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**MINUTES OF A REGULAR MEETING  
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO  
HELD AT THE TOWN HALL  
August 25, 2008**

6 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules  
7 of the Town on August 25, 2008, 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 Jaramillo  
14 Councilor Sisneros  
15 Councilor Torres

**ALSO PRESENT:**

Debbie Kilfoy	Will Ouellette
Fred Radosevich	Margaret Geller
Lew Fisherr	Mike Moloney
Santiago Chavez	Pinky Montano
George Perez	Clarence Pino
Terri Gorrell	James Pike
Mary Kwapick	Eric Schone
Sue Ortiz	Ray Ortiz
Margie Amiot	Steve Amiot
Helen Sandoval	Debbie Kilfoy
Georgina Chavez	James Pike
Donald Ruby	Eddie Torres Sr
Yolanda Mora	Orin Safier
Arthur Montano	

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27 **ABSENT:**

**Others Present Not Identified**

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

30 Councilor Jaramillo moved to approve the agenda as presented. The motion was seconded by  
31 Councilor Sisneros and motion carried unanimously.  
32

33 **RECOGNITION: 5a) National Night Out**

34 Mayor Chávez recognized the Sandoval County Jr Posse that participated in the Sandoval Sheriff  
35 Posse annual rodeo. August 8-10, 2008. These youth ran the snack bar and is their major fund  
36 raiser for the year. James Arnold, Christie Arnold, Elena Tenorio, Kiersten Tenorio, Ashley  
37 Tenorio, Olivia Tenorio, Jonni Chavez-Mast, and Thalia Barraza were presented with a  
38 certificate of recognition.  
39

40 **PUBLIC HEARING: 7a) Discussion, Consideration and Action on Appeal of P & Z**  
41 **Commission Decision; Variance of Setback requirements for a Mobile Home at the**  
42 **property located at Lots 7, 8 and Portion of vacated alley a.k.a. 1313 Old HWY 85. Arthur**  
43 **Montano-Presenter**  
44

45 Arthur Montano stated he is appealing a decision made by the Planning and Zoning Commission  
46 declining the variance on his mobile home located at 1313 Old HWY 85. The trailer actually sits

47 on lot 9 and part of the vacated alley and some of the roadway. There is a 5ft on the back and on  
48 the south, west of the trailer is 10ft on the east side and the front of the trailer.

49

50 Councilor Torres asked is the requirement 20 ft. set back on the west side.

51

52 Mr. Montano stated that was correct.

53

54 Mr. Montano presented to the Council what he got when he applied for the variance. He  
55 completed the application and went by what was on the form.

56

57 Councilor Torres asked where did he get the permits from.

58

59 Mr. Montano stated that they were picked up from the front desk. He had a hard time  
60 understanding what to fill out in the packet. He spoke to Libby and he indicated what forms for  
61 him to fill out. When he got the forms he thought that was the items he needed to move the  
62 mobile home. He moved the mobile home and was not aware it was not set correctly.

63

64 Councilor Sisneros asked that the mover was the one that was responsible for moving the mobile  
65 home and were you under the impression that they were getting the permit.

66

67 Mr. Montano stated yes.

68

69 Councilor Jaramillo asked what was the property being used for before.

70

71 Mr. Montano stated it had been vacant for quite a while.

72

73 Councilor Sisneros asked if a drive way right away permit had been requested from NM  
74 Department of Transportation.

75

76 Arthur Montano stated yes it had been granted and provided a copy of the document to the  
77 council.

78

79 Councilor Torres asked with the permit will that not provide the space needed.

80

81 Kelly Moe, stated that without a boundary survey he could not answer that question.

82

83 Mayor Chávez asked does the state permit indicates it is to install and insulate.

84

85 Kelly Moe presented the Council with maps of the property. The alley was his property.

86

87 Councilor Torres asked is there a separate water and sewer line to the mobile home.

88

89 Kelly Moe stated no it is hook up to one line of service on that property.

90

91 Mr. Montano stated that once the variance is granted their will be service hooked up.

92 A meter needs to be placed to receive the service.

93

94 Councilor Sisneros asked about the 48ft on the west side of the property from the State. That is  
95 just a 16ft easement to get into the property.

96

97 Kelly Moe stated that is correct it is just an easement to enter the property.

98

99 Mayor Chávez asked the age of the mobile home.

100

101 Kelly Moe stated that the mobile home does meet the requirement. The documents were turned  
102 in after the presentation to the P & Z commission.

103

104 Councilor Montoya asked about the electrical is there sharing of lines.

105

106 Mr. Montano stated that they need to actually get the property's own box during set up an  
107 extension cord was ran to use to take the tires off the mobile home.

108

109 Councilor Jaramillo asked is the issue of the lot being checker board a problem.

110

111 Kelly Moe stated that is a question for the attorney.

112

113 George Perez stated that if the mobile home sits on two lots then the mobile home sits on the lot  
114 and vacated street. Therefore a replat is need that creates a lot for the mobile home to be set on.

115

116 Mayor Chávez asked Kelly Moe if the lot is replated will that take care of the issue that there is  
117 enough square footage for the mobile home.

118

119 Kelly Moe stated that can not be answered until a boundary survey is done.

120

121 Mayor Chávez asked Mr. Montano is the home built on the alley way.

122

123 Mr. Montano stated that it was a corner of the home that was in the alley way.

124

125 Councilor Jaramillo made a motion to table the request for variance until a boundary survey can  
126 be done on the property. Councilor Sisneros seconded the motion and carried unanimously.

127

128

129 **PERSONNEL: 7a) Fire Fighter (3). Presenter Yolanda Mora**

130 Yolanda Mora stated that it was her recommendation to hire Michael Carroll, Matthew Miller

131 and Richard Urioste as firefighters for the Town of Bernalillo Fire Department.

132

133 Councilor Torres moved to approve the hiring of Michael Carroll, Matthew Miller and Richard  
134 Urioste as firefighters for the Town of Bernalillo Fire Department. The motion was seconded by  
135 Councilor Montoya and carried unanimously.

136

137 **PERSONNEL: 7b) Police Service Aide (1). Presenter Yolanda Mora**

138 Yolanda Mora stated that it was her recommendation to hire Robert Garcia as a Police Service  
139 Aide for the Town of Bernalillo Police Department.

140

141 Councilor Torres moved to approve the hiring of Robert Garcia as a Police Service Aide for the  
142 Town of Bernalillo Police Department. The motion was seconded by Councilor Jaramillo and  
143 carried unanimously.

144

145 **PERSONNEL: 7c) Animal Control Officer(1). Presenter Yolanda Mora**

146 Yolanda Mora stated that it was her recommendation to hire Michael Mullen as an Animal  
147 Control Officer for the Town of Bernalillo Police Department.

148

149 Councilor Torres moved to approve the hiring of Michael Mullen as an Animal Control Officer  
150 for the Town of Bernalillo Police Department. The motion was seconded by Councilor Montoya  
151 and carried unanimously.

152

153 **PERSONNEL: 7d) Wine Festival Staff. Presenter Yolanda Mora**

154 Yolanda Mora stated that it was her recommendation to hire Angel Armijo, Carmen Casaus,  
155 Barbara Saavedra, James Baca, Roberta Toya, Sharon Mora, Rosemary Chavez, Gidget  
156 McCook, Christena Serbin, Elizabeth Lujan, Diana Silva, Monique Benavidez, Andrea Ortiz,  
157 Nancy Colbert, Elaine Gonzales, Margaret Hix, Regina Gachupin, Bonnie Lucero, Denise  
158 Ralston, Roberta Guzman, John Rinaldi, Leonard Gallegos, Pam Peterson, Mary Duran, Cynthia  
159 Duran, Cecilia Farris, Michelle Gonzales, Richard Aguilar, Joseph Rinaldi, Carlo, Martin,  
160 Patrick McHale, Joyce Cordova, Michael Benavidez, Manuel Garcia, Ernie Vigil, Jason Lovato,  
161 Carlton Liggins, Santiago Montoya, Paul Madrid, Joe Diaz, Michael Sanchez, Ida Fierro, Cordy  
162 Moreno, Christine Perea, and Rich Young for the Town of Bernalillo Wine Festival.

163

164 Councilor Torres moved to approve the hiring of all the employees listed above for the Town of  
165 Bernalillo Wine Festival. The motion was seconded by Councilor Jaramillo and carried  
166 unanimously.

167

168

169 **Approval of Minutes 8) Regular Meeting of August 11, 2008**

170 Councilor Jaramillo stated that line 147 his should be him.

171 Council Jaramillo moved to approve minutes of August 11, 2008 as amended. The motion was  
172 second by Councilor Torres and carried unanimously.

173  
174 **NEW BUSINESS: 9a) Discussion, Consideration, and Action on Adoption of**  
175 **Ordinance #224 & #225 Extending and Increasing Corporate Limits and Implementing**  
176 **and Initial Zoning to S-U and a Change in the Zoning Atlas from C-1 to S-U for A Master-**  
177 **planned Retail Shopping and Business Center. Presenter: Eric Schone**

178  
179 STATE OF NEW MEXICO

TOWN OF BERNALILLO

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181 **ORDINANCE NO. 224**

182  
183 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE ZONING MAP TO**  
184 **ANNEX TERRITORY TO THE TOWN OF BERNALILLO**

185  
186 **WHEREAS**, One Placitas Development LLC, a property owner in Sandoval County, has  
187 filed a petition (see EXHIBIT A) to annex certain lands to the Town of Bernalillo, as shown  
188 on ‘EXHIBITS B & C’, and further known as: 1) Parcel 3, on Plat of survey of Tracts 1, 2, & 3,  
189 being the Easterly Portion of Tract C, T13N R4E Projected sections 32 & 33 NMPM, within  
190 Sandoval County New Mexico, as recorded on January 27, 1999 in Volume 3, Page 1828-8,  
191 comprising approximately 18.7319 acres; and 2) A Portion of Tract 78, MRGCD Map 10, of the  
192 Lands of Antonio C’de Baca (Misc. 119, 25-30), T13N R4E Projected sections 32 & 33 NMPM,  
193 within Sandoval County New Mexico, comprising approximately 1.8693 acres; and

194  
195 **WHEREAS**, said lands are contiguous to the current municipal limits of the Town of  
196 Bernalillo; and,

197  
198 **WHEREAS**, a public hearing has been held by the Governing Body of the Town of  
199 Bernalillo regarding said petition; and,

200  
201 **WHEREAS**, the requested annexation is deemed to benefit the general welfare of the Town  
202 of Bernalillo;

203  
204 **THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF  
205 BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, AS FOLLOWS:

206  
207 That Ordinance No. 175 entitled the “Comprehensive Zoning Ordinance of the Town of  
208 Bernalillo” be hereby amended to provide for a change in the zoning map (being a change in  
209 the municipal boundary) to annex certain lands to the Town of Bernalillo, as described  
210 herein, and as shown in ‘EXHIBITS B & C’ attached hereto.

211  
212 A brief general discussion by the Council ensued. The Councils concerns were: Water drainage  
213 of the development. Kelly Moe, director of Planning and Zoning explained that the drainage will

214 not be off site. The only water that comes off the site is what currently does now. The  
215 developers said flows that are creating the problem in Bernalillo come off of Sandia Property.  
216 The observation was done with the Army Corp of Engineers and HDR Engineering. The  
217 developer stated that the water will be retained on site caused by the development.  
218

219 Mayor Chávez entertained a motion.

220

221 Councilor Montoya made a motion to approve Ordinance #224.

222

223 The motion died for lack of a second.

224

225

226 **NEW BUSINESS: 9b) Discussion, Consideration, and Action on Approval of 08/25/08**

227 **A Resolution in Support of Dedicated and Ongoing State Funding for Updating Water**

228 **Plans. Presenter: Stephen Jerge**

229

230

### **Resolution No. 08-25-08**

231

232

233 **A Resolution in Support of dedication and ongoing State funding for updating**  
234 **regional water plans**

235

236

237 **WHEREAS**, water throughout the State of New Mexico is a fragile and finite resource and  
238 adequate water resources are a prerequisite to the health and economic security of New Mexico's  
239 communities; and

240

241 **WHEREAS**, the New Mexico Legislature in 1987 determined that the state can assist the  
242 regions to ensure and adequate supply of water for each region by implementing a state  
243 appropriation program to plan for future water use; and

244

245 **WHEREAS**, the first regional water plan was completed and accepted by the Interstate Stream  
246 Commission in 1999 and the last regional water plan was completed and accepted by the  
247 Interstate Stream Commission in 2008; and

248

249 **WHEREAS**, regional water plans were drafted by local organizations, represent collaborative  
250 strategies for addressing water needs, and have been reviewed and approved by many local  
251 governments in the state; and

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253 **WHEREAS**, regional water plans outline strategies and alternatives for closing the gap between  
254 available water supply and future demand; and

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**WHEREAS**, regional water plans provide tools for coordinated decision-making and water projects implementation, and there is a need for increased cooperation among regions and associated basins; and

**WHEREAS**, extended periods of drought and the effects of climate change further threaten New Mexico's communities; and

**WHEREAS**, significant changes have occurred since the regional water plans were accepted, such as new regulatory requirements, more recent hydrologic and geohydrologic studies, increasing population and Urbanization, water quality degradation, and diminishing sources of water supply; and

**WHEREAS**, there is a need to develop more accurate and consistent hydrologic and geohydrologic data as a basis for making decisions regarding community development as it affects water resources; and

**WHEREAS**, communities in New Mexico need to continually update their plans and strategies to ensure adequate water supply for their citizens.

**Now, therefore, be it resolved** by the Town of Bernalillo;

That the Town of Bernalillo urges the New Mexico State Legislature to dedicate funding for the Interstate Stream Commission that included and annually recurring budget item of \$ 4000,000 for the update of at least four regional water plans each year.

Mayor Chávez entertained a motion.

Councilor Jaramillo made a motion to approve Resolution 08/25/08 a Resolution in support of Dedicated and Ongoing State Funding for Updating Water Plans. Councilor Sisneros seconded the motion and carried unanimously.

**NEW BUSINESS: 9c) Discussion, Consideration, and Action on Approval of Resolution 08/25/08A Resolution in Support of the Eastern Sandoval Arroyo Flood Control Authority. Presenter: Stephen Jerge**

## **Resolution No. 08-25-08A**

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**A Resolution in Support of the  
Eastern Sandoval County Arroyo Flood Control Authority's  
Bond authorization in the Town of Bernalillo**

**WHEREAS**, the Eastern Sandoval County Flood Control Authority, (ESCAFCA) will provide much needed flood control in the Eastern Sandoval County (Algodones, Bernalillo and Placitas) area; and

**WHEREAS**, ESCAFCA will provide a vital public service to the community; and

**WHEREAS**, ESCAFCA will be governed by a public Board of Directors and will be responsive to the needs of the community; and

**WHEREAS**, the proposed 2008 Bond issue for ESCAFCA will insure that the capital funds necessary to provide flood control and protection in the Eastern Sandoval County area will be available in the future.

**NOW THEREFORE**, the Town of Bernalillo Council formally endorses ESCAFCA's efforts to obtain voter approval for flood control funding and encourages its residents to support this effort.

Mayor Chávez entertained a motion.

Councilor Jaramillo made a motion to approve Resolution 08/25/08A a Resolution in support of ESCAFCA. Councilor Montoya seconded the motion.

Roll Call Vote

Councilor Jaramillo	Yea
Councilor Torres	Yea
Councilor Montoya	Yea
Councilor Sisneros	Yea

**NEW BUSINESS: 9d) Discussion, Consideration, and Action on Approval of Resolution 08/25/08B Resolution in Support of the Southern Sandoval Arroyo Flood Control Authority. Presenter: Stephen Jerge**

**Resolution No. 08-25-08B**

**A Resolution in Support of the**



337                   **Southern Sandoval County Arroyo Flood Control Authority's**  
338                   **Bond authorization in the Town of Bernalillo**

339  
340                   **WHEREAS**, it is the responsibility of the Bernalillo Town Council to provide for the  
341 public safety and quality of life for its residents; and  
342

343                   **WHEREAS**, the Southern Sandoval County Arroyo Flood Control Authority is  
344 responsible for providing for the health, safety and welfare of the residents of the Town of  
345 Bernalillo owning property within SSCAFCA's jurisdiction, by developing and maintaining  
346 flood control facilities; and  
347

348                   **WHEREAS**, SSCAFCA is seeking voter approval for an \$18 million bond authorization  
349 in the Nov. 4, 2008 general election that will be used to provide flood control in specific areas of  
350 Bernalillo; and  
351

352                   **WHEREAS**, an affirmative vote will not increase the tax rate for residents; and  
353

354                   **WHEREAS**, the SSCAFCA board has made a firm commitment to develop projects that  
355 not only provide for public safety but enhance the quality of life by designing facilities to also  
356 serve as recreational enhancements; and  
357

358                   **THEREFORE, BE IT RESOLVED**, that the Bernalillo Town Council formally  
359 endorses SSCAFCA's efforts to obtain voter approval for flood control funding and encourages  
360 its residents to support this effort.  
361

362 Mayor Chávez entertained a motion.

363  
364 Councilor Jaramillo made a motion to approve Resolution 08/25/08B a Resolution in support of  
365 SSCAFCA. Councilor Torres seconded the motion.  
366

367 Roll Call Vote

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

374                   **NEW BUSINESS: 9e) Discussion, Consideration, and Action on Approval of**  
375 **Resolution 08/25/08C Resolution Authorizing Participation in the Municipal Arterial**  
376 **Program for Fiscal Year 2008/2009. Presenter: Stephen Jerge**

377                   **Resolution Number 8-25-08C**

378 **A Resolution Authorizing Participation in the Municipal Arterial Program for Fiscal Year**  
379 **2008/2009**  
380

381 **Whereas**, the Town of Bernalillo is eligible to participate in the Municipal Arterial Program of  
382 the State of New Mexico Department of Transportation, and  
383

384 **Whereas**, improvements to Camino Don Tomas from Rotary Park Drive to US 550 are  
385 necessary for reasons of improved capacity and safety, and  
386

387 **Whereas**, such improvements shall include widening the drive lanes and improving drainage  
388 along the roadway as determined necessary through drainage analysis, demolition site plans, site  
389 and layout plans, and  
390

391 **Whereas**, the total cost of the project is estimated to be \$97,266.67 to be funded in proportional  
392 share by the parties hereto as follows:  
393

394 a. New Mexico Department of Transportation's share shall be 75% or \$72,950.00  
395

And

396 b. Town of Bernalillo's share shall be 25% or \$24,313.67  
397

398 **Now Therefore be it Resolved** by the Governing Body of the Town of Bernalillo to enter into a  
399 agreement with The New Mexico Department of Transportation on MAP-5119(900) Project is  
400 ratified.  
401

402 Mayor Chávez entertained a motion.  
403

404 Councilor Torres made a motion to approve Resolution 08/25/08C a Resolution in support of the  
405 MAPS program for 2008/2009. Councilor Sisneros seconded the motion.  
406

407 Roll Call Vote

408 Councilor Torres Yea

409 Councilor Sisneros Yea

410 Councilor Jaramillo Yea

411 Councilor Montoya Yea  
412

413 **MISCELLANEOUS: 10a) Audit Results. Presenter: Santiago Chavez**

414 Santiago Chavez presented the audit results of the 2005/2006 fiscal year.  
415

416 **FINANCIAL SECTION: 11a) Approval of General Fund Vouchers #34072-#35267.**

417 Councilor Torres moved to approve the General Fund Vouchers #34072-#35267 as presented.

418 The motion was seconded by Councilor Jaramillo and carried unanimously.  
419

420                   **FINANCIAL SECTION: 11b) Approval of Utility Fund Vouchers #63672-#64774.**

421           Councilor Torres moved to approve the Utility Fund Vouchers #63672- #64774 as presented.  
422           The motion was seconded by Councilor Sisneros and carried unanimously.

423

424                   **FINANCIAL SECTION: 11c) Approval of MVD Fund Vouchers #66812-#66821**

425           Councilor Torres moved to approve the MVD Fund Vouchers #66812-#66821 as presented. The  
426           motion was seconded by Councilor Jaramillo and carried unanimously.

427

428                   **FINANCIAL SECTION: 11d) Approval of Housing Low Rent Vouchers #5836LR-**  
429                   **#6867LR**

430           Councilor Torres moved to approve the Housing Low Rent Vouchers #5836LR-#6867LR as  
431           presented. The motion was seconded by Councilor Jaramillo and carried unanimously.

432

433                   **FINANCIAL SECTION: 11e) Approval of Waste Water Treatment Plant Vouchers**  
434                   **#59-61.**

435           Councilor Torres moved to approve the Waste Water Treatment Plant Vouchers #59-61 as  
436           presented. The motion was seconded by Councilor Sisneros and carried unanimously.

437

438                   There being no further business the meeting was adjourned at 8:45 P.M.

439

440           Done this 11th day of August 2008.

441

442

443           ATTEST:

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446           \_\_\_\_\_  
447           Ida Fierro, Town Clerk  
(seal)

\_\_\_\_\_  
Patricia A. Chávez, Mayor