

MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
August 11, 2008

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

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

PRESENT:

Mayor Chávez
 Councilor Montoya
 Councilor Jaramillo
 Councilor Sisneros

ALSO PRESENT:

Debbie Kilfoy	Will Ouellette
Fred Radosevich	Margaret Geller
Matthew Rimmer	Mike Moloney
Santiago Chavez	Ed Paschich
George Perez	Maria Rinaldi
John Estrada	James Pike
Mary Kwapick	Wayne Ullery
Sue Ortiz	Ray Ortiz
Margie Amiot	Steve Amiot
Helen Sandoval	Robert Contreras
Denise Silva	James Pike
Ron Alfred	Chris Muirhead
Yolanda Mora	Carlos Madrid
Evangeline Madrid	Nick Mora
Georgianna Heise	Linda Kuhn
Sam Kuhn	Joanna Montano
Bob Gorrell	Terrie Gorrell
Allen Withers	

ABSENT:

Councilor Torres

Others Present Not Identified

APPROVAL OF AGENDA: 4a)

Stephen Jerge asked to change the presenter on a couple of items on 6a)Presenter Margaret Geller, on 9b) & 10a) Presenter Stephen Jerge only.

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

RECOGNITION: 5a) National Night Out

Mayor Chávez recognized the Police Department and all the neighborhoods that participated in the National Night Out.

RECOGNITION: 5a) Town of Bernalillo Community Development Department Recognition for Successful San Lorenzo Fiestas at Rotary Park.

Mayor Chávez recognized Maria Rinaldi the Community Development staff, Parks Department, Bernalillo Fire Department and the Police Department along with the volunteers for a successful

47 San Lorenzo Fiesta at Rotary Park.

48

49 **PROCLAMATION: 5c) Special Town Marshal Clement Salazar Day in the Town of**
50 **Bernalillo.**

51

TOWN OF BERNALILLO

52

PROCLAMATION

53

**“TOWN MARSHALL - CLEMENT SALAZAR DAY IN BERNALILLO, NEW
54 MEXICO”**

55

56

Whereas, the Town Bernalillo of Bernalillo was incorporated as a municipality in 1948,
57 and

58

59

Whereas, Clemente Salazar was named the first Special Town Marshall in 1948, and
60 Whereas, Special Town Marshall Clemente Salazar made the ultimate sacrifice of service
61 of a peace officer, and

62

63

Whereas, Clemente Salazar was killed in the line of duty on August 11, 1950, and

64

65

Whereas, the name of Special Town Marshall Clemente Salazar is inscribed on the wall at
66 the National Law Enforcement Memorial in our nation’s capitol, Washington, D. C., and

67

68

Whereas, the name of Special Town Marshal Clemente Salazar was inscribed on the “Wall
69 of Honor” at the New Mexico Law Enforcement Academy in our state’s capitol, Santa Fe,
70 New Mexico on May 21, 2008, and

71

72

Whereas, the Town of Bernalillo desires to honor the sacrifice of the only fallen peace
73 office to have served our community;

74

75

NOW, THEREFORE, I Patricia A. Chávez, Mayor of Bernalillo on this date, Monday,
76 August 11, 2008, the fifty-eighth anniversary of his death, be declared “Town Marshall -
77 Clemente Salazar Day” in Bernalillo, New Mexico and that the Town of Bernalillo Police
78 Department shall install a memorial plaque in the foyer of the Police Department
79 commemorating this occasion.

80

81

Mayor Chávez read the proclamation and presented it to the family of Clemente Salazar.

82

83

84

PUBLIC HEARING: 7a) Discussion, Consideration and Action on Appeal of P & Z
85 **Commission Decision; Preliminary Plat Campo Escondido- Margaret Geller-Presenter**

86

87

88

Margaret Geller state she is appealing a decision made by the Planning and Zoning Commission

89 approving the Plat for Campo Escondido.

90 The June 10, 2008 meeting. Section 10 and Section 21 of the Town of Bernalillo Subdivision
91 Rules. There was no area for the public to view the plat or make comments as stated in the
92 subdivision rules. The primary plat shall contain certain items. The preliminary plat does not
93 have them on the plat. Prior to the meeting members of the public came to the front desk at the
94 Town of Bernalillo and were given a small copy of the plat and was not ledge able for anyone to
95 read.

96
97 The fees for the subdivision were not paid at the time of application as required in the
98 subdivision rules.

99
100 A question was asked at the June 10th meeting. Mr. Moe stated that it was a procedure carried on
101 by the prior administration. Ms. Geller stated that was then this is now and this is something that
102 should not be done now.

103
104 The dedication of public lands was not dedicated as required in the subdivision rules.

105
106 Design standards right away and street minimum standards does not meet the subdivision rules.
107 The street width is 22ft in Campo Escondido Subdivision.

108
109 The Town Council has never been asked to approve a Master Plan.

110
111 For all these reasons Margaret Geller ask to resend the Planning and Zoning approval of the said
112 plat for Campo Escondido.

113
114 Councilor Jaramillo asked Ms. Geller about the \$200 per unit or the \$3,200 fee and transfer of
115 property.

116
117 Margaret Geller stated on page 34 of the subdivision rules it states that a fee of \$200 per
118 dwelling in the subdivision or the value of land that will be used by parks and recreation or other
119 town use. It is the town's decision to accept property or funds. Mr. Moe stated that he was
120 accepting the two gated sidewalks as payment at the meeting of June 10, 2008.

121
122 Mayor Chávez asked Kelly Moe does this subdivision fall within the subdivision ordinance.

123
124 Kelly Moe stated yes.

125
126 Mayor Chávez asked Kelly Moe are the fees waived

127
128 Kelly Moe stated no. The applicant created a cross trail connection to El Zocolo. This is not
129 something which he intended to apply. The ordinance does say that the Town will accept that
130 property. \$200 per lot is not much money and does not provide a park for the subdivision. In

131 many subdivisions we accept an exchange. No fees have been waived and the preliminary
132 process is not over yet. The Council may delegate to administration to review the plat to be
133 handled appropriately and responsibly. The Town's engineer has reviewed all subdivision plats.

134
135 Councilor Jaramillo stated that in the subdivision rules there is a procedure to be followed to
136 acquire a waiver.

137
138 Kelly Moe stated yes, but never has the Governing Body acquired staff to take on this. The
139 technical and administrative staff has always reviewed the plats.

140
141 Councilor Sisneros asked what is the next step for the preliminary plat.

142
143 Kelly Moe stated the next step is for the developer to present the final plat for the subdivision.

144
145 Councilor Jaramillo asked Kelly Moe do you administratively if something is in the best interest
146 of the Town do you feel you ever over step your bounds by not bringing it to the Town Council.

147
148 Kelly Moe stated if Councilor Jaramillo really wanted him to answer that question.

149
150 Councilor Jaramillo stated yes seriously.

151
152 Kelly Moe stated no he does not. In this case if you are talking about the park fees. The item is
153 brought before the Planning and Zoning Commission for final plat approval. They are not
154 presented until all requirements are met. The trade for the easement to the sidewalks would be
155 brought before the Planning and Zoning Commission for approval to accept in lieu of payment at
156 final plat approval.

157
158 Councilor Jaramillo asked to address the public hearing.

159
160 Kelly Moe stated that notices are sent out on May 6th and June 10th.

161
162 Margaret Geller stated that the people were not allowed to review the plat not that they were
163 notified of the meeting.

164
165 Kelly Moe stated that that was true on May 6th meeting but on the June 10th meeting that was
166 rectified.

167
168 Margaret Geller stated the copies were 11 x 17 and not large enough to read.

169
170 Kelly Moe stated the map was available at the front desk for review.

171
172 Councilor Montoya stated his only concern is that the statement you made about the predecessor

173 has done and that is what we do now. Following the proper procedure is the most important
174 thing. My concern is that the comment may be correct.

175
176 Kelly Moe stated that it is a paraphrase for what he meant. The items are not directed at the
177 process they are directed at him. In that meeting he did not get to state that. This is about how
178 the town runs their business. The Commission does not have their own staff. It is all done by
179 the Planning and Zoning staff and has always been done.

180
181 Councilor Montoya stated with that said has all procedures been followed.

182
183 Kelly Moe stated yes.

184
185 Mayor Chávez asked Kelly Moe about the acceptance of the two sidewalks has that action
186 already been done.

187
188 Kelly Moe state that on the plat that was presented to the Planning and Zoning it is on there.

189
190 Mayor Chávez asked Kelly Moe what fees are collected and at what point are fees collected.

191
192 Kelly Moe stated the fees for preliminary plat approval all the fees have been paid. The
193 administration fees of 3% are collected at final plat approval. These fees cover the engineering
194 cost. Park fees are not actual part of section 21 of the Subdivision Fees.

195
196 Councilor Jaramillo on April 14 Margaret Geller stated something about the Master Plan. What
197 is the proper procedure for items place on the Council agenda.

198
199 Kelly Moe stated he does not set the Council agenda or make the packets for the meeting.

200
201 Councilor Jaramillo ask what is the proper procedure when you give the items to the Ida for the
202 agenda.

203
204 Kelly Moe state the items are given to the Town Manager and Ida. The packets are received by
205 you along with staff recommendations.

206
207 Councilor Jaramillo asked how important that is it is stated on the Agenda.

208
209 Ida Fierro stated that at the time the developer presents the Master Plat at the time of the
210 meeting.

211
212 Councilor Jaramillo does do we need to post that a Master Plan is approved.

213
214 Ida Fierro stated that we have always posted as such all subdivision that have come before you

215 for approval the Master Plat has been presented to you at the time of the meeting by the
216 developer.

217
218 George Perez Attorney stated that we should indicate on the agenda the Master Plan should be
219 on the Agenda.

220
221 Kelly Moe stated that the intent of the regulation that the item be placed for a request to the zone
222 change. Written words are not required they may be and are written graphically in the Master
223 Plan. The Master Plan is not presented by the developer it is a phrase used as a sense of
224 definition. That was the words of Mr. Moe used to and should not therefore the item should not
225 have been posted as such.

226
227 Margaret Geller asked about the written word is it accepted to be written graphically.

228
229 Mayor Chávez stated that when the Council is making the motion to approve a subdivision it is
230 made in their motion clearly state what the exceptions are to the subdivision.

231
232 Margaret Geller made a closing statement she stated that she will do this process on any item
233 that comes before the Planning and Zoning Commission that does not follow the procedures of
234 the Subdivision Rules. If the Rules can not be followed then maybe the Rules should be
235 rewritten.

236
237 Kelly Moe closing statement stated that at the heart of this is did the Council know what you
238 were approving and did the Planning and Zoning know. I truly believe that that was known.
239 The Council has delegated certain powers to staff to handle items for them. Often in larger
240 communities it is done by two different staffers. The items are being held fairly responsibly in
241 the Town. Asking to deny the appeal and uphold the Planning and Zoning decision.

242
243 Mayor Chávez asked for Motion to uphold the Planning and Zoning decision and deny the
244 appeal.

245
246 Councilor Montoya thanked Ms. Geller for presenting the appeal.

247
248 Councilor Montoya moved to uphold the Planning and Zoning decision and deny the appeal.
249 The motion was seconded by Councilor Sisneros.

250
251 Roll Call Vote

252 Councilor Jaramillo Yea

253 Councilor Sisneros Yea

254 Councilor Montoya Yea

255

256 **PERSONNEL: 7a) Waste Water Operator (1). Presenter Stephen Jerge**

257 Stephen Jerge stated that it was his recommendation to hire Ronald Lujan as a Waste Water
258 Operator for the Town of Bernalillo Waste Water Department.

259
260 Councilor Jaramillo moved to approve the hiring of Ronald Lujan as a Waste Water Operator for
261 the Town of Bernalillo Waste Water Department. The motion was seconded by Councilor
262 Sisneros and carried unanimously.

263
264 **PERSONNEL: 7b) Fire Fighter (2). Presenter Stephen Jerge**

265 Stephen Jerge stated that it was his recommendation to hire Lawrence Gutierrez and Ryan
266 Louchard as Fire Fighters for the Town of Bernalillo Fire Department.

267
268 Councilor Sisneros moved to approve the hiring of Lawrence Gutierrez and Ryan Louchard as
269 Fire Fighters for the Town of Bernalillo Fire Department. The motion was seconded by
270 Councilor Montoya and carried unanimously.

271
272 **PERSONNEL: 7c) Receptionist (1). Presenter Stephen Jerge**

273 Stephen Jerge stated that it was his recommendation to hire Paula Pierce as a Receptionist for the
274 Town of Bernalillo.

275
276 Councilor Jaramillo moved to approve the hiring of Paula Pierce as a Receptionist for the Town
277 of Bernalillo. The motion was seconded by Councilor Sisneros and carried unanimously.

278
279 **PERSONNEL: 7d) Water Utility Operator (1). Presenter Stephen Jerge**

280 Stephen Jerge stated that it was his recommendation to hire Michael Anthony Ortiz as a Water
281 Utility Operator for the Town of Bernalillo Water Department.

282
283 Councilor Jaramillo moved to approve the hiring of Michael Anthony Ortiz as a Water Utility
284 Operator for the Town of Bernalillo Water Department. The motion was seconded by Councilor
285 Sisneros and carried unanimously.

286
287 **PERSONNEL: 7e) Water Utility Seasonal Worker (2). Presenter Stephen Jerge**

288 Stephen Jerge stated that it was his recommendation to hire Michael Anthony Baros and Ramon
289 Lujan Jr. as Water Utility Seasonal Workers for the Town of Bernalillo Water Department.

290
291 Councilor Sisneros moved to approve the hiring of Michael Anthony Baros as Water Utility
292 Seasonal Worker for the Town of Bernalillo Water Department. The motion was seconded by
293 Councilor Montoya and carried unanimously.

294
295 Councilor Jaramillo recused herself from the hiring of Ramon Lujan Jr. due to family
296 relationship.

297 Stephen Jerge stated that it was his recommendation to hire Ramon Lujan Jr. as Water Utility
298 Seasonal Worker for the Town of Bernalillo Water Department.

299
300 Councilor Montoya moved to approve the hiring of Ramon Lujan Jr. as a Water Utility Seasonal
301 Worker for the Town of Bernalillo Water Department. The motion was seconded by Councilor
302 Sisneros and carried unanimously.

303
304
305 **PERSONNEL: 7e) Park Maintenance (1). Presenter Stephen Jerge**

306 Stephen Jerge stated that it was his recommendation to hire Carlo Heath as a Park Maintenance
307 Worker for the Town of Bernalillo Parks Department.

308
309 Councilor Sisneros moved to approve the hiring of Carlo Heath as a Park Maintenance Worker
310 for the Town of Bernalillo Parks Department. The motion was seconded by Councilor Montoya
311 and carried unanimously.

312
313 **Approval of Minutes 8) Regular Meeting of July 28 2008**

314 Council Sisneros moved to approve minutes of July 28, 2008 as presented. The motion was
315 second by Councilor Montoya and carried unanimously.

316
317 **NEW BUSINESS: 9a) Discussion, Consideration, and Action on Approval of Waiver**
318 **for the 21st Annual New Mexico Wine Festival at Bernalillo. Presenter: Maria Rinaldi**

319
320 The Town of Bernalillo Mainstreet Association hereby formally request a waiver of the 300 ft.
321 Rule, pursuant to Chapter 223 of the Liquor Control Act Section, 60-6B-10, for the purpose of
322 hosting the 21st Annual New Mexico Wine Festival to be held on the grounds of the Lorretto
323 Community Park on Labor Day weekend August 30, 31and September 1, 2008.

324
325 The waiver request would allow the temporary service of win within three hundred feet of Our
326 Lady of Sorrows Catholic Church, Assembly of God Church, PB&J Therapeutic Preschool.

327
328 Within the limits set forth in Section 60-6B (G), a license may be granted for proposed issuance
329 if waiver is obtained for the local option district governing body.

330
331 Councilor Sisneros moved to grant the 300 ft. Rule, pursuant to Chapter 223 of the Liquor
332 Control Act Section, 60-6B-10, for the purpose of hosting the 21st Annual New Mexico Wine
333 Festival to be held on the grounds of the Lorretto Community Park on Labor Day weekend
334 August 30, 31and September 1, 2008. The motion was seconded by Councilor Jaramillo and
335 carried unanimously.

336
337
338 **NEW BUSINESS: 9b) Discussion, Consideration, and Action on Approval of Award of**
339 **Fire Station Building. Presenter: Stephen Jerge**

340 The Town received three bids for this project (Cleary Building \$442,000, DA Baker \$586,500,
341 and Southwest CM \$635, 00) Southwest was not deemed responsive due to a lack of qualified
342 experience. Cleary's bid was reviewed and deemed to be responsive and meet the specifications.
343 the bid included the concrete slab and is considered to be a good value to the Town. For
344 clarification, the fire sprinklers are not required under this phase of the contract. It is
345 recommended that based on this bid process, the Town move ahead with award of the Fire
346 Station Building Contract to Cleary Building. A thorough review and confirmation
347 a discussion with Cleary has occurred.

348

349 Councilor Jaramillo moved to approve the award of contract of the Fire Station Building to
350 Cleary Building. The motion was seconded by Councilor Sisneros and carried unanimously.

351

MISCELLANEOUS: 10a) Wells 1 & 2. Presenter: Stephen Jerge

352 Stephen Jerge gave an update on Wells 1 & 2.

353

354

MISCELLANEOUS: 10b) Web Site Update. Presenter: Fernando Lomas

355 Fernando Lomas director of IT for the Town of Bernalillo gave a brief update on the
356 proposed new Web Site.

357

358

FINANCIAL SECTION: 11a) Approval of General Fund Vouchers #34052-#38186.

359 Councilor Jaramillo moved to approve the General Fund Vouchers #34052-#38186 as presented.
360 The motion was seconded by Councilor Montoya and carried unanimously.

361

362

FINANCIAL SECTION: 11b) Approval of Utility Fund Vouchers #63658-#64726.

363 Councilor Montoya moved to approve the Utility Fund Vouchers #63658- #64726 as presented.
364 The motion was seconded by Councilor Sisneros and carried unanimously.

365

366

FINANCIAL SECTION: 11c) Approval of MVD Fund Vouchers #66802-#66811

367 Councilor Sisneros moved to approve the MVD Fund Vouchers #66802-#66811 as presented.
368 The motion was seconded by Councilor Montoya and carried unanimously.

369

370

**FINANCIAL SECTION: 11d) Approval of Housing Low Rent Vouchers #5725LR-
#6849LR**

371 Councilor Jaramillo moved to approve the Housing Low Rent Vouchers #5825LR-#6849LR as
372 presented. The motion was seconded by Councilor Sisneros and carried unanimously.

373

374

**FINANCIAL SECTION: 11e) Approval of Housing Section 8 Vouchers #7921-
#7940.**

375 Councilor Sisneros moved to approve the Housing Section 8 Vouchers #7921-7940 as presented.
376 The motion was seconded by Councilor Montoya and carried unanimously.

377

378

**FINANCIAL SECTION: 11f) Approval of Waste Water Treatment Plant Vouchers
#58.**

379 Councilor Jaramillo moved to approve the Waste Water Treatment Plant Vouchers #58 as
380
381

382 presented. The motion was seconded by Councilor Montoya and carried unanimously.

383

384 There being no further business the meeting was adjourned at 8:35 P.M.

385

386 Done this 11th day of August 2008.

387

388

389 ATTEST:

390

391

392 _____
Ida Fierro, Town Clerk

393 (seal)

Patricia A. Chávez, Mayor