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**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
September 22, 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 September 22, 2008, at 6:30 P.M.

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

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21 **PRESENT:**

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

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36 **ALSO PRESENT:**

37 Debbie Kilfoy James Baca
38 Fred Radosevich Emilio Hernandez
39 Wayne Wormhood Mike Moloney
40 Santiago Chavez John Tibbetts
41 George Perez Mary Jo Moloney
42 Marilyn Salsman
43 Mary Kwapick

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46 **ABSENT:**

47 **Others Present Not Identified**

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

102 Stephen Jerge requested an addition be made to the agenda under 5b) Recognition of Town
103 Employee and 5c) Sandoval County Sheriff's Posse Presentation and 6b) Limited Public
104 Comment on the ICIP Plan.

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

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201 **PROCLAMATION: 5a) Mental Illness Awareness Week October 5-11, 2008**

202 Mayor Chávez read the proclamation for Mental Illness Awareness Week October 5-11, 2008.
203 Marilyn Salzman accepted the proclamation on behalf of the National Alliance on Mental Illness
204 (NAMI), a non-profit that assists those with mental illnesses.

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301 **RECOGNITION: 5b) Recognition of Town Employee**

302 Mayor Chávez recognized Wayne Wormhood for becoming a Certified Floodplain Manager.
303 Wayne attended a course offered by the State of New Mexico to obtain the certification of
304 floodplain manager.

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401 **RECOGNITION: 5b) Sandoval County Sheriff's Posse**

402 Mayor Chávez presented a check on behalf of the Sandoval County Sheriff's Posse in amount of
403 \$200.00 to John Estrada, Fire Chief. The funds are to assist in purchasing equipment needed for
404 the fire department.

46 **PUBLIC HEARING: 6a) Discussion, Consideration and Action on The Town of**
47 **Bernalillo intends to expend Community Development Block Grant (CDBG 05-C-NR-I-1-G-**
48 **43) funds on the replacement of municipal water system lines in the “Cocinitas” area of the**
49 **town (Camino del Bosque, Calle San Lorenzo, Calle Don Pedro, Calle Placitas, Calle San**
50 **Ysidro, Calle Don Rodrigo and Camino del Pueblo). The project is located within designated**
51 **Flood Zone X, Zone AO, and Zone A. Presenter: Maria Rinaldi**

52
53 RE: Town of Bernalillo CDBG Project 05-C-NR-I-1-G-43 (Water System Improvements Phase 2)

54
55 The Town of Bernalillo intends to change the scope of the above referenced project funded with
56 Community Development Block Grant Funds to include the following area description:

57 **The proposed Area of Potential Effect (APE) is indicated on U.S. Geological Survey**
58 **7.5' Bernalillo, NM quadrangle map (1954, Revised 1972): USGS Reference code 35106-**
59 **C5-TF-024. The APE is residential area of the Town of Bernalillo bounded on the north by**
60 **the intersection of Calle Don Francisco and Calle San Lorenzo (35°18' 12.67" N; 106°33'**
61 **4.96"W); bounded by the intersection of Calle San Ysidro and Avenida Bernalillo on the**
62 **east (35°18' 02.42" N; 106°33' 8.11"W) ; the intersection of Calle Del Bosque and Camino**
63 **Del Pueblo on the South (35°17' 49.94" N; 106°33' 15.39"W); and the intersection of Calle**
64 **Del Bosque and Calle San Lorenzo (35°17' 53.19" N; 106°33' 8.10"W) on the west. Water**
65 **line replacements will be made along Calle San Lorenzo, Calle Placitas, Calle San Ysidro,**
66 **and Camino del Pueblo (running north-south) and Camino Del Bosque, Calle Don Pedro**
67 **and Calle Don Rodrigo (running east-west).**

68 The Town of Bernalillo Water System Improvements Phase 2 project includes the replacement of
69 approximately 7,800 linear feet of existing asbestos cement and galvanized steel water pipelines
70 and appurtenances, replacement of existing fire hydrants, and the reconnection of existing water
71 services. The existing water pipelines will be replaced with new 6-inch PVC water pipelines.
72 The water pipelines will be installed at a minimum depth of 3-ft from the ground surface.
73 Pavement removal and replacement will be required to facilitate installation of the new water
74 pipelines.

75
76 Given the location of the project- a subsurface public water system, there are no negative impacts
77 on the Flood Plain regulations which apply.

78 Mayor Chávez asked if there were any questions from the Councilors.

79
80 Councilor Jaramillo asked is there were new lines tapping into old lines.

81
82 Maria Rinaldi stated that there will be completely new lines.

83
84 Councilor Jaramillo asked will the residents be notified.

85

86 Maria Rinaldi stated yes all property owners will be notified involved in the project.

87

88 Councilor Sisneros asked time frame.

89

90 Maria Rinaldi stated that construction should begin in early spring.

91

92 Councilor Sisneros asked who would be overseeing the project.

93

94 Maria Rinaldi stated that it would be her along with the public works department.

95

96 Mayor Chávez asked if there were any member of the public that would like to speak for or
97 against. There were none.

98

99 Mayor Chávez entertained a motion.

100

101 Councilor Torres made a motion to approve the Community Block Grant funds on the
102 replacement of municipal water system lines in the “Cocinitas” area. The motion was second by
103 Councilor Sisneros carried unanimously.

104

105 **PUBLIC COMMENT: 6b) Discussion on the ICIP Plan**

106

107 Mayor Chávez asked if there were any members of the public that would like to make a comment
108 on the ICIP.

109

110 James Baca stated that he is favor of the improvements to Rotary Park Master Plan and the
111 Recreation Multi-Use Facility Improvements, as a resident of the of the Bernalito development,
112 the improvement would enhance the use of the park by himself along with his neighbors. He
113 asked that this be made priority.

114

115 Jon Tibbetts, Sandoval County Fire Chief, stated that he applauds the Mayor and Councilors for
116 their professionalizing the department and meeting their funding needs. He is in favor of the
117 Westside Fire Station.

118

119 **PERSONNEL: 7a) Animal Control Officer (1) Presenter Yolanda Mora**

120 Yolanda Mora stated that it was her recommendation to hire Jesse Luera as the Animal Control
121 Officer for the Town of Bernalillo.

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123 Councilor Torres moved to approve the hiring of Jesse Luera as the Animal Control Officer for
124 the Town of Bernalillo. The motion was seconded by Councilor Jaramillo and carried
125 unanimously.

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Approval of Minutes 8a) Regular Meeting of September 09, 2008

Stephen Jerge stated that the word “Audit” should be added to line 45 after 2006/2007.

Councilor Torres moved to approve the minutes of September 09, 2008 as amended. The motion was second by Councilor Sisneros carried unanimously.

NEW BUSINESS: 9a) Discussion, Consideration, and Action on Approval of Resolution 09/22/08 A Resolution Adopting an Infrastructure Capital Improvement Plan ICIP. Presenter: Maria Rinaldi

Resolution 09-22-08

A Resolution

Adopting an Infrastructure Capital Improvements Plan (ICIP)

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

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

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

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

Now, Therefore Be It Resolved By the Town of Bernalillo That

1. The Town of Bernalillo has adopted the attached Infrastructure Capital Improvements Plan (ICIP) with a prioritization of five projects, and
2. It is intended that the Plan be a working document, that will be modified when appropriate throughout the planning process, and the adoption of the ICIP is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico’s infrastructure.

A brief general discussion by the Council ensued. The Councils rank and order for the ICIP 2010-2014 are:

1. Water & Sewer Distribution System Improvements
2. New Westside Public Safety Building

- 163 3. Senior Citizens Center
164 4. Rotary Park Masterplan/Recreation Multi-Use Facility Improvements
165 5. Geographic Information System (GIS) Infrastructure
166

167 Mayor Chávez entertained a motion.
168

169 Councilor Torres made a motion to approve Resolution 09/22/08 a Resolution Adopting an
170 Infrastructure Capital Improvements Plan ICIP. Councilor Sisneros seconded the motion and
171 carried unanimously.
172
173

174 **NEW BUSINESS: 9b) Discussion, Consideration, and Action on Approval of Bid**
175 **Award for Bernalillo Library Addition & Renovation. Presenter: Maria Rinaldi**
176

177 On August, 26, 2008 seven (7) sealed bids were received for the Bernalillo Library. The Low
178 bidder is Vigil Contracting Services, Inc. Vigil Contracting Services, Inc. provided a responsive
179 bid, and has demonstrated a history of financial responsibility, ability to construct this project,
180 exhibits sound business practices, and has met the requirement stipulated in the bid documents
181 for the project.
182

183 Therefore it is the recommendation of Dyron Murphy Architects, and Maria Rinaldi, Community
184 Development Director to award the bid to Vigil Contracting Service, Inc. in the amount of
185 \$207,500.
186

187 Mayor Chávez entertained a motion.
188

189 Councilor Torres made a motion to approve the Award of Bid for the Bernalillo Library Addition
190 to Vigil Contracting Services, Inc. in the amount of \$207,500. Councilor Sisneros seconded the
191 motion and carried unanimously.
192
193

194 **NEW BUSINESS: 9c) Discussion, Consideration, and Action on Approval of JPA for**
195 **Planning in the Unnamed Watershed in the Town of Bernalillo with Southern Sandoval**
196 **Flood Control Authority. Presenter: Stephen Jerge**
197

198 ***JOINT POWERS AGREEMENT FOR PLANNING***
199 ***IN THE UNNAMED WATERSHED IN THE TOWN OF BERNALILLO***
200

201 This Joint Powers Agreement (JPA) is made and entered into by and between the Town of
202 Bernalillo, a New Mexico municipal corporation (hereinafter referred to as the “Town”), and the

203 Southern Sandoval County Arroyo Flood Control Authority (hereinafter referred to as “SSCAFCA”),
204 a political subdivision of the State of New Mexico.

205

206 **WHEREAS**, pursuant to the Joint Powers Agreement Act, NMSA 1978, § 11-1-1, *et seq.*
207 (1961 as amended), the Town and SSCAFCA are public agencies and have the authority to enter into
208 joint powers agreements; and

209

210 **WHEREAS**, the Town and SSCAFCA wish to plan for needed flood control and drainage
211 improvements in the Unnamed Watershed in the Town of Bernalillo; and

212

213 **WHEREAS**, the Town and SSCAFCA desire to cooperate in the planning effort in
214 anticipation of future construction of needed public drainage facilities to protect existing
215 development and fix existing problems; and

216

217 **WHEREAS**, the purpose of this JPA is to fund and prepare a Watershed Management Plan
218 for the Unnamed Watershed that is east of 528 and extends to the river which would include a water
219 quality feature in the vicinity of Nazcon Road and Sheriff’s Posse Road. The Plan would determine
220 the extent of property and flood control features that would be needed for flood control in the
221 Watershed; and

222

223 **WHEREAS**, the cooperative effort of the parties to jointly solve drainage and flood control
224 problems in the Unnamed Watershed is mutually beneficial to the parties and is in the best interests
225 of the residents of the community.

226

227 **NOW, THEREFORE**, in consideration of the premises and mutual obligations herein, the
228 parties hereto do mutually agree as follows:

229

230 SECTION ONE: SSCAFCA AGREES TO:

231

232 1.1 Administer this JPA.

233

234 1.2 Act as lead agency to prepare the Watershed Management Plan for the
235 Unnamed Watershed.

236

237 1.3 Invoice the Town for one-half of the cost of the Plan. Invoices will be
238 provided to the Town for Review and approval prior to payment.

239

240 1.4 Be strictly accountable of all receipts and disbursements.

241

242 SECTION TWO: THE TOWN AGREES TO:

243
244 2.1 Reimburse SSCAFCA one-half of the costs of the Plan not to exceed
245 \$7,500.00.

246
247 2.2 Said reimbursement shall be within sixty (60) days of receipt of invoices and
248 documentation from SSCAFCA.

249

250 SECTION THREE: Both SSCAFCA and the Town Agree as follows:

251
252 3.1 **Term.** The term of this JPA shall be from the effective date as set forth in
253 paragraph 3.4 below until the project is complete, or two (2) years from the
254 effective date, whichever comes first.

255
256 3.2 **Access to Records.** The parties agree to provide access to each other of all
257 information, documents, reports, files or references that may be produced as a
258 result of the cooperative efforts set forth herein.

259
260 3.3 **Liability.** Neither party shall be responsible for liability incurred as a result
261 of the other party's acts or omissions in connection with this JPA. Any
262 liability incurred in connection with this JPA is subject to the immunities and
263 limitations of the New Mexico Tort Claims Act, NMSA 1978, §§41-4-1 *et*
264 *seq.* (1976 as amended).

265
266 3.4 **Effective Date.** The effective date of this JPA shall be the date it is approved
267 by the Secretary of the Department of Finance and Administration of the
268 State of New Mexico.

269
270 3.5 **Compliance with Laws.** In performing the services required in this JPA, the
271 Town and SSCAFCA shall comply with all applicable laws, ordinances and
272 rules of federal, state and local governments.

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276 3.6 **Surplus Funds.** All funds provided by the Town are intended to be
277 expended leaving no surplus funds because the Town will pay only the
278 amounts invoiced and set forth in Section Two above.

279
280 3.7 **Agreement.** This document incorporates all agreements, covenants and
281 understandings of the parties hereto concerning the subject matter hereof and
282 such provisions are merged into this Agreement. This Agreement shall not

283 be altered, changed or amended except by instrument in writing executed by
284 the parties hereto and approved by the Secretary of the New Mexico
285 Department of Finance and Administration before becoming effective.
286

287 3.8 *Notices.* The parties agree that any notices or documents required under this
288 JPA shall be mailed or delivered to:
289

290	Town Administrator	Executive Director
291	TOWN OF BERNALILLO	SSCAFCA
292	PO Box 638	1041 Commercial Drive SE
293	829 Camino del Pueblo	Rio Rancho, NM 87124
294	Bernalillo, NM 87004	
295		

296 Mayor Chávez entertained a motion.
297

298 Councilor Jaramillo made a motion to approve the JPA with Southern Sandoval County Arroyo
299 Flood Control Authority. Councilor Sisneros seconded the motion and carried unanimously.
300

301
302 **FINANCIAL SECTION: 10a) Approval of General Fund Vouchers #35374-#35476.**

303 Councilor Jaramillo moved to approve the General Fund Vouchers #35374-#35476 as presented.
304 The motion was seconded by Councilor Torres and carried unanimously.
305

306
307 **FINANCIAL SECTION: 10b) Approval of Utility Fund Vouchers #64820-#64892.**

308 Councilor Torres moved to approve the Utility Fund Vouchers #64820- #64892 as presented.
309 The motion was seconded by Councilor Sisneros and carried unanimously.
310

311 **FINANCIAL SECTION: 10c) Approval of MVD Fund Vouchers #66849-#66860**

312 Councilor Torres moved to approve the MVD Fund Vouchers #66849-#66860 as presented. The
313 motion was seconded by Councilor Jaramillo and carried unanimously.
314

315 **FINANCIAL SECTION: 10d) Approval of Housing Low Rent Vouchers #6898LR-**
316 **#6919LR**

317 Councilor Jaramillo to approve the Housing Low Rent Vouchers #6898LR-#6919LR as
318 presented. The motion was seconded by Councilor Torres and carried uaimously.
319

320 **FINANCIAL SECTION: 11e) Approval of Waste Water Treatment Plant Vouchers**
321 **#63-#65**

322 Councilor Torres moved to approve the Waste Water Treatment Plant Vouchers #63-65 as
323 presented. The motion was seconded by Councilor Sisneros and carried unanimously.

324

325 There being no further business the meeting was adjourned at 8:00P.M.

326

327 Done this 22nd day of September 2008.

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329

330 ATTEST:

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333 _____
334 Ida Fierro, Town Clerk

(seal)

Patricia A. Chávez, Mayor