.

89  
90 Mayor Torres swore in everyone wishing to speak for and against Ordinance 308.

91  
92 Mr. Zack Snyder, Developer, respectfully requested to read several items into record.  
93 • The development will not impact any of the SSCAFCA property improvements and the  
94 property is not under contract. Still in the process or negotiation with SSCAFCA and will  
95 follow all SSCAFCA requirements.  
96 • The development will follow all state, federal, and environmental regulations that are  
97 required for the property.  
98 • Each property that is in the zone change we own, or are under contract as their agent for  
99 the property.

100  
101 Ms. Angela Williamson, President of Modulus Architects and Agent for Rusco Properties, LLC, stated  
102 that it has been our goal since the beginning to have a successful project beginning with Bosque Brewing  
103 North of this project. The Planning and Zoning Commission approved the Zone Map Amendment from  
104 R-R (Rural Residential) to R-2 (Multiple-Family Residential) on 13.286 Acres, and C-1 (Retail  
105 Commercial) on 11.086 Acres. The approval is for a Zone Map amendment and not an approval for a site  
106 plan. Both existing locations are similar to the existing zoning classifications and provides suitable  
107 opportunities to single-family, townhomes, multi-family, commercial, and office uses.

108  
109 Ms. Williamson stated that both plans will support the Town's Local Economic Plan and Comprehensive  
110 Land Use Plan. The request for R-2 (Multiple-Family Residential) zoning proposes a natural transition  
111 between existing residential developments to the south, with R-2 on 13.286 acres. They have proposed  
112 single-family homes adjacent to the existing residential zones and also townhomes to the north creating a  
113 natural transition of density.

114  
115 The request for C-1 (Retail Commercial) zoning on 11.086 acres follows the development pattern of  
116 naturally occurring density transition as there is a large arroyo barrier between the proposed residential  
117 development and the commercial development, which is adjacent to existing commercial zoned property  
118 on US-550.

119  
120 Our request tonight would be approving the Zone Changes in the allowable uses of the property and not a  
121 Site Plan. The Site Plan given this evening is only for a concept to help communicate our vision for this  
122 development. Future Master Planning will go before the Planning and Zoning Commission for review, as  
123 well to insure that all recommended conditions are met. An approval tonight will allow our team to move  
124 forward with data driven engineering and design from our team architects, engineers, and consultants.  
125 The Town of Bernalillo Comprehensive Land Use Plan provides a basis for key strategies to guide and  
126 manage future development of the Town. Future development that identifies a desired goal of more mixed  
127 land uses, housing options, and density. In fact, our requested zoning clearly implements this vision and  
128 project development pattern planned for the Town of Bernalillo.

129  
130  
131 The request for R-2 and C-1 are mutually cohesive and one cannot be achieved without the other. In order  
132 to have a successful and thriving retail/restaurant/commercial corridor in the Town of Bernalillo, you  
133 must also have a local work force with ample opportunity for local housing. One cannot exist without the

134 other if a flourishing community is to be achieved and maintained.

135

136 The Planning and Zoning Commission has made a recommendation of approval that are intended to guide  
137 this development and ensure compliance with the Town's Land Development Policy the conditions are as  
138 follows:

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1. **A grading and drainage plan for the subject site must be prepared. The review cost is due and payable by the applicant upon receipt of the reviewing engineer's invoice/s. A letter of approval from the consultant engineer will be required prior to any soil or site disturbance.**
2. **A water budget will be required at the time of development. The fee to the hydrologist to prepare the budget is \$600.00 and payable by the applicant. If any water rights will be required, those must be acquired from the Town on the private market and are payable by the applicant prior to the issuance of any certificate of occupancy.**
3. **A plan to address Stormwater runoff must be prepared by the applicant and submitted to the Town for review and approval prior to construction on the site. Mitigation must be done as per federal standards.**
4. **A copy of an approved driveway permit from the New Mexico Department of Transportation for access to/from US 550 must be provided for the file.**
5. **A traffic study showing the impact of the proposed development on US 550 and Sheriff's Posse Road must be completed and submitted to the Town of Bernalillo and New Mexico Department of Transportation for analysis and approval. On-site and/or off-site improvements may be required, and will be constructed by the developer.**
6. **Lighting of any future businesses located on the site must be focused solely on the premises in order to mitigate the impact on the surrounding areas.**
7. **Plans for the Riverwalk and other development must be coordinated with the appropriate local, state and federal authorities.**
8. **Town engineering standards for development must be met to the satisfaction of the reviewing departments.**
9. **The final layout of commercial and residential lots must be platted. All infrastructure associated with the platting must be in compliance with Town of Bernalillo regulations.**
10. **Conditional use permit approvals will be required for uses as per Town of Bernalillo zoning regulations (Comprehensive Zoning Ordinance 175.)**
11. **Impacts on wildlife will need to be mitigated as per local, state, and federal requirements.**
12. **The zone map amendment will revert to the previous zoning classification if a building permit has not been issued within a year of the Town's approval.**
13. **The zone map amendment will become void if a building permit has been issued, but no construction has occurred within 6 months.**
14. **All lots on the southern boundary of the proposed @Rio development and directly adjacent to the Bosque Encantado subdivision will be developed as single-family residential homes, and no taller than single-story in height.**

Ms. Williamson stated at this time she concludes her presentation and stands for questions.

179  
180 Mayor Torres asked if there were any questions from the Governing Body.  
181  
182 Councilor Jaramillo states on condition 13, will it become void if a building permit has been issued, but  
183 no construction has occurred within 6 months. So, are you anticipating to start construction in 6 months.  
184  
185 Ms. Williamson stated that it is 12 months to pull a permit and then 6 months to start construction, so we  
186 have a total of 18 months.  
187  
188 Councilor Dominguez states are these conditions in addition as to what is required in our ordinance.  
189  
190 Mayor Torres stated there are some in the ordinance and some are not in our ordinance, but they have  
191 agreed to follow.  
192  
193 Councilor Jaramillo states since it is a conceptual design, I am glad there are approvals.  
194  
195 Ms. Williamson stated this is only approval on the zone change.  
196  
197 Mayor Torres called those from the public wishing to speak for or against Ordinance 308.  
198

199 **PUBLIC COMMENTS:**  
200

201 **Diwan Bhathal** addressed concerns of the zoning for the property and questions if it is appropriate. No  
202 studies have been done for the economic development of the area. This is only a concept with no vision.  
203 The conditions they have agreed to meet are generic and not specific to the project. The area is in a flood  
204 plain, who is going to pay for that if the insurance company desires to pull out. Mr. Bathal strongly stated  
205 that the developer should bring before the Town more concrete plans on what is being proposed.  
206

207 **Zenon Cruz** stated that if this is like the Planning and Zoning meeting, you are going to hear valid  
208 concerns against the project, including traffic concerns, but the developer has done a good job. They  
209 listened and they have added a second entrance off of 550. You are also going to hear about crime. There  
210 will be substation added. They are listening to our concerns. What you are not going to hear is that this is  
211 good for the Town. Bernalillo is bigger than just the 50 or 60 families on Sheriff's Posse. There are 9,000  
212 people on the east side of the river and this project is good for all of them. I know there is no affordable  
213 housing in Bernalillo. He agrees with the development and strongly feels this is best for the community  
214 to bring in more opportunities. Mr. Cruz also stated that this will create more affordable housing for  
215 Bernalillo. This will help our future.  
216  
217

218 **Beverly Cruz** stated that she is also in favor of this proposal and feels that this is a great expansion for  
219 Bernalillo. Ms. Cruz strongly feels that the developers have done a great job addressing some concerns  
220 for the community. She also feels that this development will make Bernalillo a destination. It will create  
221 more jobs. We need to look beyond ourselves and look at what this development does to the community  
222 and look beyond the opposition. I think this project will benefit the Town.  
223

224 **Krista Gomez-Kelley** stated we are gravely concerned that this in not in compliance with the

225 Comprehensive Land Use Plan, she cites the following: to preserve, enhance the unique small town  
226 character and the culture of Bernalillo protect the character of residential areas. Ms. Gomez-Kelley  
227 strongly feels that there is a lack of studies for the project. She also expresses concerns about the Planning  
228 and Zoning Commission meeting, that citizens' concerns went unheard. The conditions were preset  
229 without any discussion. She also stated that not enough studies have been done to benefit Bernalillo and  
230 aide in it safety.

231  
232 **Judith Turner** stated that we are concerned with the traffic that is bound to come. I urge not to vote for  
233 this zoning change.

234  
235 **Vicki Powers** stated she is opposed to the zone change for the following reasons: Planning and Zoning  
236 Commission was unresponsive, the project goes against the Comprehensive Land Use Plan, feels the  
237 Commissioners had no discussion, she also questions that the Open Meetings Act may have been  
238 violated. This zone change would amount to spot zoning, harm the existing community, increased traffic,  
239 crime, as well as have an adverse effect on river and vegetation. She also is concerned with the posting of  
240 the meeting at the Post Office, as it did not have the time of the meeting. I ask that you please reverse the  
241 Planning and Zoning decision.

242  
243 **Jim Blaszkowski** stated he is against this proposal as it stands because there is no material to support it.  
244 Conceptual designs but no studies. There is a lot at stake here, I take offense that someone like me does  
245 not think about the future.

246  
247 **Patsy Walternath** stated that she lives in Bosque Encantado. The very first time the developers came to  
248 speak to us, they were very clear with what they wanted to do and willingness to work with us. If this  
249 development isn't allowed to proceed, what entities will purchase it and will they be as friendly. My  
250 concern is the Pueblo will purchase the property and develop it and the Town will not benefit. There will  
251 be no oversight.

252  
253 **Chip Wilson** stated that he hopes the Council will not be influenced by the residents of Bosque  
254 Encantado. Bosque Encantado would not be in existence if it met the same resistance as this development.  
255 Some residents cannot see the benefits of such a well thought out development. This is progress that any  
256 town would pray for.

257  
258 **Wendy Stace** stated that she is opposed and is concerned with safety. She understands it is a good thing.  
259 Crime and traffic will increase and that is concerning. I do oppose the project due to lack of information.

260  
261 **Dennis Mustoe** stated that he wanted to go on record to state his dissatisfaction and disagreement with  
262 Ordinance 308. He is also dissatisfied with Planning and Zoning Commission approval of the Zone  
263 Change. It appears to him that the decision of approval was made by the Commissioners prior to the  
264 meeting. I am in support of economic development but do not support Ordinance 308.

265  
266 **Lisa Muzic** stated that she hand selected Bernalillo to be her place of home for her family. I wanted to  
267 keep the small town feel with close proximity to Santa Fe, Sunport, and the Balloon Fiesta. She is  
268 concerned with traffic on Sheriff's Posse and how it will support the additional traffic. I ask for your no  
269 vote on this Zone Change.

270

271 **Juan Ubiera** stated the he is the only house that is going to be remaining. I did not get notified of this  
272 project. Mr. Ubiera is concerned with surrounding development as he will be surrounded by parking lots.  
273

274 **Ralston Barnard** stated that Comprehensive Land Use Plan is a legal binding document that the Town  
275 uses for regulations to develop the town. No evaluation of the residential area was taken into  
276 consideration. Mr. Barnard addressed concerns whether or not the developer has met the goal and  
277 objectives of the Comprehensive Land Use Plan. A concern is R-1 is the zoning for the area. Traffic  
278 problems that currently exist. I urge the council not to approve the Zone Change. He also stated that R-2  
279 zoning is not appropriate for the area.  
280

281 **Sandra Sanchez-Purrington** read a letter she previously sent to the Mayor. Concerns were the  
282 following: Trading in the small town atmosphere for economic benefit would result in uprooting of  
283 neighborhoods and displacement of families, growth should preserve the nature of a small town and  
284 quality of life for the residents, high density, violation of comprehensive use plan, and spot zoning in the  
285 name of progress.  
286

287 **Daniel Nowak** stated that he questions commercial rezoning being similar to residential zoning. Mr.  
288 Nowak is concerned that his property will lose value due to the Zone Change. He is concerned with the  
289 Town taking the first option for the property without weighing the Town's interest.  
290

291 **Beverly Nowak** stated that she questions why the developer need additional housing to attract workers to  
292 its businesses. She is concerned with the school being overcrowded and feels the Town should honor its  
293 original zoning of the area as rural residential.  
294

295 **Joe Watt** stated his concerns are the development does not follow the Comprehensive Plan. The proposed  
296 project and the difference between the two (2) different zones R-1 vs R-2 is violating the spirit of the  
297 Plan. Mr. Watt also has concerns with traffic and density of the housing development. 550 is not the  
298 Town and would ask you to consider the development in the central part of the city.  
299

300 **Ed Auerbach** stated that he objects to the zoning change requests for the following reasons: density,  
301 traffic, crime, water and sewer services, flood control, quality of life, changes to community, 550 has no  
302 relief for traffic congestion for Sheriff's Posse, lack of egress, fire and police response, crime due to  
303 commercial businesses, not compatible with character of current community.  
304

305 **Clint Correa** stated that he is in support of this development. Currently, behind his north wall, the current  
306 conditions are a fire hazard with brush and dead trees. The developer has shown they are willing to work  
307 with us and it has gained my support.  
308

309  
310 **Leroy Greer** stated his concerns the impact it will have on the wildlife, and will lose the natural beauty  
311 and rural setting of Bernalillo. He asks that Council please consider the constituents of the area.  
312

313 **Jotham Michnovicz** stated that he is the owner of Bosque Brewing and has had a positive impact,  
314 especially for local jobs. Bosque came in as an anchor to expand into a large development. This will be a  
315 destination for New Mexico and bring in revenue from many areas. New Mexico Department of  
316 Transportation has made positive changes to 550. The developer has adhered to standards set in previous

317 projects.

318

319 **Mike Montoya** stated concerns with population increase, schools, and the traffic increase that this project  
320 will cause. He is not opposed to the business development, but opposed to the high density housing.

321

322

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

324

325 Mayor Torres stated that he takes comments seriously and we have read letters from most of you,  
326 and e-mails. I am proud to say each of us take our jobs seriously. Someone made the comment  
327 this is a very important decision. There are some things that come before us that are not quite  
328 this important, but this is certainly one of them and we recognize that. I appreciate everyone  
329 coming in, and I especially appreciate a little back and forth, and reasonable respect for each  
330 other; no matter what we do, or where we are, or what we believe in, and I think that is lacking  
331 in our country these days. I thank you for being respectful of each other and I hope that will  
332 continue as it will continue for me. We understand that this is not to be taken lightly. There are  
333 legitimate points made by each one of you and, in all honesty, there are some things that I simply  
334 do not agree with. But I do think there was a lot of value to what was stated today.

335

336 Mayor Torres continues in saying it is also very important to remember that this is an application  
337 for a zone change, so there are so many details if this gets approved that would have to come  
338 forward after the fact. There has been some criticism of our process. I looked and checked into  
339 several zoning ordinances, including reaching out to the Middle Rio Grande Council of  
340 Governments. Our process is one that is similar to other in municipalities in the state in terms of  
341 not having tons of details for a zone change. I was concerned with that question and I did not  
342 know if it was a fair one or not. The other thing I think is important, from my point of view, is  
343 we have to balance individual needs as good as the whole community; and that is not a simple  
344 thing to do. We want to be respectful of everyone, and at the same time, look out for what we  
345 believe is best for the community. Believe me, none of us get rich by serving on this Governing  
346 Body. You make decisions that make people very unhappy but, in the end, all of us believe in  
347 Bernalillo; all of us grew up here. Some of us have left for periods of time, but we are here again,  
348 and all of us have grandchildren. So, again, we are not looking at it just for tomorrow or next  
349 week, not just for our lifetime, but hopefully for our kids and grandkids. Again, that is not a  
350 simple formula for coming up with how to go forward. I try to be straight forward with people.

351

352 Mayor Torres continues in saying for me, there are a number of things that are real important in  
353 looking at this situation. I think we have the potential for a quality project. I think it's very  
354 fortunate that there is a developer that wants to work, not only with the community, but is  
355 willing to work with the Town. This developer has done what is required in any of our  
356 ordinances in terms of getting feedback and trying to come up with ideas that will work as best  
357 as possible with the community. I understand it's still in the conceptual stage but in my 9 years  
358 now as Mayor, this is the first developer that I have seen who has actually even met with anyone



359 in the community rather than just coming in for an application and that is the truth. Maybe it is  
360 different in big communities, but that has been my experience and I know 9 years is not a long  
361 time, but we have some impressive developers come in and some not so impressive. I admire that  
362 they are willing to do things and the way they have started off things.

363  
364 Mayor Torres continues in saying I think the other thing that is important to say, and I say this  
365 with all due respect to our neighbors, but I say it from deep inside in terms of what I believe.  
366 550 has a lot of traffic. It has about 42,000 cars that come through daily. I don't see any of our  
367 neighbors concerned about how many cars they add to 550. None of them. I've reached out to  
368 different government entities and people say the right things and then the next week I see where  
369 they have increased the density in Mariposa. I drive on Paseo del Volcan and I see the big arroyo  
370 and its terrace now is full of houses. I have no idea where that water runoff is going to go. We  
371 are not talking about doing that here but, my point is simply that we live in a region where there  
372 is competition for housing. There is competition for development and lots of other things. I am  
373 not saying that are going to go out and try to add more traffic to the region, but I think if you  
374 look at the big picture, the amount traffic potentially added to 550 is not enormously significant.  
375 If you look at the additional traffic that is added by our neighbors, it is even less significant.

376  
377 Mayor Torres continues in saying there is another issue, and I know some people see it as a  
378 touchy subject, but again, I am speaking from my heart and it's a reality. We know that our tribal  
379 neighbors, fortunately for them, have a lot of cash and we know that a couple of years ago they  
380 purchased the King Ranch for 30 million dollars cash. We were invited to the grand opening of  
381 their hotel, they were proud to say they spent 67 million dollars, in cash, to build that hotel. I  
382 have no doubt in my mind that if this project isn't done well in the Town of Bernalillo, it  
383 becomes a possibility for it to become a tribal project. If that should happen, and the tribe  
384 purchase that property, that will mean several things. No control by any local government  
385 whatsoever because they are sovereign nations. It means no revenue for local governments and  
386 the fact is, whether you know it or not, the 41 acres around Big R, Warrior Gas Station, and  
387 Blake's were purchased by the tribe. I have no qualms with that, but the truth is once that  
388 property is turned into Trust Land, there is no local revenue and there is no local control  
389 whatsoever. What potentially we could end up with is something that none of us are going to  
390 want, and none of us are going to have one cent of input on. To me, that is secondary to the fact  
391 that this is a quality project that could really benefit the community. But it is a reality that we  
392 live in and the times we live in. Again, I don't have any qualms with economic development on  
393 tribal lands, but one of the dynamics that has changed in the last several years is that as they have  
394 gained more cash and have purchased private land and turned it over to tribal lands, it has  
395 impacted our local governments and the ability to survive.

396 Mayor Torres continues in saying I am only speaking for myself and the not the rest of the Town  
397 Council. I think we have a quality concept, someone willing to work with the community, as  
398 well as our administration, and ultimately there are ways to deal with a number of issues that  
399 have been raised. I think it is our responsibility that as an administration, and a government, to  
400 hold their feet to the fire, whether they are well intended or not and make sure any conditions or

401 ordinances that are required of them are followed through on as well as to do our best to make  
402 sure that this is something that the community will enjoy and benefit from for generations. I want  
403 to be clear that I am only speaking for myself and not for the rest of the Town Council. I wanted  
404 to put those things on the table, and again, I do respect all the comments that were made. I took  
405 detailed notes on the letters that were sent. There are specifics that are incumbent upon us, if this  
406 is approved, that we follow up and make sure they are dealt with. But I think it is a doable  
407 project that I think we will be happy with in the end.

408  
409 Councilor Prairie stated that he wanted to thank everyone in attendance and we have heard your  
410 comments, not only today but have also read the e-mails and letters. Somebody mentioned our  
411 constituents, you are our constituents. But on the other side of the river we also have  
412 constituents. They are not here and I don't know about the other council members, but since that  
413 was passed, I have heard from them and there are some that are for and against it, and wonder  
414 how it is going to impact the Town of Bernalillo. There are pros and cons on the development for  
415 the constituents I have spoken to. I want to thank all of you for expressing you opinions and facts  
416 tonight.

417  
418 Councilor Sisneros stated he would like to thank everyone tonight for their comments. They are  
419 well taken. We all have similar concerns with what is going on with this project. In all the years I  
420 have been a councilman, we have dealt with a lot of developers on different projects. This  
421 developer seems like they are going in, over, and above with how they want to take care of this  
422 project. That is really good to see that they are going out into the neighborhoods, getting their  
423 concerns and working with everyone, and the Town included. It is a big decision, we know that,  
424 but as a councilman, I have to weigh everything out and it's about Bernalillo. My decision has  
425 to be with all of Bernalillo. Not this portion or that portion. It is important that I make my  
426 decision based overall. Thank you everyone for being here tonight.

427  
428 Councilor Dominguez thanked everyone for their opinions, being both for and against, and  
429 again, with the letters we received, the e-mails, the phone calls. As the Mayor indicated, I  
430 believe all of us here are lifelong residents. Trust me, I do remember driving with my parents to  
431 go see the rodeo at the Sheriff's Posse Grounds and there were no houses there. But, because of  
432 the foresight of previous Governing Bodies and Commissions, developments were created to  
433 help our municipality grow and develop the way we want to see it develop. Believe me, I  
434 remember riding a bike and crossing the intersection on 550 and there were only 2 lanes and  
435 there was nothing. Development is inevitable and I think that we have to look at that picture. We  
436 represent 9,000 constituents, not just the ones present here. Yet, we are very appreciative of you  
437 being here to voice your opinions both for and against. I have a lot of concerns with this before it  
438 went to the Planning and Zoning Commission. The things that make me feel comfortable with  
439 this is the fact that this is just the first step in a series of processes that have to be completed for  
440 approval and if the developers are unable to meet these requirements-they are just not promises-  
441 the requirements listed are both local, state and federal; if they do not adhere to this and do not  
442 get their approval in a decent time, it reverts back to the original zoning. That is one of the

443 stipulations in here and I do appreciate that because I do appreciate the development. But, I do  
444 have concerns, I do not want a blanket commercial and residential approval and then it gets sold  
445 to someone else to develop it. That is not how it works and I think that is how we, Governing  
446 Body members, have to look at developments within the community. I have lived here my entire  
447 life and, believe me, Bernalillo has grown. I am proud of the community we have and I know we  
448 still have the ability to grow even further. I commend our Commissioners, we do get our packets  
449 beforehand, I do not think it is rehearsed or judged, or that they met in groups, as indicated by  
450 some of you that spoke. We have a right to review the documentation and come in with an idea  
451 of what we want and in addition, listen to the comments being made tonight. So with that being  
452 said, I just wanted to indicate my position when it comes to vote.

453  
454 I do have a question: when we had the really big storm and run off, and the river got really close  
455 on the west side, a couple of the residents did come forward, concerned with the flooding. I want  
456 to make sure the developers and the property owners of this development will be liable. They  
457 have to make sure to adhere to any flooding protection for that property, correct.

458  
459 Mayor Torres stated that is correct.

460  
461 Councilor Jaramillo thanked everyone for their comments, e-mails, letters, and phone calls.  
462 Everything was taken seriously. We do have a lot of constituents to consider. We know that  
463 traffic is inevitable. Traffic is going to continue, Rio Rancho continues to grow, that is not going  
464 away either. That should not deter us from a quality developer, or quality developments, that are  
465 going to work with the Town. I do want to assure you that the Planning and Zoning Department  
466 will ensure that all the regulations and ordinances are met. We have total confidence in our  
467 Planning and Zoning Commission and Planning and Zoning Staff. Thank you again for your  
468 attendance and showing your concerns on this matter.

469  
470 Mayor Torres asked if there were any other questions or comments.

471  
472 There were none.

473  
474 Mayor Torres entertained a motion.

475  
476 Councilor Prairie made a motion to adopt Ordinance 308 Implementing the Approval of a Zone Map  
477 Amendment (Zone Change) from R-R (Rural Residential) to C-1 (Retail Commercial on 11.086 acres and  
478 R-2 (Multiple-Family Residential) on 13.286 acres approved by the Planning and Zoning Commission  
479 with 14 conditions. The motion was seconded by Councilor Jaramillo.

480  
481 Roll Call Vote

482 Councilor Prairie            Yea

483 Councilor Sisneros        Yea

484 Councilor Dominquez      Yea

485 Councilor Jaramillo Yea

486

487

488 **APPROVAL OF MINUTES: 6a) Regular Meeting of February 11, 2019**

489 Councilor Sisneros moved to approve the minutes of February 11, 2019 as presented. The  
490 motion was seconded by Councilor Dominguez and the motion carried unanimously.

491

492 **PERSONNEL: 7a) Planning and Zoning Director. Presenter: Troy Martinez**

493 Troy Martinez, Human Resources Director, stated that it was the recommendation of the hiring  
494 committee to hire Stephanie Shumsky as the Planning and Zoning Director for the Town of  
495 Bernalillo Planning and Zoning Department.

496

497 Mayor entertained a motion.

498

499 Councilor Dominguez moved to approve the hiring of Stephanie Shumsky as the Planning and  
500 Zoning Director for the Town of Bernalillo Planning and Zoning Department. The motion was  
501 seconded by Councilor Prairie and the motion carried unanimously.

502

503 **NEW BUSINESS: 8a) Discussion, Consideration, Action, Approval and Adoption of**  
504 **Resolution 2-25-19 Regarding Disposal of Public Property. Presenter: Geraldine Guerrero**

505

506

**Town of Bernalillo**

507

508

**Resolution No. 02-25-19**

509

510

511 A Resolution Regarding Disposal of Public Property and Authorizing its Sale

512

513 **WHEREAS**, Section 13-6-1 through 13-6-2 NMSA, 1978 provides that local  
514 government may dispose of obsolete, worn-out or unusable tangible public  
515 property by means of a negotiated sale or donation to other local public  
516 bodies, and

517

518 **WHEREAS**, The Town of Bernalillo Police Department no longer uses the Vehicle 2010  
519 Dodge Charger VIN #2B3AA4CT7AH303130. The Police Department does not use the police  
520 unit due to it has been replaced with a newer unit, therefore it is no longer needed for essential  
521 governmental purposes,

522

523 **WHEREAS**, The City of Belen Police Department has expressed an interest in  
524 purchasing the Police Unit for the amount of \$5,000 total for the vehicle.

525

526 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF**  
527 **TOWN OF BERNALILLO:**

528  
529 Section 1. That authorization is hereby given for the disposal of surplus  
530 public property 2010 Dodge Charger VIN #2B3AA4CT7AH303130 to  
531 Belen Police Department located at the Police Department for the amount  
532 of \$5,000 total for the vehicle.

533  
534 Section 2. That the Governing Body approves the sale of the Vehicle  
535 2010 Dodge Charger VIN #2B3AA4CT7AH303130 to Belen Police  
536 Department as provided by Sections 13-6-1 through 13-6-2, NMSA, 1978.

537  
538 **PASSED, APPROVED and ADOPTED** by the governing body at its meeting of February  
539 25, 2019.

540  
541 Mayor Torres entertained a motion.

542  
543 Councilor Sisneros moved to adopt Resolution 2-25-19 Regarding Disposal of Public Property.  
544 The motion was seconded by Councilor Jaramillo and the motion carried unanimously.

545  
546  
547 **NEW BUSINESS: 8b) Discussion, Consideration, Action, and Approval of Update to**  
548 **Operating Police Department Policies and Procedures Manual. Presenter: Chief Tom Romero**

549  
550  
551 Mayor Torres entertained a motion to table the item until the meeting of March 11, 2019.

552  
553 Councilor Dominguez made a motion to table the Update to Operating Police Department  
554 Policies and Procedures until the meeting of March 11, 2019. The motion was seconded by  
555 Councilor Prairie and the motion carried unanimously

556  
557  
558 **NEW BUSINESS: 8c) Discussion, Consideration, Action and Approval of Lodger's**  
559 **Tax Funding Cycle February 2019. Presenter: Michael Kloeppe**

560  
561 RE: Lodgers Tax Funding Recommendations for February 2019 Cycle. **\$55,000.00**

562  
563 Advertising and promoting tourist facilities and activities through the design, production, and  
564 placement of media advertisement.

565  
566 Establishing, operating, constructing, purchasing, otherwise acquiring, reconstructing, bettering,  
567 or otherwise improving, equipping, and furnishing tourism facilities owned by the municipality.

568  
569 Providing police and fire protection and sanitation services for tourist related events and  
570 attractions located within the Town of Bernalillo property.

571  
572 In accordance with New Mexico State Statute and Town Ordinance, on behalf of the Lodger Tax  
573 Board the following recommendations are requested for the expenditure of Lodgers Tax funds  
574 for the purpose of promoting tourism activities and improving tourist facilities in Bernalillo:  
575

576 **Farm House Ale Event \$18,250.00** for the promotion of their event Advertising, Marketing &  
577 Promotions, Police & Fire Protection and Sanitation.

578  
579 **Rio Grande Valley Celtic Festival: \$8,250.00** for promotion of their event, Advertising,  
580 Marketing & Promotions.

581  
582 **50<sup>th</sup> Sandoval County Sheriff's Posse Rodeo: \$8,250.00** for promotion of the rodeo in August,  
583 Advertising, Marketing & Promotions.

584  
585 **Authentic Native American Arts Association: \$11,250.00** for promotion of their event held in  
586 May at Loretto Park, Advertising, and Marketing & Promotions, Fire Protection & Police and  
587 Sanitation.

588  
589 **Town of Bernalillo Mountain Brew Fest: \$20,000.00** for promotion of their event held August  
590 2019 at Loretto Park, Advertising, and Marketing & Promotions. Application withdrawn until  
591 June meeting.

592  
593 **Town of Bernalillo MOA with KANW 89.1- \$9,000.00** for partnership form April 1, 2019 -  
594 March 31, 2020 for any events in Bernalillo Advertising and Marketing all events.

595  
596 **Total Recommended Award This Funding Cycle: \$55,000.00**

597  
598 Upon award, and prior to payment to all vendors, all recipients of funds will be required to  
599 provide proof (tear sheets, ad copy, etc.,) of acknowledgement in each advertisement of "Funded  
600 by the Town of Bernalillo." Additionally, each recipient will be required to report attendance at  
601 event, or location directly linked to advertisement.

602  
603 Mayor Torres entertained a motion.

604  
605 Councilor Dominguez made a motion to award the Lodgers Tax February 2019 Funding Cycle  
606 for \$55,000. The motion was seconded by Councilor Prairie and the motion carried  
607 unanimously.

608  
609 **FINANCIAL SECTION: 9a) Approval of Accounts Payable Voucher List.**

610 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of  
611 \$336,136.97.

612

613 Mayor Torres entertained a motion.

614

615 Councilor Prairie made a motion to approve the accounts payable voucher list in the amount of  
616 \$336,136.97. The motion was seconded by Councilor Sisneros and the motion carried  
617 unanimously.

618

619

620 **MISCELLANEOUS SECTION: 10a) Public Comment.**

621 None.

622

623 **MISCELLANEOUS SECTION: 10b) Announcements. Presenter: Mayor Torres**

624 The following announcements were made:

625

626 Mayor Torres thanked Councilor Sisneros and Councilor Prairie for attending New Mexico  
627 Municipal Day on February 20, 2019.

628

629 Mayor Torres stated that he is keeping an eye on House Bill 6, which concerns taxes. We need to  
630 really watch this right now as it is being rewritten. The League is also keeping a close eye on it  
631 as well, once we have information, we will share it with you.

632

633 There being no further business, Councilor Prairie moved to adjourn the meeting at 8:35 P.M.  
634 The motion was seconded by Councilor Dominguez and carried unanimously.

635

636 Done this 25th day of February 2019.

637

638

639

640 ATTEST:

641

642 \_\_\_\_\_  
Ida Fierro, Town Clerk

643 (seal)

644

\_\_\_\_\_

Jack S. Torres, Mayor