

1 **MINUTES OF A REGULAR MEETING**
2 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**
3 **HELD AT THE TOWN HALL**
4 **October 27, 2008**
5

6 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules
7 of the Town on October 27, 2008, at 6:30 P.M.

8 Upon Roll call the following members were found to be present:
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10 **PRESENT:**

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

ALSO PRESENT:

Bruce Rizzieri Denise Silva
Fred Radosevich Tim Archibeque
Margaret Geller Bob Paulette
Santiago Chavez John Estrada
George Perez Maria Rinaldi
Macos Terrazas Brittany Valdez
Mary Kwapick Amor Montoya
Rudy Romero Ivan Perez
Jesus Valdez Gonzalo Villegas
Adrian Castillas Nathan Vaiser
Michael Sandoval James Sandoval
Andres Santillanes Rick Catanach
Chris Martinez

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27 **ABSENT:**

Others Present Not Identified

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

30 Mayor Chávez requested an addition be made to under 5a) to include a staff prepared video.
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32 Councilor Jaramillo moved to approve the agenda as amended. The motion was seconded by
33 Councilor Sisneros and motion carried unanimously.
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35 **RECOGNITION: 5a) Moment of Silence for Members of the Community**

36 Mayor Chávez asked for a moment of silence for several members of our community that
37 recently passed away. Vangie Miller and Jim Hedrick both were community activist and a
38 business colleague Fred Spulher.
39

40 **RECOGNITION: 5b) Town of Bernalillo Community Development Youth**
41 **Conservation Corp and video presentation.**

42 Mayor Chávez recognized the Youth Conservation Corp members Marcos Terrazas, Brittany
43 Valdez, Amor Montoya, Jesus Valdez, Gonzalo Villegas, Adrian Castillas, Nathan Vaiser,
44 Michael Sandoval, James Sandoval, Andres Santillanes, Michael Lopez, Ivan Perez, Vince
45 Gnodle, Rudy Romero, and Foreman Rick Catanach and Program Coordinator Carla Salazar.
46 Maria Rinaldi was also recognized for receiving an award from the New Mexico Commission of

47 the Status of Woman for her contributions to the Community.

48

49 Susan Rinaldi was recognized for administering the GED program for the Youth Conservation
50 Corp.

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52 A video was shown with all the accomplishment to date on the Wine Museum by
53 the Youth Conservation Corp and at the Molina by the Downtown Rail Runner Station.

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55 **PRESENTATIONS: 6a) UNM Sandoval Regional Medical Center. Presenter Anthony**
56 **Masciotra, UNM**

57 Anthony Masciotra from UNM gave a brief presentation on the UNM Sandoval Regional
58 Medical Center. He asked for the support of the Mayor and Council on the Sandoval County
59 Hospitals Mil Levy on the November 4, 2008 General Election Ballot.

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61 **PRESENTATIONS: 6b) Regional Transportation Gross Receipts Tax. Presenter**
62 **Bruce Rizzieri, MRCOG**

63 Bruce Rizzieri of MRCOG gave a brief presentation on the Regional Transportation Gross
64 Receipt Tax on the November 4, 2008 General Election Ballot. He asked for the support of the
65 Mayor and Council.

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67 **Approval of Minutes 7a) Regular Meeting of October 13, 2008**

68 Councilor Jaramillo moved to approve the minutes of October 13, 2008 as presented. The motion
69 was second by Councilor Montoya carried unanimously.

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71 **NEW BUSINESS: 8a) Discussion, Consideration, and Action on Approval of**
72 **Resolution 10/13/08 A Resolution Authorization to Submit an Application for Funding**
73 **Assistance to the New Mexico Water Trust Board. Presenter: Maria Rinaldi**

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RESOLUTION 10-27-08

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AUTHORIZATION TO SUBMIT AN APPLICATION FOR FUNDING ASSISTANCE TO THE NEW MEXICO WATER TRUST BOARD

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81 **WHEREAS** the Town of Bernalillo desires to reuse effluent that is currently being discharged
82 into the Rio Grande by means of irrigating fields within Rotary Park that are currently being
83 irrigated with potable water, and

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85 **WHEREAS** the Town of Bernalillo desires funding assistance to develop this effluent
86 reuse/drinking water conservation project from the NM Water Trust Board, and

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WHEREAS the NM Water Trust Board desires to assure full support of the governing body of each entity desiring to submit such applications for funding assistance, and

WHEREAS it is in the public interest to give complete and full public notice of that approval.

NOW THEREFORE be it resolved that the Town of Bernalillo does hereby authorize the submittal of a funding application to the NM Water Trust Board for the aforementioned project.

A brief general discussion by the Council ensued. The Council's concerns were: Where would the gray water project take place? Bob Paulette of Wilson and Company indicated it would be for all the grass and trees at Rotary Park. The conservation of water would be 12,000,000 gallons per year, which would equal 13 acre feet.

Mayor Chávez entertained a motion.

Councilor Sisneros made a motion to approve Resolution 10/27/08 a Resolution Authorization to Submit an Application for Funding Assistance to the New Mexico Water Trust Board. Councilor Jaramillo seconded the motion and carried unanimously.

NEW BUSINESS: 8b) Discussion, Consideration, and Action on Approval of Construction Oversight Agreement between New Mexico Department of Labor and the Town of Bernalillo District 3 for NM 313 Street Scape Enhancement Project. Presenter: Maria Rinaldi

The Cooperative Project Agreement, herein referred to as the "Agreement" is made and entered into this 27th day of October, 2008, by and between the New Mexico Department of Transportation, herein referred to as the "Department," and the Town of Bernalillo, herein referred to as the "Town", collectively referred to as the "Parties" all of who agree as follows:

RECITALS

Whereas, the Department has authority to enter into this Agreement and conduct negotiations concerning issues of mutual concern which the Town pursuant to laws of the State of New Mexico, particularly NMSA 1978, 67-3-6 as amended; and

Whereas, the Town has the authority to enter into this Agreement and conduct negotiations concerning issues of mutual concern with the Department; and

Whereas, the Project is defined as: NM313 mainstreet and safety improvements including on-street parking, left-turn lanes, raised medians, pedestrian crossings and ADA improvements,

128 along with necessary repair of existing sidewalks, curb and gutter; and

129

130 Whereas, the Project will be implemented in three phases; Phase one: Avenida Bernalillo
131 to Calle del Presidente; Phase Two: Called del Norte to US 550; and Phase Three: Calle del
132 Presidente to Calle del Norte; and

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134 Whereas, the Project is located in the Albuquerque Metropolitan Planning Area (AMAP)
135 and defined in the Transportation Improvement Plan (TIP) for the AMPA 2008-2013 as TIP ID
136 Number 382;

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138 Whereas, the Department and the Town agree to work cooperatively in the construction
139 of the improvements, hereafter referred to as the "Project"

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141 Whereas, this Agreement will provide for an understanding of each Party's
142 responsibilities for construction and maintenance of the Project (as hereinafter defined); and

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144 Whereas, it is understood that should any of the Parties not fulfill the terms of this
145 Agreement, the Agreement shall become null and void; and

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147 Whereas, it is further understood that implementation of the Project is contingent upon
148 project development approval and project authorization from the Federal Highway
149 Administration and that in the event such approval is not obtained the Agreement shall become
150 null and void.

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152 A brief general discussion by the Council ensued. The Council's concerns were: South of
153 Avenida Bernalillo and North of HWY 550 to be included in the agreement. Maria Rinaldi
154 indicated that the agreement at hand only included the project noted and South of Avenida and
155 North of HWY 550 could not be included for funding purposes to the agreement at hand. As we
156 proceed with application for additional funds, the documentation of South of Avenida Bernalillo
157 and North of HWY 550 will be included.

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159 Mayor Chávez entertained a motion.

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161 Councilor Montoya made a motion to approve the Construction Oversight Agreement between
162 New Mexico Department of Transportation and the Town of Bernalillo District 3 for NM 313
163 Street Scape Enhancement Project. Councilor Jaramillo seconded the motion.

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165 Roll Call Vote

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167 Councilor Torres Yea

168 Councilor Sisneros Yea

169 Councilor Jaramillo Yea
170 Councilor Montoya Yea

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172 **NEW BUSINESS: 8c) Discussion, Consideration, and Action of Cooperative Project**
173 **Agreement for Advance Construction of Camino Don Tomas. Presenter: Maria Rinaldi**

174

175 ***Cooperative Project Agreement***

176 This Agreement is made and entered into this 27th day of October, 2008, by and between the
177 New Mexico Department of Transportation, herein referred to as "Department," and the Town of
178 Bernalillo, herein referred to "Town."

179

180 ***Section One: Purpose***

181 The purpose of this Agreement is to specify and delineate the rights and duties of the
182 parties hereto as outlined in Section Two. This Project shall hereinafter be referred to parties
183 hereto as outlined in Section Two. This Project shall hereinafter be referred to interchangeably
184 as "Project" Or " Project Control No. L3310," The Project is a joint and coordinated effort for
185 which the Department and the Town each have authority or jurisdiction.

186

187 ***Section Two: Project Funding by Parties***

188 **I.** The total funding for Project Control NO. L3310 is One Million, Four Hundred Sixty
189 Three Thousand, Fifteen Dollars, (\$1,463,015) to be funded in proportional share by the
190 parties here to as follows:

191 **A. 2010 STP-Urban Funds 85.44% share \$250,000**

192 For Camino Don Tomas from Calle Don Francisco

193 To US 550. Scope of the project is to reconstruct

194 Two Lanes and/improve sidewalks.

195 **2010-2012 STP-Urban Funds 85.44% share \$1,000,000**

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197 **B. 2010-2012 Town of Bernalillo 14.56% share \$213,015**

198 **C. The Total Project Funding \$1,463,015**

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201 **2.** The Town of Bernalillo has requested that Advanced Construction Procedures be
202 implemented to allow Project Control No. L3310 to proceed through construction. Local
203 funds will be utilized to finance the project now in anticipation of future federal aid
204 reimbursement. Federal funds are currently programmed in 2010 and 2012 of the
205 Albuquerque Metropolitan Planning Area Transportation Improvements Program (TIP)
206 in the amount of \$292,603 and \$1,170,412 respectively. It is the responsibility of the
207 Town of Bernalillo through the Metropolitan Planning Organization process to ensure
208 that the funding amounts in the given years referenced in this Agreement remain
209 programmed in those given years. Although the federal funds referenced in this

210 Agreement are contained in the fiscally-constrained TIP, there is no guarantee that
211 federal funding will be appropriated in sufficient amounts to allow their disbursements as
212 outlined in this Agreement. In the event that the programmed and/or appropriated
213 amounts are wither not issued to the State of New Mexico or do not allow full funding
214 under this Agreement, the Town of Bernalillo accepts full risk for all project costs and
215 understands that reimbursement will not be forthcoming. Project Control No. L3310 will
216 remain in “active” status until a final determination has been made regarding possible
217 reimbursement of project cost from federal aid sources.
218

- 219 3. The Town shall pay all Project cost that exceeds the total funding amount.
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222 A brief general discussion by the Council ensued. The Councils concerns were: Will the project
223 be phased? Maria Rinaldi indicated that the Project will be completed. This will change the
224 designation of this street to a Major Arterial.
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226 Mayor Chávez entertained a motion.
227

228 Councilor Torres made a motion to approve the Cooperative Project Agreement for Advanced
229 Construction of Camino Don Tomas. Councilor Sisneros seconded the motion.
230

231 Roll Call Vote
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233 Councilor Sisneros Yea

234 Councilor Montoya Yea

235 Councilor Torres Yea

236 Councilor Jaramillo Yea
237

238 **FINANCIAL SECTION: 10a) Approval of General Fund Vouchers #35610-#35704.**

239 Councilor Torres moved to approve the General Fund Vouchers #35610-#35704 as presented.
240 The motion was seconded by Councilor Jaramillo and carried unanimously.
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242 **FINANCIAL SECTION: 10b) Approval of Utility Fund Vouchers #64937-#64969.**

243 Councilor Torres moved to approve the Utility Fund Vouchers #64937- #64969 as presented.
244 The motion was seconded by Councilor Sisneros and carried unanimously.
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246 **FINANCIAL SECTION: 10c) Approval of MVD Fund Vouchers #66872-#66875**

247 Councilor Sisneros moved to approve the MVD Fund Vouchers #66872-#66875 as presented.
248 The motion was seconded by Councilor Torres and carried unanimously.
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250 **FINANCIAL SECTION: 10d) Approval of Housing Low Rent Vouchers #6942LR-**

251 **#6964LR**
252 Councilor Jaramillo to approve the Housing Low Rent Vouchers #6942LR-#6964LR as
253 presented. The motion was seconded by Councilor Torres and carried uaimously.

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255 **FINANCIAL SECTION: 10e) Approval of Waste Water Treatment Plant Vouchers**
256 **#71-#73**

257 Councilor Jaramillo moved to approve the Waste Water Treatment Plant Vouchers #71-73
258 as presented. The motion was seconded by Councilor Torres and carried unanimously.

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260 There being no further business the meeting was adjourned at 8:47P.M.

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262 Done this 27th day of October 2008.

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265 ATTEST:

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267 _____
268 Ida Fierro, Town Clerk
269 (seal)

Patricia A. Chávez, Mayor