

1
2 **MINUTES OF A REGULAR MEETING**
3 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**
4 **HELD AT THE TOWN HALL**
5 **October 22, 2007**

6 The Governing Body of the Town of Bernalillo met in a special session within the law and rules
7 of the Town on October 22, 2007, at 6:30 P.M.

8 Upon Roll call the following members were found to be present:
9

10 **PRESENT:**

11 Mayor Chávez
12 Councilor Montoya
13 Councilor Sisneros
14 Councilor Jaramillo
15 Councilor Torres

ALSO PRESENT:

Stephen Jerge
Fred Radosevich
Yolanda Mora
Santiago Chavez
Kelly Moe
Mary Kwapich
Debbie Kilfoy
Fernando Flores
Joe A. Garcia
Lawrence McClendon
Irma L. Patton
Gerogann Waterbury
Linda Fitesimmons
Alice Flores
Karla Brixel
Herman Gutierrez
Jeff Padilla
Debbie Trujillo
Connie Clair
Martha Liebert
Joann Vigil
Serfino Montoya
Mary H. Chavez
David Serbin
Richard Vallejos
Dorothy Rostro
John Estrada
Ralph Silva
Anthony Apodaca
Margie Amiot
Patsy Garcia
Christine Padilla
Jack Torres
Andrew Chavez
Tony Sylvester
Steve Amiot
Sharon Torres-Garcia
Crystal Hyer
Christopher Hyer
George Perez
Orlando Lucero
Dennis Quintana
R. Navarro
Sarah L. Gallant
John McClendon
Yolanda M. Quintana
Glenn Waterbury
James Pike
Janet Stuffer
Mary Gutierrez
Isabel Flores
Sylvia Padilla
James Feust
Kenneth Clair
Joe Liebert
Lorenzo A. Montoya
Faby Romero
Marlene Perez
Helen Shelburne
Cheryl Vallejos
James Rostro
Annie Duran
Gustavo Leyba
Estevan G. Gutierrez
Robert Garcia
Angelic Padilla
Ella Malcom
Alice Bailey
Nick Mora

47 **ABSENT:** **Others Present Not Identified**

48

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

50 Stephen Jerge asked for item 5)b to be remove so more candidates can be interviewed, item 7)b
51 the Presenter to Tony Sylvester, and 10)b the amount is \$200,000.

52

53 Councilor Sisneros moved to approve the agenda as amended. The motion was seconded by
54 Councilor Sisneros and motion carried unanimously.

55

56 **PERSONNEL: 5a) IT Data Base Administrator (1) Presenter Yolanda Mora**

57 Yolanda Mora stated that it was her recommendation to hire Fernando Lomas as IT Data Base
58 Administrator.

59

60 Councilor Sisneros moved to approve hiring of Fernando Lomas as IT Data Base Administrator.
61 The motion was seconded by Councilor Montoya and carried unanimously.

62

63 **Appointment 6a) Municipal Judge**

64

65 Mayor Patricia Chávez presented to the Governing Body, Christopher Hyer, for Municipal
66 Judge. Mayor Chavez went over the process of hire for Judgeship. We had a total of seven (7)
67 calls of interest for Municipal Judge, of those four (4) calls of interest; there was four (4) letters
68 of interest that were submitted for consideration. Christopher Hyer was the top recommendation
69 from the panelist that interviewed all four (4) candidates.

70

71 Councilor Torres recused himself.

72

73 Mayor Chávez asked Mr. Hyer to address the Governing Body. Christopher Hyer addressed
74 Governing Body. Mr. Hyer addressed the letter of recommendation from Mr. Tapia, Bernalillo
75 High School Principal, who is currently in Washington D.C. receiving a Principal of the Year
76 Award. Mr. Hyer discussed his research of the Towns statues and his ability to uphold them.
77 During Mr. Hyer research of Town Ordinances he noticed the lack of ordinances on the Towns
78 website, and he stated that he would like to change that if he were to be appointed the Judgeship.

79

80 Christopher Hyer opened the floor for questions.

81

82 Councilor Jaramillo asked how he plans to communicate with Spanish speaking defendants.

83

84 Christopher Hyer responded that he does not speak the Spanish, but he does understand Spanish
85 when spoken. He would expect an interpreter to assist the defendant in court procedures.

86

87 Mayor Chávez asked for a motion to approve the Municipal Judge seat to Christopher Hyer.

88

89 Councilor Montoya moved to approve the appointment of Municipal Judge seat to Christopher
90 Hyer, motion dies for a lack of a second motion.

91
92 Roll Call Vote

93 Councilor Sisneros Nea
94 Councilor Jaramillo Nea
95 Councilor Torres Recused
96 Councilor Montoya Yea

97
98 **Public Hearing: 7a) Discussion, Consideration and Action on Approval for the**
99 **Proposed Issuance by the Alcohol and Gaming Division of the State of New Mexico,**
100 **of a Full Dispensers Liquor License to Gourmet Enterprises, LLC. Presenter Ida**
101 **Fierro**

102
103 Ida Fierro stated that this was a request for a Liquor License and transfer of ownership from The
104 Country Store Ricks Place to Gourmet Enterprises, LLC. Ms. Fierro informs Council and public
105 that the owner Gustavo Leyba is present for questions. Mayor Chávez then swore in anyone
106 testifying either for or against the transfer.

107
108 Gustavo Leyba speaks on behalf of Gourmet Enterprises. Mr. Leyba discussed procedure,
109 training and security measures that would be implemented.

110
111 Mayor Chávez asked if anyone would be testifying either for or against the transfer.

112
113 Mayor Chávez called for a vote.

114
115 Councilor Montoya moved to approve the issuance of the Liquor License and transfer of The
116 Country Store to Gourmet Enterprises, LLC. The motion was seconded by Councilor Torres and
117 carried unanimously.

118
119 Roll Call Vote All Yea

120
121 **Public Hearing 7b) Discussion, Consideration and Adoption of Resolution 10/22/07**
122 **Town of Bernalillo concerning the Adoption of the proposed Bernalillo Transit**
123 **Oriented Development Plan as Amendment to the Town of Bernalillo**
124 **Comprehensive Plan, and Terminating the Moratorium Prohibiting Acceptance of**
125 **Planning and Zoning and/or Building Permit Applications for Properties with the**
126 **TOD areas. Presenter Tony Sylvester**

127
128 Mayor Chávez presented Mr. Sylvester to recap the TOD plan.

129
130 Mayor Chávez spoke of the concerns of the Governing Body and the resolutions that were made

131 in reference to the TOD plan. Mayor Chavez also addresses the misconception of some of the
132 Public concerns and stated that in no way is the Town of Bernalillo proposing to buy out the
133 Public land and/or property. The TOD plan was intended to increase economic developments,
134 affordable housing, and create less congested on our roadways.

135
136 Tony Sylvester, a special project planner at the Mid-Region Counsel of Governments, takes the
137 floor to present the TOD plan to the Council and Public. Mr. Sylvester stated the TOD plan role
138 is not to make any solid or firm decisions about any specific land usage concerning the quarter
139 mile area from the rail stations. The role of the plan is to provide some guidance and framework
140 of how these areas should be used in future and existing developments. The project goals were
141 identified through the public process itself. These processes started in November 2006 with
142 Public input. Evening workshops were held with involvement from the community including
143 Business Leaders, the Youth Conservation Core, Historical Preservation Advocates and
144 Affordable Housing Advocates helping create this plan. Team meetings have been held with
145 Consultants, the Town and Council of Government in the construction of the final plan. The first
146 goal is to preserve the Towns character and a historical atmosphere. The second goal is to make
147 sure there are connections to and from the Transit to residential and business locations. The third
148 goal is to improve the connections for all public to utilize decreasing the congestion on the
149 roadways. The four goal is to provide range of housing types, based on the needs of the
150 workforce and growing populations in Bernalillo, providing opportunities for affordable housing.
151 The final goal is to build on recent planning processes in community articulation. In the plan
152 there is a change to be made to the Town in way of sidewalks, bike routes, new streets, and
153 enhancements to existing streets, possible parks and public spaces.

154
155 Mayor Chávez asked Council if they have questions.

156
157 Council Jaramillo asked how we can keep the small Town community atmosphere.

158
159 Mr. Sylvester answered that the plan is designed to keep the Town a “Small Town” atmosphere
160 with walkways and affordable housing to keep the current generation and future generations in
161 the Town. Maintaining the vibrant businesses in downtown, having a place to walk to and stop at
162 and commuting points.

163
164 Mayor Chávez then swore in anyone testifying either for or against the TOD plan.

165
166 Dennis Quintana addresses the Council, Mayor and Public; he stated that he wanted to deny the
167 TOD plan.

168
169 Fernando Flores addresses the Council, Mayor and Public, he stated that the first he heard of this
170 TOD plan was Saturday, October 20, 2007. Mr. Flores asked if he or anyone else would have to
171 sell out their land now or eventually.

172

173 Joe Garcia declined his addressed.

174

175 Irma L. Patton addressed the Council, Mayor and Public, she stated that she feels uniformed
176 about this plan and is not in favor of the TOD plan.

177

178 James Pike addressed the Council, Mayor and Public, he stated that he feels uniformed about the
179 plan and would like to table the motion until further information can be obtained.

180

181 Helen Sandoval addressed the Council, Mayor and Public, she stated concerns about the density
182 of the units in the TOD plan and is currently not for the TOD plan as it stands.

183

184 Steve Amiot addressed the Council, Mayor and Public, he stated this plan was an insult to the
185 intent and purpose of the Bernalillo Comprehensive Plan and while a decent housing plan is
186 needed for the Town of Bernalillo, there is no need to connect that plan with the Rail Runner.
187 Mr. Amiot stated that the Town needs to make a plan for the North Depot and the South Depot
188 and housing plan for Bernalillo. Mr. Amiot stated when it comes to informing the communities
189 about project it needs to be less confusing for the Public. Mr. Amiot would like to submit a
190 petition to the Council.

191

192 Margie Amiot addressed the Council, Mayor and Public, she stated she would like the Council to
193 vote against the TOD plan and be rewritten with Public input.

194

195 Helen Shelburne addressed the Council, Mayor and Public; she stated she feels uniformed on the
196 TOD plan.

197

198 James Rostro addressed the Council, Mayor and Public; he stated the TOD Plan does cause
199 concern among the citizens that live in the projected area of development.

200

201 Annie Duran addressed the Council, Mayor and Public; she stated that this Plan does include her
202 property. She states that there is a problem with persons trespassing and littering on her
203 properties as well as her neighbors property. Ms. Duran would like to know if the TOD Plan will
204 include surveillance of the proposed developments.

205

206 William Sapien addressed the Council, Mayor and Public, he stated the Plan would result in
207 overcrowding, congestion of traffic, infrastructure suffering, higher crime rates, increase light,
208 noise, pollution, taxing the water supply and the education system and overall would create a
209 loss of quality and quantity of life for the Town of Bernalillo. Mr. Sapien recommended that the
210 Town put other plans in place for instants central services, storm drainage, water, sewer, street
211 improvement, sidewalks, line use, housing, flood control, the Police/Fire Departments, the
212 library and develop a transit system to go around to all the community while increasing its
213 borders.

214

215 Jack Torres addressed the Council, Mayor and Public; he stated he is against the TOD Plan.

216

217 Maria Rinaldi addressed the Council, Mayor and Public; she stated she is the Community
218 Development Director of The Town of Bernalillo. Ms. Rinaldi stated that the TOD Plan would
219 raise that overall quality of life with economic growth, while maintaining the Towns character.

220

221 Santiago Chavez addressed the Council, Mayor and Public; he stated he works for the City and
222 also had concerns as a private citizen about the TOD Plan. Mr. Chavez stated that the city is
223 making progress with the new sewer system and street improvements. Mr. Chavez stated he has
224 children and would like them to remain in the town, but unfortunately with no affordable
225 housing that may not be possible. The TOD plan can help make that possible with a new housing
226 development. Mr. Chavez stated that he has full faith in the Council Members and the Mayor on
227 the progress of this Plan.

228

229 Pastor Ken Clair addressed the Council, Mayor and Public, stated he has been involved in the
230 discussion of this plan. Pastor Clair is in favor of the TOD plan.

231

232 Mayor Chávez called for a vote.

233

234 Motion to be tabled by Councilor Jaramillo seconded by Councilor Sisneros for a workshop on
235 the TOD plan Friday, October 26, 2007 at 5:30pm and approval for the resolution on the TOD
236 plan, Tuesday October 30, 2007.

237

238 Roll Call Vote

239 Councilor Jaramillo Yea

240 Councilor Sisneros Yea

241 Councilor Montoya Yea

242 Councilor Torres Yea

243

244

245 **Approval of Minutes 8a) Regular Meeting of October 08, 2007**

246 Council Torres moves to approve minutes of October 08, 2007 as amended. The motion was
247 second by Councilor Jaramillo and carried unanimously.

248

249 **NEW BUSINESS: 9a) Discussion, Consideration and Action on Approval of Bid**
250 **Award of Dump Trucks for the Wastewater Treatment Facility. Presenter: Stephen**
251 **Jerge**

252 Stephen Jerge, Town Administrator stated the Town of Bernalillo received bids for dump trucks
253 on Friday, October 5, 2007. The following bids were received and are listed in order of low bid:

254

255 **Bidder**

Bid

256 Performance Auto Group Truck

\$62,244.00

257	Work Trucks West	\$65,034.37
258	Specified Roberts Trucks	\$68,404.00
259	ABQ Freightliner	\$74,864.00

260

261 Truck West bid meets all requirements of the specifications and is the second lowest bid
262 received. Stephen Jerge recommended that their bid for two trucks at \$65,034.37 each for a total
263 amount of \$130,068.74.

264

265 Councilor Sisneros moved to approve Truck West Bids for two Dump Trucks. The motion was
266 seconded by Councilor Montoya.

267

268 Mayor Chávez present a check in the amount for Sandoval County to called for a vote

269

270 Roll Call Vote

271 Councilor Sisneros Yea

272 Councilor Montoya Yea

273 Councilor Torres Yea

274 Councilor Jaramillo Yea

275

276 **NEW BUSINESS: 9b) Discussion, Consideration and Action on Approval of**
277 **Preliminary & Final Plat of existing Tract A, Unit 1, Damiano Square, for a 14 Lot**
278 **Subdivision, called Las Huertas. Presenter Kelly Moe**

279

280 Kelly Moe, Planning and Zoning Director indicated the applicant request approval of a combines
281 Preliminary & Final Plat for a 14 Lot Subdivision, to be called “Las Huertas”, of existing Tract
282 A, Unit 1, Damiano Square, within T13N R4E NMPM, Bernalillo, New Mexico. This Propose is
283 to legally create the 12 residential lots and the public lot containing the Town’s lift station and
284 public drainage, is a direct realization of the Zone Change and Master Plan for a mixed use
285 devolvement heard by the Commission at its regular meeting of November 14, 2006, and
286 approved by the Town Council at its regular meeting of December 11, 2006.

287

288 This application for Plat approval was heard by the Commission at its regular meeting of
289 October 2, 2007. Due to the vested rights established by the Council through its approval of the
290 Zone Change and Master Plan for the property, approval of the proposed Plat should have been a
291 formality. Several Commissioners however wanted to re-open discussion and consideration of
292 various aspects of the Master Plan for the property, including parking, architectural character,
293 building height, ect. Informed by Staff that a re-consideration of such was not allowable due to
294 the previous decision and action of the Council, the Commissioners expressed umbrage that
295 their previous recommendation regarding the Master Plan were not adopted by the Council, and
296 that the Plat approval was only a formality. After further discussion, the Commission voted
297 unanimously to end the request for Plat approval directly to the Council with our action or
298 recommendation.

299
300 Site Information
301 Zone: SU (Special Use), Mixed Use Development per Las Huertas Master Plan
302 Current Land Use: Per Las Huertas Master Plan
303 Required Lot Size: Per Las Huertas Master Plan
304 Actual Lot Size: As proposed by the Plat
305 Access: Camino Del Pueblo, Calle Evangeline, Calle Del Escuela, and Calle Jaramillo
306 Utilities: Municipal water & sewer to be provided by developer.
307
308 Please Note:
309 Notifications: Not required for this action. All issues were considered and decided at the time of
310 the Zone Change and Master Plan.
311
312 Recommendation:
313 APPROVE, as a direct extension of the vested rights contained in the approved Master Plan, the
314 Council is obligated to approve the submitted plat.
315
316 Councilor Jaramillo made a motion to Approve the Replat based on the square footage the
317 parking is consistent with the square footage adopted in December 11, 2006 that includes patio
318 seating, the developer is to revisit the pueblo architecture so that there is some consistency with
319 El Zolco, the Church, the UNM at Los Alamos Buildings, the conveyance of Tract A with
320 landscaping and No Parking along Calle Escuela. The motion was seconded by Councilor
321 Torres.
322 Mayor Chávez called for a vote
323
324 Roll Call Vote
325 Councilor Jaramillo Yea
326 Councilor Sisneros Yea
327 Councilor Montoya Yea
328 Councilor Torres Yea
329
330 **MISCELLANEOUS: 9a) Update Administration Items – Presenter Stephen Jerge.**
331 Ramesh Narasimhan gave an update on the progress of Well 1 & 2. No action taken as of this
332 time.
333
334 Stephen Jerge informed the council on the Streetscape Task Order to HDR for \$200,000 on
335 Phase II Engineering.
336
337 Mayor Chávez presented a check give to the Town of Bernalillo Police Department in the
338 amount of \$4,000 from Sandoval County. The funds will be used to purchase a DVD video
339 camera for a police vehicle. Mayor Chávez thanked Sandoval County for their support to our
340 community.

341
342 Roll Call Vote

343 Councilor Jaramillo Yea
344 Councilor Sisneros Yea
345 Councilor Montoya Yea
346 Councilor Torres Yea

347
348 **FINANCIAL SECTION: 11a) Approval of General Fund Vouchers #32311-#32381.**

349
350 Councilor Jaramillo moved to approve the General Fund Vouchers #32311-#32381 as presented.
351 The motion was seconded by Councilor Montoya and carried unanimously.

352
353 **FINANCIAL SECTION: 11b) Approval of Utility Fund Vouchers #62931-#62971.**

354 Councilor Montoya moved to approve the Utility Fund Vouchers #62931- #62971 as presented.
355 The motion was seconded by Councilor Sisneros and carried unanimously.

356
357 **FINANCIAL SECTION: 11c) Approval of MVD Fund Vouchers #66519-#66521**

358 Councilor Sisneros moved to approve the MVD Fund Vouchers #66519-#66521 as presented.
359 The motion was seconded by Councilor Montoya and carried unanimously.

360
361 **FINANCIAL SECTION: 11d) Approval of Housing Low Rent Vouchers #5374LR-**
362 **#5397LR**

363 Councilor Jaramillo moved to approve the Housing Low Rent Vouchers #5374LR-#5397LR as
364 presented. The motion was seconded by Councilor Montoya and carried unanimously.

365
366 There being no further business the meeting was adjourned at 9:10P.M.

367
368 Done this 22nd day of October 2007.

369
370 ATTEST:

371
372 _____
373 Ida Fierro, Town Clerk
374 (seal)

371
372 _____
373 Patricia A. Chávez, Mayor