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4 **MINUTES OF A REGULAR MEETING**
5 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**
6 **HELD AT THE TOWN HALL**
7 **August 27, 2007**
8

9 The Governing Body of the Town of Bernalillo met in a special session within the law and rules
10 of the Town on August 27, 2007, at 6:30 P.M.

11
12 Upon Roll call the following members were found to be present:

13
14 **PRESENT:**

15 Mayor Chávez
16 Councilor Montoya
17 Councilor Sisneros
18 Councilor Jaramillo
19 Councilor Torres

ALSO PRESENT:

Stephen Jerge Steve Amiot
Fred Radosevich Margie Amiot
Yolanda Mora Denise Silva
Santiago Chavez Charlotte Silva
Rob Burpo Maria Rinaldi
Kelly Moe Tony Sylvester
Sarah Ljad Michael Plese
Mary Kwapich Paul Barabe

20
21
22
23 **ABSENT:**

Others Present Not Identified

24
25 **APPROVAL OF AGENDA: 4a)**

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

28
29
30 **PRESENTATION: 5a) Municipal Arterial Program for Reconstruction of Hill**
31 **Road Presentation of Funds to the Mayor and Council for the Town of Bernalillo.**
32 **Presenter: Stephen Jerge/DOT.**

33
34 Michael Plese with NM Department of Transportation presented a check to the Town in
35 the amount of \$100,000 to the Town for Improvement to South Hill Road.

36
37 Mayor Chávez indicated that this is the first time the Town of Bernalillo has applied for
38 Municipal Arterial Program funds and will be applying again in the future.

39
40 **PUBLIC HEARING: 6a) Discussion, Consideration and Adoption of Resolution**
41 **08/27/07 Town of Bernalillo Concerning the Adoption of Proposed Bernalillo Transit**
42 **Oriented Development Plan as an Amendment to the Town of Bernalillo Comprehensive**
43 **Plan, and Terminating the Moratorium Prohibiting Acceptance of Planning & Zoning and/**
44 **or Building Permit Applications for Properties with the TOD areas. Presenter: Kelly Moe**

45 **STATE OF NEW MEXICO**

TOWN OF BERNALILLO

46 **Resolution No. 08/27/07**

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**A Resolution of the Governing Body of the Town of Bernalillo
Concerning the Adoption of the Proposed Bernalillo TOD (Transit Oriented
Development) Plan as an Amendment to the Town of Bernalillo Comprehensive
Plan, and Terminating the Moratorium Prohibiting Acceptance of Planning &
Zoning and/or Building Permit Applications for properties within the TOD areas**

54 **WHEREAS**, at its regular meeting of September 11, 2006, the Governing Body of the Town of Bernalillo
55 adopted Resolution No. 09-11-06 which established a moratorium for the acceptance or approval of any
56 planning & zoning and/or building permit applications for areas near the Rail Runner commuter rail stations
57 located within the Town of Bernalillo until such reasonable time that the Town could consider appropriate
58 new development policies and/or regulations for such transit oriented areas; *and*

59
60 **WHEREAS**, since that date, the Town has participated in a regional process facilitated by the Mid-Region
61 Council of Governments (MR-COG) in order to consider design and development policies and/or regulations
62 for all transit-oriented areas from Belen to Bernalillo along the Rail Runner line; *and*

63
64 **WHEREAS**, during this process, the Town and its regional partners have held numerous open meetings and
65 hearings in order to solicit professional advice and to encourage public review and comment for said design
66 and development policies and regulations, and that these suggestions and comments have been included in a
67 proposed Bernalillo TOD (Transit Oriented Development) Plan, being a proposed amendment to the existing
68 Comprehensive Land Use Plan for the Town of Bernalillo, which was duly adopted by the Governing Body of
69 the Town at its regular meeting of December 13, 2004; *and*

70
71 **WHEREAS**, after due consideration, the Governing Body of the Town is convinced that the proposed
72 Bernalillo TOD Plan is beneficial for the Town, its residents, and its regional planning partners, and that the
73 Bernalillo TOD Plan is consistent with the Statutory purpose of a Comprehensive Plan, to wit: "The plan
74 shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious
75 development of the municipality which will, in accordance with existing and future needs, best promote
76 health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy
77 in the process of development.";

78
79 **THEREFORE**, *be it resolved by the Governing Body of the Town of Bernalillo that:*

80
81 *The Town of Bernalillo Comprehensive Plan be hereby amended to include the proposed Bernalillo*
82 *TOD Plan (attached hereto), in toto, as Addendum No: 1; that the objectives, recommendations, and*
83 *next-steps of the TOD Plan shall be considered as further refinements of, and shall supersede more*
84 *general or conflicting provisions of, the Comprehensive Plan; and that the moratorium prohibiting*
85 *planning & zoning and/or building permit applications for areas within the transit-oriented areas, as*
86 *such areas were defined in the Exhibits to Resolution No. 09-11-06, shall be hereby terminated.*

87
88
89 Councilor Jaramillo stated that the TOD Plan is the chance to control the growth of the town and
90 set the growth for the Town of Bernalillo. In the TOD Plan the growth is to really expand and
91 attended a lot of the workshop. What she heard from the public that attended the meeting was

92 density was a concern to them. It was discussed at the Workshops discussing the density with 6
93 being the minimum and 12 being the maximum.

94

95 On page 36 Mayor Chávez indicated that this is only a target not a requirement.

96

97 Bernalillo Planning & Zoning Director, Mr. Kelly Moe, stated that this plan sets a guide for staff.
98 Property owners can have only two units per lot. The action would be presented to the Planning
99 and Zoning Commission and would make a decision on whether it would be allowed.

100

101 Councilor Jamamillo asked how do we know that it is going to be equitable for all parties
102 involved. Bernalillo Planning & Zoning Director, Mr. Kelly Moe, stated that this TOD plan
103 helps to guide the Planning and Zoning Commission. If we are going to not follow this then a
104 question you need to ask yourselves then why are we adopting this TOD Plan.

105

106 Mayor Chávez stated that the added language should be that less than 6 units would be allowed.
107 Kelly Moe, stated that was not necessary. Kelly Moe stated by adopting this TOD Plan is only a
108 guideline when the actual property owners bring an application to the Planning and Zoning
109 Department. It just sets a platform to help staff make decisions on the property in question.

110

111 Councilor Montoya stated that he felt uncomfortable making changes to a document that the
112 community/staff had put together. He felt uncomfortable making changes to what had been
113 presented.

114

115 Kelly Moe stated that the Law gives the Council the authority to make decisions. Thanked
116 Councilor Montoya for the confidence in staff and HDR. By adopting this would give the staff a
117 tool to know what works well and what does not.

118

119 Mayor Chávez wanted to clarify at the workshops that none of the proposed streets were
120 eliminated. The discussion was with in quarter mile radius removing anything that was not
121 within that. The roadway south of Vineyard was stricken because it was outside of the quarter
122 mile radius.

123

124 Mayor Chávez also stated that the thought was to increase the density in the quarter mile radius
125 but being that was not included in the study then no changes will be made in that area this would
126 require another overlay. It seems the major issue is density and a common item from the public
127 and the workshops.

128

129 Councilor Jaramillo state that to provide affordable housing without overcrowding and without
130 changing the character of our town and still felt uncomfortable with the density.

131

132 Councilor Torres asked Kelly Moe Planning and Zoning Director if the TOD Plan was in line the
133 Mainstreet overlay.

134

135 Kelly Moe Planning and Zoning Director stated that the TOD Plan is consistent with the
136 Mainstreet Overlay and would work hand in hand. He felt it was an extension of the Mainstreet
137 Overlay.

138

139 Councilor Torres has a question on Alameda Road. He asked Kelly Moe to explain the use of
140 that road. Kelly Moe Planning and Zoning Director stated that the Road would be closed during
141 special events.

142

143 Kelly Moe Planning and Zoning Director stated that the current suburban size lots are
144 somewhere between 6 & 7 lots for a 6,000 ft lot. If we do not up that then we will be less dense
145 than what the market is. What we will find is a more expensive home. Demand for housing near
146 transit is high. We will find the market to place people out of it.

147

148 Council Torres asked if 8 ft is required between buildings in the alley ways. Kelly Moe Planning
149 and Zoning Director stated that this was in the building code due to fire prevention.

150

151 Mayor Chávez stated the TOD Plan is reflective of all the efforts of the staff, HDR Engineers,
152 MRCOG and the public. Mayor Chávez asked if there was a recommendation to change the
153 density in the document.

154

155 Kelly Moe Planning and Zoning director was asked by Councilor Jaramillo the total acres
156 involved in this area. The total would be 60 acres. The Downtown there could be 720 homes and
157 440 home in the 550 area. Primary and Secondary housing. Secondary minimum of 8 lots per
158 acre and minimum of 12 lots per acre in the Primary area. There was a change at the last
159 workshop for these areas to be the same which was 6 minimum and 12 maximum.

160

161 Councilor Jaramillo stated this should be used as a tool on the behalf of the Governing Body to
162 control the growth of Bernalillo.

163

164 Councilor Sisneros stated that families that owned property want to keep that property whole.
165 How is this going to affect the wishes of those families?

166

167 Mayor Chávez asked for a suggestion on areas to target.

168

169 Council Montoya stated that this needs to be looked at as a whole. The concern is the
170 implementation of this document.

171

172 Kelly Moe Planning and Zoning Director stated that his wish was for this to be adopted to have a
173 tool which would give staff a guideline to follow.

174

175 Councilor Torres stated that as long as this plan is done right he does not want a Taos or a Santa

176 Fe he wants a Bernalillo. If this plan is done correct and fair then he did not have a problem with
177 it.

178
179 Kelly Moe Planning and Zoning Department Director stated that his staff is to provide a
180 framework to keep Bernalillo whole. The areas of town this encompasses are really small.

181
182 Mayor Chávez stated that a recommendation on how to move forward. If everyone could come
183 to terms on the density amount. Then state in the TOD plan anything outside of that would come
184 before the Governing Body. This may be a fair compromise and then make an adjustment
185 depending on the volume.

186
187 Kelly Moe Planning and Zoning Department Director stated this would cause a problem for them
188 because when developers are looking for is a range the document would not provide clarity.

189
190 Mayor Chávez stated that the council could identify a maximum density which would be a
191 guidance to staff for clarity. There would be a maximum on units.

192
193 Kelly Moe Planning and Zoning Department Director stated that the TOD plan has that now.

194
195 Council Montoya stated that communication is key and how the TOD Plan is implemented is
196 important to the success of the TOD plan. Councilor Torres agreed with this statement.

197
198 Mayor Chávez asked for a recommendation so that the public could comment on the TOD Plan.

199
200 Councilor Montoya stated that checks and balances need to be in place for this to work and
201 Councilor Sisneros agreed with this statement.

202
203 Mayor Chávez asked again for a recommendation.

204
205 After further discussion the Councilor decided to change the language to read the Primary area in
206 the TOD Plan up to 12 units per acre and the downtown secondary housing up to 8 units per
207 acre.

208
209 **Public Comment**

210
211 Steve Amiot stated that he was a member of the Advisory Board and appreciated the discussion
212 the Council has had this evening. He is for and against the TOD Plan. There are problems with
213 the TOD Plan. A quote "Central Issues for the community along the Railrunner corridor is to
214 access potential and determine what portion they would like to accommodate within the TOD
215 that is his area. It has been recommended that we increase the population of several 1,000 more
216 people. Congesting our roads polluting our air. In working on the Advisory Board not once did
217 anyone say "gee I think Bernalillo could use a couple more 1,000 people." Our comprehensive

218 plan now has that allotted amount of homes per acre. Now it is in the distant future looks like a
219 mall. Does not like the design looks. They are designed for window shopping. A plan was
220 presented at the workshop that looked much more like Bernalillo. There are a lot of good ideas
221 in this plan. Mr. Amiot's recommendation would be to analyze and rewrite parts of this plan
222 with the help of the Planning and Zoning Commission in order to determine what portion of the
223 market we would like to accommodate with our TOD Plan.

224
225 Margie Amiot

226
227 Margie Amiot stated that she agrees with Steve and would like that on record. They are
228 concerned with the density. Very concerned even though we are calling this a guideline we are
229 sending a message 12 units per acre it just seems like an awful lot. She has lived her all her life
230 and she will have to deal with the pollution, streets, and fire department. Everything 800 units
231 whatever units there is are going to affect her directly and she is very concerned. Even though it
232 is a guideline. If you put out the word we will accept 12 and they realize it is a guideline maybe
233 they mean 24 or 36. She thinks it is easier to start at a lower amount and then go forward and see
234 how that works. If we are getting a lot of information that is not proper, fine let us deal with it.
235 But. if you start at 12 and find out it is way to much it is going to be a lot harder to come down
236 on that number. Also on Alameda people they talked to they want it to be pedestrian only they
237 do not want to have to be dealing with traffic. She wants to applaud the Council for taking this
238 so seriously. Maybe we should take another couple of weeks to look at it more because of the
239 changes being made. We have waited this long

240
241
242 Denise Silva

243
244 Denise Silva stated she is for and against the TOD Plan. She would like to point out the
245 Downtown Railroad Street and Public Parking Area she feels that the people that live in that area
246 the residents of that area need to be notified individually a meeting set to discuss every avenue of
247 this venture. Before the Council or anyone gives a green light to go through it. Many areas are
248 not wide enough to warrant the two lanes the vehicle, the pedestrian bike lane and the art wall. I
249 think the citizens need to be aware what might happen to their land before the Council okays the
250 plan. What I am talking about in eminent domain. Is there enough property that these people
251 want to give up? Very concerned about the quiet zone suggested for Avenida Bernalillo and Rail
252 Road Track Road. 100ft median are going to create no left turns for people in that area. A lot of
253 people will not be able to get into their property. I already know how annoying the whistle
254 blowing is because I deal with that on a daily basis. But, we need to have access to our property
255 and street without interference. It is already very difficult to get in and out of our yards with the
256 increased traffic on Avenida Bernalillo and I am really concerned with that 100ft median that is
257 going to come in. I am concerned also with how high will the art wall be will it block the view
258 of the mountains, will it invite graffiti to create, will it give a sense of separation of east and west
259 Bernalillo residents. Are there proposed trees how high will they be who will maintain the

260 cleaning of the leaves and trimming? Right now the town has areas along Camino del Pueblo
261 with vegetation that they need to be attend to. Not to mention the cleanliness of the street and I
262 am concerned about the cleanliness of what can occur there. High density housing was one of
263 them thank you for address that I feel 12 units is to high. I think like Margie it should be lower.
264 Also concerned about acquiring the NM Department Transportation for housing is going to even
265 congest that area more. I hope you consider some of the other things because there are a lot of
266 issues in this wonderful plan but some things need to be considered.

267
268 William Sapien
269

270 William Sapien stated that there are some good things in the document and some that are not
271 good. Concern that implementation of the plan or is it going to be developer driven. If you look
272 at the verbiage we are saying this plan is an amendment implying that is a policy. Concerned
273 about the word guidance let's say in two years a new group come in and changes the game a
274 little hard to make to retroactive. If it is not a time sensitive document. He asked to relook at the
275 plan maybe a smaller area. What is seen this evening is only the tip of the iceberg? Step back
276 and consider some of the stuff said by all of us this evening.

277
278 Maria Rinaldi
279

280 Maria Rinaldi it appears to the desire of the council to set a range we are looking at an area of
281 total acreage of 37. In an overall context of 3,200 acres in the Town of Bernalillo as small
282 percentage. Also in consideration we already have areas in the Town that exist already greater
283 that what you are setting as a minimum. The market success and the affordability of a true TOD
284 area are highly dependent on density. That again is a critical component. As a staff person and a
285 resident I would recommend a maximum of 17 dwelling units per acre. Much higher that what
286 you are talking about now. I also think that dropping a minimum you are decent icing
287 affordability and density. The population is based on reports that the market shows MRCOG and
288 UNM these are the population we will be dealing with. We show the need for this housing will
289 exist and for it to be marketable successful and to be affordable these density are critical.

290
291 Mayor Chávez asked for a motion on the TOD Plan.
292

293 After further discussion the Council agreed to extend the Moratorium and hold Town Meetings
294 for the residents in the area in the TOD Plan.

295
296 Councilor Jaramillo moved to approve the Table the Adoption of the TOD Plan until October 22,
297 2007 and extend the Moratorium to October 31, 2007. The motion was seconded by Councilor
298 Sisneros.

299
300 Roll Call Vote

301 Councilor Jaramillo Yea

302 Councilor Sisneros Yea
303 Councilor Montoya Yea
304 Councilor Torres Yea
305

306 **PERSONNEL: 7a) Accounting Tech (1): Yolanda Mora.**

307 Yolanda Mora stated that it was her recommendation to hire Roberta Padilla as Accounting
308 Tech.
309 Councilor Torres moved to approve hiring Roberta Padilla as Accounting Tech. The motion was
310 seconded by Councilor Sisneros and carried unanimously.
311

312 **PERSONNEL: 7b) Utility Worker (Seasonal) (1): Yolanda Mora.**

313 Yolanda Mora stated that it was her recommendation to hire Robert Aragon as Utility Worker
314 (Seasonal).
315
316 Councilor Sisneros moved to approve hiring Robert Aragon as Utility Worker (Seasonal). The
317 motion was seconded by Councilor Torres and carried unanimously.
318

319 **PERSONNEL: 7c) Police Officer (1): Yolanda Mora.**

320 Yolanda Mora stated that it was her recommendation to hire Jason Adams as Police Officer.
321
322 Councilor Torres moved to approve hiring Jason Adams as Police Officer. The motion was
323 seconded by Councilor Jaramillo and carried unanimously.
324

325
326 **APPROVAL OF MINUTES: 8a) Regular Meeting of August 13, 2007.**

327
328 Councilor Torres stated he was present at the meeting of August 13, 2007.
329
330 Councilor Jaramillo moved to approve the minutes of August 13, 2007 as amended. The motion
331 was second by Councilor Montoya and carried unanimously.
332

333
334 **NEW BUSINESS: 10a) Discussion, Consideration and Action on Adoption of**
335 **Resolution 08/27/07A Infrastructure Capital Improvement Plan. Presenter: Maria Rinaldi**
336

337
338 **Resolution 08-27-07A**

339 **A Resolution**

340 **Adopting an Infrastructure Capital Improvements Plan (ICIP)**
341
342
343

344 **Whereas**, the Town of Bernalillo recognizes that the financing of public capital projects has
345 become a major concern in New Mexico and nationally; and
346

347 **Whereas**, in times of scarce resources, it is necessary to find new financing mechanisms and
348 maximize the use of existing resources; and
349

350 **Whereas**, systematic capital improvement planning is an effective tool for communities to
351 define their development needs, establish priorities, and pursue concrete actions and strategies to
352 achieve necessary project development; and
353

354 **Whereas**, this process contributes to local and regional efforts in project identification and
355 selection in short and long range capital planning efforts.
356

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

- 358
- 359 1. The Town of Bernalillo has adopted the attached Infrastructure Capital Improvements
360 Plan (ICIP), and
361
 - 362 2. It is intended that the Plan be a working document and is the first of many steps toward
363 improving rational, long-range capital planning and budgeting for New Mexico's
364 infrastructure.
365

366 Councilor Sisneros moved to approve the Resolution 08/27/07A Infrastructure Capital
367 Improvement Plan. The motion was seconded by Councilor Montoya.
368

369 Roll Call Vote

370	Councilor Montoya	Yea
371	Councilor Sisneros	Yea
372	Councilor Torres	Yea
373	Councilor Jaramillo	Yea

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379 **FINANCIAL SECTION: 12a) Approval of General Fund Vouchers #31927**
380 **#32035.**

381 Councilor Jaramillo moved to approve the General Fund Vouchers 31927 - #32035 as presented.
382 The motion was seconded by Councilor Montoya and carried unanimously.
383

384 **FINANCIAL SECTION: 12b) Approval of Utility Fund Vouchers #62758 - #62814.**
385 Councilor Jaramillo moved to approve the Utility Fund Vouchers #62758 - #62814 as presented.
386 The motion was seconded by Councilor Montoya and carried unanimously.

387
388 **FINANCIAL SECTION: 12c) Approval of MVD Fund Vouchers #66464 - #66484.**
389 Councilor Sisneros moved to approve the MVD Fund Vouchers #66464 - # 66484 as presented.
390 The motion was seconded by Councilor Torres and carried unanimously.

391
392 **FINANCIAL SECTION: 11d) Approval of Housing Low Rent Vouchers #5285LR-**
393 **#5313LR.**
394 Councilor Torres moved to approve the Housing Low Rent Vouchers #5285LR - #5313LR as
395 presented. The motion was seconded by Councilor Jaramillo and carried unanimously.

396
397 There being no further business the meeting was adjourned at 9:17 P.M.

398
399 Done this 27th day of August 2007.

400
401 ATTEST:

402
403 _____
404 Ida Fierro, Town Clerk
405 (seal)

Patricia A. Chávez, Mayor