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**MINUTES OF A REGULAR MEETING  
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO  
HELD AT THE TOWN HALL  
June 9, 2008**

10 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules  
11 of the Town on June 9, 2008, at 6:30 P.M.

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

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20 **PRESENT:**

21 Mayor Chávez  
22 Councilor Montoya  
23 Councilor Torres  
24 Councilor Jaramillo  
25 Councilor Sisneros

26 **ALSO PRESENT:**

27 Orlando Lucero  
28 Fred Radosevich  
29 Maryjo Maloney  
30 Santiago Chavez  
31 George Perez  
32 Helen Sandoval  
33 Mike Maloney  
34 Will Ouellette

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42 **ABSENT:**

43 **Others Present Not Identified**

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

52 Councilor Sisneros moved to approve the agenda as presented. The motion was seconded by  
53 Councilor Torres and motion carried unanimously.

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61 **PUBLIC HEARING: 5a) Discussion, Consideration and Action on Adoption of  
Ordinance # 247 Flood Damage. Presenter: Stephen Jerge**

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69 **FLOOD DAMAGE PREVENTION ORDINANCE No: 247**

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77 **ARTICLE I**

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85 **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

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93 **SECTION A. STATUTORY AUTHORIZATION**

94 The Legislature of the State of New Mexico has in (Statutes) 3-18-7, et seq. NMSA 1978 Comp.,  
95 delegated the responsibility of local governmental units to adopt regulations designed to  
96 minimize flood losses. Therefore, be it ordained by the governing body of the Town of  
97 Bernalillo, New Mexico as follows:

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105 **SECTION B. FINDINGS OF FACT**

106 (1) The flood hazard areas of the Town of Bernalillo are subject to periodic inundation,

45 which results in loss of life and property, health and safety hazards, disruption of commerce and  
46 governmental services, and extraordinary public expenditures for flood protection and relief, all  
47 of which adversely affect the public health, safety and general welfare.

48

49 (2) These flood losses are created by the cumulative effect of obstructions in floodplains  
50 which cause an increase in flood heights and velocities, and by the occupancy of flood hazard  
51 areas by uses vulnerable to floods and hazardous to other lands because they are inadequately  
52 elevated, flood proofed or otherwise protected from flood damage.

53

54 **SECTION C. STATEMENT OF PURPOSE**

55

56 It is the purpose of this ordinance to promote the public health, safety and general welfare and to  
57 minimize public and private losses due to flood conditions in specific areas by provisions  
58 designed to:

59

60 (1) Protect human life and health;

61

62 (2) Minimize expenditure of public money for costly flood control projects;

63

64 (3) Minimize the need for rescue and relief efforts associated with flooding and generally  
65 undertaken at the expense of the general public;

66

67 (4) Minimize prolonged business interruptions;

68

69 (5) Minimize damage to public facilities and utilities such as water and gas mains, electric,  
70 telephone and sewer lines, streets and bridges located in floodplains;

71

72 (6) Help maintain a stable tax base by providing for the sound use and development of  
73 flood-prone areas in such a manner as to minimize future flood blight areas; and

74

75 (7) Insure that potential buyers are notified that property is in a flood area.

76

77 Mayor Chávez stated that this affects all property owners within the Map provided by FEMA.  
78 Because it affects the rates for Flood Insurance for a mortgage on their home with a financial  
79 institution.

80

81 Councilor Sisneros asked if FEMA is going to redo the flood plan, or is this actual Map that  
82 FEMA has developed of the Floodplain for the Town of Bernalillo. Is there an administrator for  
83 Flood Management?

84

85 Stephen Jerge Town Manager stated that Kelly Moe will be the official Administrator for Flood  
86 Management. Kelly will need to go to school to be certified for the position.

87  
88 Mayor Chávez stated that this ordinance came to us with some urgency.  
89  
90 George Perez, Town Attorney, stated that past administrations have had similar ordinances. The  
91 Federal Government dictates to the State rules that reduce the risk in case of flooding. We do  
92 not have the authority to determine what is or what is not a floodplain. FEMA does that. All we  
93 do is adopt this Ordinance with guideline. Flood Insurance is required if you are within the  
94 Floodplain.  
95  
96 Councilor Jaramillo stated that she could see the premiums of homeowners in the Town of  
97 Bernalillo costing more.  
98  
99 Mayor Chávez asked how will this interface with ESCAFCA should that be voted on in  
100 November.  
101  
102 Stephen Jerge stated hopefully all goes well with the election. The approval process and flood  
103 management would fall under there management.  
104  
105 Mayor Chávez stated this ordinance established an appeals board.  
106  
107 George Perez stated that under certain criteria, the Town of Bernalillo Governing Body would be  
108 the appeals board and could grant a variance on a property.  
109  
110 Mayor Chávez asked if it is appropriate to adopt this without comparing it to the other Ordinance  
111 on hand.  
112  
113 George Perez stated that this Ordinance given to us by the Federal Government will allow us to  
114 be in compliance with their requirements.  
115  
116 George Perez stated the Maps are available for us to view by going on line. If we do not adopt  
117 the Ordinance we will not be in compliance with the Federal Government.  
118  
119 Mayor Chávez asked if we set up the Ordinance, can we set up a 30 day or 45 day window to get  
120 the training needed, or do we need to get a moratorium on building.  
121  
122 George Perez state no to all. There is a liability if we do not adopt this Ordinance.  
123  
124 Mayor Chávez asked if there were any members of the audience for or against Ordinance # 247.  
125  
126 Will Ouellette, Coronando Soil and Water Conservation stated that if the Piedra Lisa Dam does  
127 break it would bring down two feet of water or more into the Town of Bernalillo.  
128

129 Mayor Chávez asked for a motion to adopt Ordinance # 247  
130 Councilor Sisneros moved to approve Ordinance # 247 Flood Damage Prevention. Councilor  
131 Torres seconded the motion.

132

133 Roll Call Vote

134 Councilor Torres Yea

135 Councilor Jaramillo Yea

136 Councilor Sisneros Yea

137 Councilor Montoya Yea

138

139

140 **PUBLIC HEARING: 5b) Discussion, Consideration and Action on Adoption of Ordinance**  
141 **# 248 An Ordinance Implementing and Amendment to the Zoning Map in Order to**  
142 **Designate Initial Zoning for Certain Lands Annexed by The Town of Bernalillo. Presenter:**  
143 **Stephen Jerge**

144

145 STATE OF NEW MEXICO

TOWN OF BERNALILLO

146

147 **ORDINANCE NO. 248**

148

149 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE ZONING MAP IN**  
150 **ORDER TO DESIGNATE INITIAL ZONING FOR CERTAIN LANDS ANNEXED BY**  
151 **THE TOWN OF BERNALILLO TO THE TOWN OF BERNALILLO**

152

153 **WHEREAS**, certain lands of the Town of Bernalillo held in fee simple, and hitherto  
154 known as Lots A, B, & C of the Lands of Weinreich within T13N R4E SEC31 NMPM, within  
155 Sandoval County, New Mexico, as recorded in the Office of the County Clerk on August 6, 1997,  
156 and comprising approximately 2.0705 acres) have been duly annexed to the Town of Bernalillo;  
157 and these lands require an initial zoning designation; *and*

158

159 **WHEREAS**, the Town Administration desires to keep said lands as agricultural open-space,  
160 and has therefore requests an initial zoning designation of R-R Rural Residential in conformance  
161 with the prescribed regulations for said designation; *and*

162

163 **WHEREAS**, a public hearing has been held by the Governing Body of the Town of  
164 Bernalillo regarding said request; *and*

165

166 **WHEREAS**, the requested zoning of R-R Rural Residential is deemed to benefit the  
167 general welfare of the Town of Bernalillo;

168

169 **THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF

170 BERNALILLO, NEW MEXICO, AS FOLLOWS:  
171

172 That Ordinance No. 175 entitled the “Comprehensive Zoning Ordinance of the Town of  
173 Bernalillo” be hereby amended to provide for a change in the zoning map (being an initial  
174 zoning of the lands specified herein) to R-R Rural Residential for the lands specified  
175 herein.  
176

177 Mayor Chávez asked if there were any members of the audience for or against Ordinance # 248.  
178

179 There were none.  
180

181 Mayor Chávez asked for a motion to adopt Ordinance # 248.  
182

183 Councilor Jaramillo moved to approve Ordinance # 248 An Ordinance Implementing and  
184 Amendment to the Zoning Map in Order to Designate Initial Zoning for Certain Lands Annexed  
185 by the Town of Bernalillo. Councilor Sisneros seconded the motion.  
186

187 Roll Call Vote

188	Councilor Montoya	Yea
189	Councilor Sisneros	Yea
190	Councilor Torres	Yea
191	Councilor Jaramillo	Yea

192

193 **PUBLIC HEARING: 5c) Discussion, Consideration and Action on Adoption of Ordinance**  
194 **# 249 An Ordinance Implementing and Amendment to the Zoning Map to Annex Territory**  
195 **to The Town of Bernalillo. Presenter: Stephen Jerge**  
196

197 STATE OF NEW MEXICO

TOWN OF BERNALILLO

198

199 **ORDINANCE NO. 249**  
200

201 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE ZONING MAP TO**  
202 **ANNEX TERRITORY TO THE TOWN OF BERNALILLO**  
203

204 **WHEREAS**, the Town of Bernalillo, a property owner in fee simple of certain lands  
205 (known collectively as the “Weinreich” property) located within Sandoval County, desires to  
206 annex said lands to the Town of Bernalillo, as shown on EXHIBITS ‘B’ & ‘C’, and further  
207 known as Lots A, B, and C of the Lands of Weinreich, located within T13N R4E SEC 31 NMPM,  
208 Sandoval County, New Mexico, as shown on the Plat of Record filed in the Office of the Sandoval  
209 County Clerk on August 6, 2997, and comprising approximately 2.0705 acres; *and*  
210

211           **WHEREAS**, said lands are contiguous to the current municipal limits of the Town of  
212 Bernalillo, as shown on EXHIBITS ‘A’ & ‘B’; *and*

213  
214           **WHEREAS**, a public hearing has been held by the Governing Body of the Town of  
215 Bernalillo regarding said petition; *and*

216  
217           **WHEREAS**, the requested annexation is deemed to benefit the general welfare of the  
218 Town of Bernalillo;

219  
220           **THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF  
221 BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, AS FOLLOWS:

222  
223           That Ordinance No. 175 entitled the “Comprehensive Zoning Ordinance of the Town of  
224 Bernalillo” be hereby amended to provide for a change in the zoning map (being a change in  
225 the municipal boundary) to annex certain lands to the Town of Bernalillo, as described  
226 herein, and as shown in EXHIBITS ‘A’, ‘B’ & ‘C’ attached hereto.

227  
228 Mayor Chávez asked if there were any members of the audience for or against Ordinance # 249.

229  
230 There were none.

231  
232 Mayor Chávez asked for a motion to adopt Ordinance # 249.

233  
234 Councilor Jaramillo moved to approve Ordinance # 249 An Ordinance Implementing and  
235 Amendment to the Zoning Map to Annex Territory to the Town of Bernalillo. Councilor Torres  
236 seconded the motion.

237  
238 Roll Call Vote

239           Councilor Sisneros    Yea  
240           Councilor Torres       Yea  
241           Councilor Montoya    Yea  
242           Councilor Jaramillo    Yea

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245           **PERSONNEL: 6c) Recreational Aide (3). Presenter Yolanda Mora**  
246 Yolanda Mora stated that it was her recommendation to hire Anthony Jaramillo, Isaiah Aguilar,  
247 and Alicia Molinar as Recreational Aides for the Town of Bernalillo Recreation Department.

248  
249 Councilor Jaramillo moved to approve the hiring of Anthony Jaramillo, Isaiah Aguilar, and  
250 Alicia Molinar as Recreational Aides for the Town of Bernalillo Recreation Department. The  
251 motion was seconded by Councilor Torres and carried unanimously.

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**Approval of Minutes 7b) Regular Meeting of May 29, 2008**

Councilor Jaramillo stated that line 128 “Council should be Councilor” line 155 “ 21th should be 21<sup>st</sup>.”

Councilor Jaramillo moved to approve minutes of May 29, 2008 as amended. The motion was second by Councilor Torres and carried unanimously.

**NEW BUSINESS: 8a) Discussion, Consideration and Action on Approval of Resolution 06/09/08 Approval of Waiver to Serve Beer and Wine at the Historic Convent Building and Permission to Make Application for a “Special Dispenser’s Permit. Presenter: Ida Fierro**

**Governing Body of the Town of Bernalillo**

**RESOLUTION NO. 06/09/08**

**APPROVAL OF WAIVER TO SERVE BEER and WINE AT THE HISTORIC CONVENT BUILDING, 264 CAMINO DEL PUEBLO, BERNALILLO, NM , AND PERMISSION TO MAKE APPLICATION FOR A “SPECIAL DISPENSER’S PERMIT (SDP)”.**

WHEREAS, the historic Convent Building located in the historic El Zócalo Complex at 264 Camino del Pueblo in the Town of Bernalillo, New Mexico, is within 300 feet of a church or school; and

WHEREAS, the County of Sandoval requests the Governing Body of the Town of Bernalillo grant a waiver pursuant to NMSA 60-6B-10 to allow service of beer and wine at the historic Convent Building; and

WHEREAS, upon written permission by the Governing Body of the Town of Bernalillo, a local holder of a New Mexico Dispenser’s license can apply with the New Mexico Alcohol and Gaming Division for a Special Dispenser’s Permit (SDP) to serve beer and wine for catered events in the Convent Building;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Bernalillo, New Mexico, does grant Sandoval County a waiver pursuant to NMSA 60-6B-10 to serve beer and wine at the historic Convent Building of the El Zócalo Complex; and

BE IT FURTHER RESOVED that the Governing Body of the Town of Bernalillo grants approval for the holder of a New Mexico Dispenser’s License to make

295 application to the New Mexico Alcohol and Gaming Division to obtain a Special  
296 Dispenser's Permit for a function to be held at the Convent Building on July 26,  
297 2008.

298

299 Council Sisneros moved to approve the Waiver to Serve Beer and Wine at the Historic Convent  
300 Building and Permission to Make Application for a "Special Dispenser's Permit. The motion  
301 was second by Councilor Montoya.

302

303 Roll Call Vote

304 Councilor Torres Yea

305 Councilor Jaramillo Yea

306 Councilor Sisneros Yea

307 Councilor Montoya Yea

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309

310 **FINANCIAL SECTION: 9a) Approval of General Fund Vouchers #33692-#33802.**

311 Councilor Torres moved to approve the General Fund Vouchers #33692-#33802 as presented.

312 The motion was seconded by Councilor Jaramillo and carried unanimously.

313

314 **FINANCIAL SECTION: 9b) Approval of Utility Fund Vouchers #63528-#63564.**

315 Councilor Jaramillo moved to approve the Utility Fund Vouchers #63528- #63564 as presented.

316 The motion was seconded by Councilor Sisneros and carried unanimously.

317

318 **FINANCIAL SECTION: 9c) Approval of MVD Fund Vouchers #66732-#66745**

319 Councilor Torres moved to approve the MVD Fund Vouchers #66732-#66745 as presented. The

320 motion was seconded by Councilor Jaramillo and carried unanimously.

321

322 **FINANCIAL SECTION: 9d) Approval of Housing Low Rent Vouchers #5741LR-**  
323 **#5761LR**

324 Councilor Sisneros moved to approve the Housing Low Rent Vouchers #5741LR-#5761LR as

325 presented. The motion was seconded by Councilor Jaramillo and carried unanimously.

326

327 **FINANCIAL SECTION: 9e) Approval of Housing Section 8 Vouchers #7887-#7902.**

328 Councilor Jaramillo moved to approve the Housing Section 8 Vouchers #7887-#7902 as

329 presented. The motion was seconded by Councilor Torres and carried unanimously.

330

331 There being no further business the meeting was adjourned at 7:38 P.M.

332

333 Done this 9th day of June 2008.

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335

336 ATTEST:



337

338

339 Ida Fierro, Town Clerk  
340 (seal)

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Patricia A. Chávez, Mayor