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6 **MINUTES OF A REGULAR MEETING**  
7 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**  
8 **HELD AT THE TOWN HALL**  
9 **MAY 14, 2007**

10  
11 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules of  
12 the Town on May 14, 2007, at 6:30 P.M.

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

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16 **PRESENT:**

17 Mayor Chávez  
18 Councilor Torres  
19 Councilor Sisneros  
20 Councilor Montoya  
21 Councilor Jaramillo

16 **ALSO PRESENT:**

Stephen Jerge                      Anthony Kent Contreas  
Ida Fierro                              Denise Silva  
Santiago Chavez                  Charlotte Silva  
Mary Kwapich                        Helen Sandoval  
Fred Radosevich                      Margaret Valdez  
Debbie Kilfoy                        Kelly Moe  
Alex Chavez                          Bill Mast  
Maria Rinaldi

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26 **ABSENT:**

**Others Present Not Identified**

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

29 Stephen Jerge asked to table items 5b and 5c table to a later meeting in June 2007 so that a work  
30 session can be presented to the Governing Body on Public Improvement District which would  
31 involve these items being tabled.

32  
33 Councilor Jaramillo moved to approve the agenda as amended. The motion was seconded by  
34 Councilor Sisneros and carried unanimously.

35  
36 **PUBLIC HEARINGS: 5a) Proclamation declaring May 15 Peace Officer's Memorial**  
37 **Day and the Week of May 15 as National Police Week.**

38  
39 Mayor Chávez read the proclamation. Chief Fred Radosevich accepted the Proclamation on behalf  
40 of the Bernalillo Police Department.

41  
42 **PUBLIC HEARING:5d) Discussion, Consideration and Action on Appeal of P& Z**  
43 **Commission Decision; Conditional Use Permit for a Home –Based Business for William M.**  
44 **Mast – Alex Chavez Complainant. Presenter: Kelly Moe**

45  
46 Mayor Chávez passed as chair being the item was of personal interest to her. Mayor Protem

47 Santiago Montoya took over as chair on this item

48

49 Bernalillo Planning & Zoning Director, Mr. Kelly Moe, stated that the Planning and Zoning  
50 Commission approved the Conditional Use Permit for a Home Based business for William M. Mast  
51 located at 430 B Old Highway 44. The Commission approved the Condition Use Permit at its  
52 regular meeting of April 03, 2007.

53

54 Mr. Alex Chavez has appealed that decision. The Council was asked to make a decision whether or  
55 not to uphold the Commission's decision based on a review of the record of that decision and/or the  
56 testimony of those who testify for or against the Conditional Use Permit.

57

58 Mr. Alex Chavez stated that he is appealing the decision of the Planning and Zoning Commission  
59 due to the fact Mr. William M. Mast does not live at the address. He stated that the zoning  
60 regulations for any " R-R Rural Residential Zone" of the Town of Bernalillo do not allow for this  
61 type of business. Referring to Page 33, item 3, items appealed, all proceeding stop. This has not  
62 happened. Mr. Chavez said he was just asking the Council to uphold the laws made in the Zoning  
63 Ordinance. He stated that Mr. Mast does not live there and felt that there was no proof that Mr.  
64 Mast lives at this residence and should not have a home based business at that address.

65

66 William M. Mast stated that he was for the Conditional Use Permit. He bought his home in 2005  
67 and made some improvements to the property. He has a small business office located in one of the  
68 rooms is his home with a desk, computer and fax. He has no employees. He is an active member in  
69 the community. He is involved with Little League, an active member of Sandoval Sheriff Posse and  
70 Our Lady of Sorrows Church. He provides service for the elderly that can not afford an attorney  
71 assisting them with letters to creditors or insurance companies.

72

73 Councilor Jaramillo stated that "Mr. Chavez indicated that Mr. Mast does not live." Councilor  
74 Jaramillo asked Mr. Mast if he lived at the address in question. Mr. Mast stated "yes, since 2005."

75

76 Councilor Torres asked if Mr. Mast lived at 430 B Old Highway 44 and not at 425 El Serrano. Mr.  
77 Mast stated that "the home on 425 El Serrano belonged to Mayor Chávez and he lives at the property  
78 in question."

79

80 Kelly Moe asked to address the Governing Body with several comments Mr. Chavez made. Mr.  
81 Chavez stated that the address does not comply with the Planning and Zoning Ordinances. There are  
82 home based businesses that have been approved by the Planning and Zoning Commission in a RR  
83 zone and the records are in place if the Governing Body would like to examine them.

84

85 There being no other comments. Mayor Protem Santiago Montoya asked for a vote to uphold the  
86 Planning and Zoning decision for the conditional use permit for the home based business of William  
87 M. Mast.

88

89 Councilor Jaramillo moved to uphold the Planning and Zoning decision for William M. Mast. The  
90 motion was seconded by Councilor Torres.

91  
92 Roll Call Vote           All Yea

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94           **PUBLIC HEARING : 5e) Discussion, Consideration and Action on Approval for the**  
95 **Proposed Issuance by the Alcohol and Gaming Division of the State of New Mexico, of a**  
96 **Restaurant Liquor License (Beer & Wine On-Premise Consumption Only) to Palo Alto dba**  
97 **Pizza Hut #12961. Presenter Ida Fierro**

98 Ida Fierro stated that this was a license for Beer and Wine On-Premise Consumption Only to Palo  
99 Alto dba Pizza Hut # 12961. There is an existing Liquor License at the location owned by the same  
100 entity. The corporation structure has changed. Since these liquor licenses are non-transferable a new  
101 application is required.

102  
103 Mayor Chávez then swore in anyone testifying either for or against the transfer.

104  
105 Mr. Kent Contreras area manager for Palo Alto Corporation for the liquor stated that Pizza Hut  
106 currently has a liquor license but the structure of the corporation has change and that is the reason  
107 for the request.

108  
109 Councilor Torres moved to approve the issuance of a Restaurant Liquor License to Palo Alto dba  
110 Pizza Hut #12961. The motion was seconded by Councilor Jaramillo.

111  
112 Roll Call Vote           All Yea

113  
114           **APPROVAL OF MINUTES: 6a) Regular Meeting of April 23, 2007.**

115 Councilor Torres moved to approve the minutes of April 23, 2007 as presented. The motion was  
116 seconded by Councilor Montoya and carried unanimously.

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119           **APPROVAL OF MINUTES: 6a) Special Meeting of April 16, 2007.**

120 Councilor Sisneros moved to approve the minutes of April 16, 2007 as presented. The motion was  
121 seconded by Councilor Torres and carried unanimously.

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123           **PERSONNEL: 8a) WWTP Chief Operator Designation (1): Stephen Jerge.**

124 Stephen Jerge stated that it was his recommendation create a position of the Chief Operator position  
125 in the WWTP. The new WWTP will need to have a sole supervisor assigned to the operation of the  
126 plant. Currently under our organization chart it is under the supervision of Public Works. The  
127 Designation of the position is essential to the operation of the new WWTP.

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129 Councilor Sisneros moved to approve the creation of the WWTP Chief Operation position. The  
130 motion was seconded by Councilor Torres and carried unanimously.

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**PERSONNEL: 8b) WWTP Chief Operator (1): Stephen Jerge.**

Stephen Jerge stated that it was his recommendation to hire Stephen Paul as WWTP Chief Operator.  
Councilor Jaramillo moved to approve hiring Steven Paul as WWTP Chief Operator. The motion was seconded by Councilor Montoya and carried unanimously.

**PERSONNEL: 8c) Administrative Assistant (1): Stephen Jerge.**

Stephen Jerge stated that it was his recommendation to hire Felicia Rodriquez as Administrative Assistant. The previous applicant approved declined the position Teresa Garcia. Felicia was the other top applicant that interviewed for the position.  
Councilor Jaramillo recused herself from the hiring of the Felicia Rodriquez due to personal interest. Councilor Torres moved to approve hiring Felicia Rodriquez as Administrative Assistant. The motion was seconded by Councilor Montoya and carried unanimously.

**NEW BUSINESS 9a) Discussion, Consideration and Action of Resolution 05/14/07 Local Government Transportation Fund (GRIP2) Presenter: Maria Rinaldi**

RESOLUTION, NOTIFICATION AND CERTIFICATION  
No. 05-14-07

WHEREAS, money from the proceeds of the Local Government Transportation Fund otherwise known as GRIP2, authorized in the section of the Laws of New Mexico (the "Act") specified in Exhibit A attached hereto and made a part hereof (the "Exhibit") is needed in then amounts and for the project ("Project") specified in the Exhibit, and;

WHEREAS, the governing body of the Town of Bernalillo met on May 7, 2007 and adopted the resolution set for below:

NOW THEREFORE BE IT RESOLVED BY AND CERTIFIED BY THE UNDERSIGNED FOR AND ON BEHALF OF THE TOWN OF BERNALILLO:

1. The project has been developed sufficiently to justify the issuance of Bonds in the amount stated for the Project, and the Project can incur within six months of the date the Bonds are issued (expected to be in July of 2007) a substantial bidding obligation to a third party to expend at least five percent (5%) of the Bond proceeds for the Project and work will thereafter proceed diligently to completion. It is expected that at least eighty-five (85%) of the proceeds allocated to the Project will be used by three years after the Bonds are issued. By delivery of a copy of this document, the State Board of Finance ("Board") is hereby notified that the money from the proceeds of Bonds is needed for the Project in the amount

- 172 specified in the Exhibit.  
173  
174 2. The Board is hereby requested and instructed to issue and sell Bonds to fund the Project in  
175 the amount specified in the Exhibit.  
176  
177 3. All conditions, contingencies and limitations including the local match requirements imposed  
178 by the Act with respect to the Project and the expenditure of funds with respect thereto shall  
179 be satisfied.  
180  
181 4. With respect to the Local match the Town of Bernalillo certifies that the all match  
182 requirements imposed by the Act will be available by July 30, 2007.  
183

184 Councilor Montoya moved to approve Resolution 05/14/07 Local Government Transportation Fund  
185 (GRIP2). The motion was seconded by Councilor Torres.

186  
187 Roll Call Vote All Yea  
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189  
190 **MISCELLANEOUS: 10) NONE**  
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192  
193 **FINANCIAL SECTION: 11a) Approval of General Fund Vouchers #31310-**  
194 **#31413.**

195 Councilor Torres moved to approve the General Fund Vouchers 31310 - #31413 as presented. The  
196 motion was seconded by Councilor Montoya and carried unanimously.  
197

198 **FINANCIAL SECTION: 11b) Approval of Utility Fund Vouchers #62424 - #62495.**

199 Councilor Torres moved to approve the Utility Fund Vouchers #62424 - #62495 as presented. The  
200 motion was seconded by Councilor Jaramillo and carried unanimously.  
201

202 **FINANCIAL SECTION: 11c) Approval of MVD Fund Vouchers #66353 - #66378.**

203 Councilor Sisneros moved to approve the MVD Fund Vouchers #66353 - # 66378 as presented. The  
204 motion was seconded by Councilor Montoya and carried unanimously.  
205

206 **FINANCIAL SECTION: 11d) Approval of Housing Low Rent Vouchers #5132LR-**  
207 **#5166LR.**

208 Councilor Jaramillo moved to approve the Housing Low Rent Vouchers #5132LR - #5166LR as  
209 presented. The motion was seconded by Councilor Sisneros and carried unanimously.  
210

211 There being no further business the meeting was adjourned at 7:39 P.M.  
212

213 Done this 14th day of May 2007.

Minutes of the Town Council Meeting  
May 14, 2007  
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ATTEST:

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Town Clerk  
(seal)

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Patricia A. Chávez, Mayor