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BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF BERNALILLO:

Section 1. Intent. This ordinance approves and accepts the annexation of real property into the corporate boundaries of the Town of Bernalillo, as requested in the Fisher Sand and Gravel Annexation Petition.

Section 2. Legal Requirements Met. The Annexation Petition and Annexation Map of Fisher Sand and Gravel having been presented to the Governing Body of the Town of Bernalillo, pursuant to the petition method of annexation, in full compliance with state law as set forth in §3-7-4, §3-7-17, and §3-7-18, NMSA 1978, the Governing Body finds as follows:

- A. The Annexation Petition seeks to have annexed into the corporate boundaries territory that is contiguous to the Town of Bernalillo.
- B. The Annexation petition is signed by the owners of a majority of the number of acres in the contiguous territory and is accompanied by a map that shows the external boundary of the territory proposed to be annexed and the relationship of the territory proposed to be annexed to the existing boundary of the Town of Bernalillo.
- C. The Annexation Petition has been presented for consideration and is recommended for approval pursuant to the standards and requirements for annexation set forth in all applicable laws and ordinances.

Section 3. Consent and Approval. The Governing Body hereby annexes the property described in the Fisher Sand and Gravel Annexation Petition and hereby consents to and approves the annexation of such contiguous territory being more particularly described in the legal description of the contiguous territory attached hereto as Exhibit A and incorporated herein by reference in its entirety.

Section 4. Zone Map Amendment. Purpose: That the property described on Exhibit A attached hereto consisting of approximately 43.4705 acres, more or less, shall be annexed into the Town of Bernalillo and zoned as follows:

- A. Conditional uses as approved in the M-1 zoning district as to the entire annexed property identified on Exhibit A attached hereto.
- B. In addition to the uses M-1 zoning designation approved in Paragraph A above, the existing gravel mining operation on the annexed property is hereby granted a conditional use permit and shall be allowed to continue on the entire annexed property subject to the following limitations:
 - 1. All gravel mining on the annexed property shall cease seven

87 (7) years after the date of this Ordinance; provided that, all gravel
88 mining on the portion of the annexed property identified as Phase
89 1 on Exhibit B attached hereto shall cease two (2) years after the
90 date of this Ordinance. For the purpose of this ordinance, gravel
91 mining means the excavation, removal, processing (grinding,
92 separating and washing) and marketing operations with regard to
93 sand and gravel. Sales of sand and gravel mined from the
94 annexed property may continue under the conditional use permit
95 for 2 years after mining operations have ceased.

- 96 2. There shall be no asphalt batch plant on the annexed property.
- 97 3. Hours of operation shall be limited to 7:00 am through 5:00
98 pm, Monday through Friday.
- 99 4. The mining operation on the annexed property shall comply
100 with any applicable environmental regulations.
- 101 5. Within one (1) year after mining has ceased upon the annexed
102 property, the then landowner shall reclaim the annexed property
103 in accordance with the Reclamation Plan for the annexed property
104 attached hereto as Exhibit C. Within ninety (90) days after the
105 date of this Ordinance, the applicant shall deliver to the Town of
106 Bernalillo a Reclamation Performance Bond in a form acceptable
107 to the Mayor or his designee securing the completion of the
108 reclamation work required by the Reclamation Plan and this
109 Ordinance.
- 110 6. If the amount of water purchased from the Town of Bernalillo
111 for the mining operation in any calendar year exceeds the
112 maximum amount allowed by Section 22(D) of Town's
113 Subdivision Regulations, then the landowner shall compensate
114 the Town for the cost to prepare a water budget pursuant to, and
115 in compliance with, the applicable provisions of the said Section
116 22(D).
- 117 7. The Town of Bernalillo shall not be responsible for the cost of
118 extending water or wastewater infrastructure, as they relate to
119 Town of Bernalillo design standards, to the annexed property.

- 121 **Section 5. Findings.** The following are the findings for Annexation and Zoning approval:
- 122 **A.** All state statutory requirements for approval of annexation have been
123 met.
 - 124 **B.** The zoning designation and uses approved for the annexed property
125 as stated in Section 4 hereinabove are in conformance with the Town of

126 Bernalillo Comprehensive Plan and with all applicable Town zoning
127 ordinances.

128
129 **Section 6. Severability Clause.** If any section, paragraph, clause or provision of this
130 Ordinance, or any section, paragraph, clause or provision of any regulation
131 promulgated hereunder shall for any reason be held to be invalid, unlawful or
132 unenforceable, the invalidity, illegality or unenforceability of such section, paragraph,
133 clause or provision shall not affect the validity of the remaining portions of this
134 Ordinance or the regulation so challenged.

135
136 **Section 7. Compiling Clause.** This Ordinance shall be incorporated in and compiled as part of
137 the Revised Ordinances of the Town of Bernalillo.

138
139 **Section 8. Effective Date.** This Ordinance becomes effective ten days after adoption.

140
141 **ADOPTED THIS 12th DAY OF JANUARY, 2015.**
142 Mayor Torres swore in those wishing to speak against the project.

143
144 Janet Cunningham-Stephens Planning and Zoning Director Presented the following:
145 *January 12, 2015 (see December 22, 2014 – tabled for readvertising due*
146 *to change in ordinance to add zoning/conditional use permit)*

147
148 **Subject:** Fisher Sand and Gravel Annexation
149 **Property Address:** 30A Frontage Road East

150
151 **Applicant/s:** Fisher Sand and Gravel

152
153
154 The applicant is requesting the annexation, initial zoning, and a conditional use permit on the
155 subject property containing 43.4705 acres, more or less. This meeting follows several others that
156 have been held for this same purpose. During the discussion of the case at the hearing on
157 February 24, 2014, the Town Council had several comments/requirements. They were:

- 158 1. How is the operation being defined? Is it mining or grading?
- 159 2. What is the timeframe for gravel extraction on the property?
- 160 3. What is the proposed zoning of the property?
- 161 4. The Town needs a Reclamation Plan for the property.
- 162 5. The Town needs a Reclamation Performance Bond for the property.

163
164 A proposed Ordinance has been prepared by the Town’s legal counsel and the applicant’s legal
165 counsel and is included in the packet as Ordinance 286.

166
167 I would like to turn the presentation over now to the applicant and their agent, Lastrapes,
168 Spangler and Pacheco.
169
170 Matt Spangler Agent for Fisher Sand and Gravel. Fisher is a general contractor that does business in New
171 Mexico. The request is for the property to be annexed of 43.4705 Acres zoned M-1 Zoning with a
172 conditional use permit for mining 7 years on the property. We have come before previously and have been
173 asked to provide more information and made several changes per the request of staff. We have worked
174 with staff and the home associations of some neighbors to set some limits on the Ordinance. Hours of
175 operation will be 7:00 a.m. to 5:00 p.m. Monday –Friday. Also, expressed that there will be no batch plant
176 on the property which was a concern of staff. A reclamation plan has been submitted to staff which
177 commits Fisher Sand and Gravel to return property as stated in the plan. Once the ordinance is approved
178 our insurance company will issue the reclamation bond for the property. We will also work with staff on a
179 water budget if the property exceeds the water usage. All this is written out in the ordinance. The location
180 will provide industrial and commercial development that is on the east side of the freeway. It is removed
181 from other types of development. We believe this would be a good annexation for the Town of Bernalillo.
182 We would ask for you approval of the annexation.
183
184 Councilor Dominguez stated her concerns were on the time frame of the development.
185
186 Matt Spangler stated there have been several time limits discussed at the last meeting the time frame was
187 15 years we currently are requesting 7 years that is the shortest time frame the gravel can be removed from
188 the property given the time limitation of 7:00 a.m. to 5:00 p.m.
189
190 Councilor Dominguez asked that if project is phased out will the pond be done in 3 years.
191
192 Matt Spangler stated that is correct the area that will mined is the area for the pond. It will take the full 7
193 years to mine the property assuming the standard use of gravel. .
194
195 Councilor Dominguez stated that she knows that when a property is developed a drainage plan is done for
196 the property.
197
198 Matt Spangler stated that the primary usage of the pond will be for flood control for the Town of Bernalillo
199 with will be developed by Eastern Sandoval Flood Control Authority. The drainage of the property will
200 flow into that pond as well.
201
202 Councilor Jaramillo asked how is the Town going to monitor the water usage for the property.
203
204 Janet Cunningham-Stephens stated what is normally done is a water budget is done for the property by our
205 water consultant. My understanding is water will be brought in by a water truck for mining.

206 Matt Spangler stated the use of water would be for dust abatement. The water would come from the Town
207 of Bernalillo or other areas. If we exceed that minimum amount we would then come before the Town to
208 obtain a water budget. We do not know right now if we will go above the amount of water required.

209
210 Mayor Torres stated that they would be treated just like any other Commercial Development that has come
211 before the town to obtain water rights.

212
213 Andy Edmondson Public Works Director stated that Fisher Sand and Gravel would be given a fire hydrant
214 water meter to draw water from our system it would be billed monthly. This would show the water usage
215 every month.

216
217 Councilor Sisneros asked how many acres was going to be for the ESCFCA ponding.

218
219 Matt Spangler stated 7 ½ acres.

220
221 Councilor Prairie asked if after the 7 years the mining is not complete would you come back for an
222 extension to mine the property.

223
224 Mayor Torres stated that for the conditional use permit it is required the staff review yearly to insure
225 compliance of the permit.

226
227 Councilor Prairie stated it was mentioned that water would be brought in from other places where would
228 that be.

229
230 Matt Spangler stated there are wells available in Algodones and one on the property for water.

231
232 Councilor Prairie asked what if there was not a boom in construction and you are in the middle of mining
233 the hill and the 7 years is up how are you going to return the property to the Town.

234
235 Matt Spangler stated that in the reclamation plan is how the property would be returned to the Town.

236
237 Councilor Dominguez asked where the gross receipt taxes for the sale of gravel go to.

238
239 Matt Spangler stated it is at point of sale.

240
241 Mayor Torres asked on Section B the statement “ is recognized as a pre-existing use formerly allowed by
242 Sandoval County” should be deleted as far as the Town is concerned it is not a pre-existing use whether or
243 not it was. I have conflicting information whether or not the County did allow mining on that property. I
244 am concerned that is on the ordinance and it has no meaning to the Town.

245

246 Chris Perez Town Attorney stated that item can be deleted

247
248 Mayor Torres asked one item that he is concerned is the ponding area is 3 year would you change that to
249 two years.

250
251 Dave Olson stated yes that could be possible.

252
253 Mayor Torres stated that on B1) related operations could be explained.

254
255 Matt Spangler stated that is the operation of sales, grinding, washing and separating the gravel.

256
257 Chris Peres stated that could read “for the purpose of this ordinance, gravel mining means the excavation,
258 removal, processing (grinding, separating and washing) and marketing operations with regard to sand and
259 gravel.

260
261 Mayor Torres stated on the next line Sales of sand and gravel mined from the annexed property may
262 continue until such material is fully sold. I think the end date should be in there.

263
264 Matt Spangler stated M-1 designation allows sales. There will be some material that will need to be sold
265 after the seven years.

266
267 Chris Perez stated that there is a plan to reclaim the property on the reclamation plan.

268
269 Matt Spangler stated there may be still some product left to be sold.

270
271 Mayor Torres stated he is not comfortable with an open ended date. The property needs to be reclaimed
272 with no material on the property.

273
274 Matt Spangler stated would a two year time limit be reasonable.

275
276 Mayor Torres stated that would be agreeable.

277
278 Mayor Torres stated on section 5 if the word “substantially” could be deleted.

279
280 Matt Spangler stated yes.

281
282 Mayor Torres stated on section 7 it states the Town of Bernalillo shall not be responsible for the cost of
283 extending water or wastewater” does it make a difference.

284
285 Matt Spangler stated that someone else may come along and develop near the property and we do not want

286 to be responsible for developing the infrastructure for someone else.

287

288 Mayor Torres stated that the wording also had to be reworded on item 7.

289

290 Matt Spangler stated that anything having to do with the project would be the responsibility of Fisher Sand
291 and Gravel.

292

293 Andy Edmondson stated that it should read “as they relate to Town of Bernalillo design standards, to the
294 annexed property.

295

296 Mayor Torres swore in those individual wishing to speak for or against Ordinance #286.

297

298 The names of the individuals that spoke and were against Ordinance #286 were Ed Majka, Chris Paul, and
299 Mann Mandelow.

300

301 The Concerns of those that spoke were as follows;

302

- Impact on Gravel Pits on Residential Property Values

303

- Air Pollution from Dust

304

- Increased Traffic during commuter hours

305

- Violations in other communities Fisher Sand and Gravel has operated

306

- How will the Town regulate Fisher Sand and Gravel

307

- Length of Time of Operation be reduced to 5 years

308

- Noise Levels

309

310

311 James Pikes concern was from the Water and Soil Conservation and would like to know if they were going
312 to recycle some of the water they used on the project. We will have 5 federal monitors for our water and
313 contamination in the river there will also be fines for contamination to the river.

314

315 Kelly Fetter is in favor of Ordinance #286 his property is in the Town of Bernalillo on Hill Road has been
316 flooded by the two box culvert that are east of MCT property. The ponding will help flooding on his
317 property. The gentleman that spoke about the MS4 permit is correct with the monitoring and fines. The
318 pond would help the Town comply with the regulation of permitting for the EPA regulation by having the
319 pond on that property. There is a lot of the discussion about how long this development will take. It is
320 important for people to be mindful that we have had three construction projects that took place on 550 to
321 Tramway. The gravel there on the property to construct the 7 ½ acre pond would have been more than
322 enough for those projects if they would have been allowed to progress and mined. This would not be a
323 non-issue. John Koller was not able to attend this evening. He and I are in full support of this project and
324 the pond and exercise their capitalist right in our county to receive some benefit from land that they own.
325 Folks need to think if this is sold to the property owners on the South it becomes tribal land and we have

326 no say so. We can be shielded by the pond for the MS-4. As a resident of Placitas and a resident of
327 Bernalillo I support it.

328
329 Larry Blair spoke in favor of Ordinance # 286 stated the pond would be on the south end of the property. It
330 would be 45 acre feet capacity it would be significant to the run off that comes off that area. A 100 year
331 event is 812 cubic feet of water. By building the pond it would improve the situation. Last summer two
332 floods came through there. This would go a long way of solving that.

333
334 Chris Perez read the changes to be made to Ordinance #286

335
336 Item B strike out “recognized as a pre-existing use formerly allowed by Sandoval County is”

337
338 B1) on line 7 (grinding, separating and washing) and marketing, line 8 strike “related”, line 10 strike
339 “until such material is fully sold” add under the conditional use permit for 2 years after mining operation
340 have ceased.

341
342 B5) on line 3 strike “substantially”

343
344 B7) on line 2 add “as they relate to Town of Bernalillo design standards”

345
346 Councilor Jaramillo moved to adopt Ordinance #286 Extending and Increasing Corporate Limits
347 of the Town of Bernalillo with amended changes to Ordinance #286. The Motion was seconded
348 by Councilor Sisneros and the motion carried unanimously.

349
350 Roll Call Vote

351 Councilor Dominguez Yea

352 Councilor Jaramillo Yea

353 Councilor Sisneros Yea

354 Councilor Prairie Yea

355

356 **APPROVAL OF MINUTES:6a) Regular Meeting of December 22, 2014**

357 Councilor Dominguez moved to approve the minutes of December 22, 2014 as presented. The
358 motion was seconded by Councilor Jaramillo and the motion carried unanimously.

359

360 **NEW BUSINESS: 7a) Discussion Consideration, Action and Adoption of Resolution**
361 **1/12/15 Dissolution of Memorandum of Agreement to Host the New Mexico Wine Festival**
362 **at Bernalillo. Presenter: Maria Rinaldi**

363

364 RESOLUTION 1-12-2015

365 Dissolution of Memorandum of Agreement to Host the New Mexico Wine Festival at Bernalillo

366
367 WHEREAS, the Town of Bernalillo and New Mexico Wine Country, Inc. entered into a three-
368 year Memorandum of Agreement on May 13, 2013 to host the New Mexico Wine Festival at
369 Bernalillo; and
370 WHEREAS, the Memorandum of Agreement does not terminate until the completion of the 28th
371 Annual New Mexico Wine Festival in 2015, and
372 WHEREAS, both parties mutually agree to terminate the Memorandum of Agreement effective
373 immediately as evidenced by their signatures below, and
374 WHEREAS, both parties further agree that they will not be liable for any current or future
375 damages caused by this dissolution and the parties specifically agree to hold each other harmless
376 for any current or future liability that is a result of the dissolution.

377
378 Now, therefore, be it resolved that the Town of Bernalillo and New Mexico Wine Country, Inc.
379 do hereby agree to immediately terminate the Memorandum of Agreement for hosting the New
380 Mexico Wine Festival at Bernalillo.

381
382 Mayor Torres stated that at the next meeting there would be a memorandum of agreement
383 brought before the governing body for approval for another event to take the place of the Wine
384 Festival on Labor Day weekend.

385
386 The Mayor Torres entertained a motion.

387
388 Councilor Sisneros made a motion to approve the adoption of Resolution 1/12/15 Dissolution of
389 Memorandum of Agreement to Host the New Mexico Wine Festival at Bernalillo. The motion
390 was seconded by Councilor Prairie and the motion carried unanimously.

391
392 **NEW BUSINESS: 7b) Discussion, Consideration and Action on Approval of 2015**
393 **Holiday Schedule. Presenter: Ida Fierro**

394 **Town of Bernalillo**
395 **Holiday Schedule**
396 **For 2015**

397
398
399 Martin Luther King Monday, January 19, 2015
400 Jr. Birthday
401
402 Presidents Day Monday, February 16, 2015
403

404	Memorial Day	Monday, May 25, 2015
405		
406	San Lorenzo Day	Monday, August 10, 2015
407		
408	Labor Day	Monday, September 7, 2015
409		
410	Veterans Day	Wednesday, November 11, 2015
411		
412	Thanksgiving Day	Thursday, November 26, 2015
413		
414	Day after Thanksgiving	Friday, November 27, 2015
415		
416	Christmas Eve	Thursday, December 24, 2015
417	(4 th of July Holiday Observed)	
418		
419	Christmas Day	Friday, December 25, 2015
420		
421	New Year's Day	Friday, January 01, 2016
422		

423 A brief discussion ensued the Governing Body discussed July 4th, which is usually a holiday
424 observed for Town employees this year the 4th of July in on a Saturday. The Governing Body chose
425 to replace that day with the Christmas Eve which is Thursday, December 24, 2015.

426
427 Mayor Torres entertained a motion.

428
429 Councilor Dominguez made a motion to approve the 2015 Holiday Schedule with Christmas Eve
430 Thursday, December, 24, 2015 as a holiday for employees. The motion was seconded by
431 Councilor Sisneros and the motion carried unanimously.

432
433
434 **NEW BUSINESS: 7c) Discussion, Consideration, and Action on Adoption of**
435 **Resolution 1/12/15A Grant Agreement with the State of New Mexico Environment**
436 **Department. Presenter: Maria Rinaldi**

437
438 **Resolution 01-12-2015A**
439
440
441

442 **WHEREAS**, The Town of Bernalillo shall enter into a Grant Agreement with the State of
443 New Mexico Environment Department; and

444

445 **WHEREAS**, the Agreement is identified as 14-1689-STB Grant Agreement; and

446

447
448 **WHEREAS**, pursuant to Executive Order 2013-006, "Establishing Uniform Funding
449 Criteria and Grant Management and Oversight Requirements for Grants of State Capital
450 Outlay Appropriations by State Agencies to Other Entities," the New Mexico Environment
451 Department has determined that the Town of Bernalillo is required to have a fiscal agent
452 for the grant.

453

454 **NOW THEREFORE, BE IT RESOLVED** by the named applicant that: Mayor Jack Torres
455 is authorized to sign the agreement for this project, and

456

457 María G. Rinaldi, Director of Community Development and Capital Programs, or her successor
458 a n d Alternate Carla Salazar, Programs/Grants Coordinator, are OFFICIAL
459 REPRESENTATIVES who are authorized to sign and request reimbursement requests and act
460 as a point of contact in conjunction with the designated signatory authority for the Fiscal
461 Agent concerning all matters related to the grant agreement; and

462

463 Dewey Cave, Executive Director or his successor of Mid-Region Council of Governments is
464 the FISCAL AGENT and is hereby appointed as the Administrative Authority and is
465 authorized by the attached MOU between The Town of Bernalillo and Mid-Region Council
466 of Governments to administer the Grant Agreement and is authorized to sign reimbursement
467 requests along with the designated signatory authority for reimbursement requests from The
468 Town of Bernalillo and other documents requiring a signature for submittal to the New
469 Mexico Environment Department.

470

471 **PASSED, APPROVED, AND ADOPTED:**

472

473 Mayor Torres entertained a motion.

474

475 Councilor Dominguez made a motion to approve the Adoption of Resolution 1/12/15A Grant
476 Agreement with the State of New Mexico Environment Department. The motion was seconded
477 by Councilor Jaramillo and the motion carried unanimously.

478

479 **NEW BUSINESS: 7d) Discussion, Consideration, Approval and Action on Adoption of**
480 **Resolution 1/12/15B Open Meeting Act. Presenter: Ida Fierro**

481

521
522 4. Emergency meetings will be called only under circumstances, which demand immediate
523 action to protect the health, safety and property of citizens or to protect the Governing Body of
524 the Town of Bernalillo from substantial financial loss. The Governing Body of the Town of
525 Bernalillo will avoid emergency meetings whenever possible. Emergency meetings may be
526 called by the Mayor or a majority of the members of the Governing Body upon twenty-four (24)
527 hours notice, except in case of extreme emergency, when no notice is required. The notice for all
528 emergency meetings shall include an agenda for the meeting or information on how the public
529 may obtain a copy of the agenda.

530
531 5. For the purpose of regular meetings described in paragraph 2 of this resolution, notice
532 requirements are met if notice of the date, time, place and general subject matter to be discussed
533 is placed in newspapers of general circulation in the state. The Town Clerk shall also forward
534 copies of written notice to those broadcast stations licensed by the Federal Communications
535 Commission and newspapers of general circulation which have made a written request for notice
536 of public meetings.

537
538 6. For the purposes of special meetings and emergency meetings described in paragraphs 3 and
539 4 of this resolution, notice requirements shall be met by posting notices on the front doors to
540 Town Hall. The Town Clerk shall provide telephonic or facsimile notice to those broadcast
541 stations licensed by the federal communications commission and newspapers of general
542 circulation that have made a written request for notice of public meetings.

543
544 7. In addition to the information specified above, all notices shall include the following
545 language:

546
547 If you are an individual with a disability who is in need of a reader, amplifier, qualified sign
548 language interpreter, or any other form of auxiliary aid or service to attend or participate in the
549 meeting, please contact the Town Clerk at 771-7128 at least one (1) week prior to the meeting or
550 as soon as possible. Public documents, including the agenda and minutes, can be provided in
551 various accessible formats. Please contact Ida Fierro at 771-7128 if a summary or other type of
552 accessible format is needed.

553
554 8. Pursuant to section 10-15-1(H) NMSA 1978, the Governing Body of the Town of Bernalillo
555 may close a meeting to the public only if the subject matter of such discussion or action is
556 included in subsection 10-15-1(H) of the Open Meetings Act.

557
558 (a) If any meeting is closed during an open meeting, such closure shall be approved by a
559 majority vote of a quorum of the Governing Body of the Town of Bernalillo taken during the
560 open meeting. The authority for the closure and the subjects to be discussed shall be stated in the

561 motion for closure and the vote on closure of each individual member shall be recorded in the
562 minutes. Only those subjects specified in the motion may be discussed in a closed meeting;
563

564

565

566 (b) If the decision to hold a closed meeting is made when the Governing Body of the
567 Town of Bernalillo is not meeting, the closed meeting shall not be held until public notice,
568 appropriate under the circumstances and stating the specific provision of law authorizing the
569 closed meeting and the subjects to be discussed with reasonable specificity, is given to the
570 members and to the general public.

571

572 (c) Following completion of a closed meeting, the minutes of the open meeting that was
573 closed, or the minutes of the next open meeting if the closed meeting was separately scheduled,
574 shall state whether the matters discussed in the closed meeting were limited only to those
575 specified in the motion or notice of closure.

576

577 (d) Except as provided in section 10-15-1 (H) any action taken as a result of discussions in
578 a closed meeting shall be made by vote of the Governing Body of the Town of Bernalillo in an
579 open public meeting.

580

581 PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERNALILLO, NEW
582 MEXICO THIS 12th DAY OF JANUARY 2015.

583

584 Mayor Torres entertained a motion.

585

586 Councilor Prairie made a motion to approve the adoption of Resolution 1/12/15B Open Meetings
587 Act. The motion was seconded by Councilor Sisneros and the motion carried unanimously.

588

589 **NEW BUSINESS: 7e) Discussion, Consideration and Action on Approval of**
590 **Rescinding Bernalillo Police Department Personnel Policy PER 3.16 Temporary Limited**
591 **Duty Policy. Presenter: Chief Tom Romero**

592

593 Chief Tom Romero stated his request is to rescind this policy in its entirety. We are a small
594 department of 21 officers including myself. There needs to be a balance with the amount of
595 officer we have to take care of the Town needs. We believe there is a need for a policy but it
596 needs to be limited to scope and duration.

597

598 Mayor Torres when this was adopted the intent was good but the Town has been at risk due to
599 the amount of officers that have been out at one time and has been abused. Legal council stated
600 that we will be fine with rescinding this policy.

601

602 The police officers will use all the other forms of leave such as sick leave, vacation and FMLA

601 like all other employees within the Town of Bernalillo.

602

603 Mayor Torres entertained a motion.

604

605 Councilor Jaramillo made a motion to rescind the Bernalillo Police Department Personnel Policy
606 PER 3.16 Temporary Limited Duty Policy. The motion was seconded by Councilor Prairie and
607 the motion carried unanimously

608

609 **NEW BUSINESS: 7f) Discussion, Consideration and Action on Approval of**

610 **Amendment to Vacation and Leave Policy. Presenter: Chief Tom Romero**

611 **1st Item: Amendment to Leave Policy**

612 **ABSENCE AND LEAVE**

613 **Objective:**

614 The Town of Bernalillo recognizes and respects employees' needs for leave time away from
615 work. It is the Town's objective to establish a uniform policy by which all employees are
616 permitted to take time off from work.

617 **Scope:**

618 This policy applies to all probationary and permanent employees. This policy supersedes all
619 previous leave policies, departmental procedures, directives, and/or general orders in order to
620 provide a uniform leave policy for all Town employees. This policy shall not be amended by any
621 future departmental procedures, directives and/or general orders. **Provided however, for public
622 safety and the welfare of the community, essential personnel of the Police and Fire
623 departments are excluded from Section V Scheduling Vacation Leave and each department
624 shall have or establish directives as may be approved by the Mayor.** Leave accountability is
625 the responsibility of the employee and the supervisor.

626

627 Chief Tom Romero stated due to scheduling of the three shifts for the police department is asking
628 to be exempt from Section V and allow the police department to schedule their officers to
629 provide the flexibility needed for police department to schedule their officers.

630

631 Juan Torres stated that Michael Carroll was involved in the committee and was in agreement
632 with the policy.

633

634 Mayor Torres entertained a motion.

635

636 Councilor Dominguez made a motion to approve the Amendment to Vacation and Leave Policy.
637 The motion was seconded by Councilor Jaramillo and the motion carried unanimously

638

639 **NEW BUSINESS: 7g) Discussion, Consideration and Action on Approval of Award**
640 **of Multiple Professional Retainer Agreement for Engineering and Architectural Services.**

641 **Presenter: Maria Rinaldi**

642
643 Maria Rinaldi Capital Improvements Director stated it is the recommendation of the selection
644 committee to enter into continuing service agreements for on call professional services with the
645 following firms:

646
647 Engineering Professional Services:

- 648 • Wilson & Company, Inc.
- 649 • Smith Engineering
- 650 • Huitt-Zollars
- 651 • Sullivan Design Group
- 652 • Molzen-Corbin

653

654 Architectural Professional Services

- 655 • Lee Gamelsky Architects, PC
- 656 • Hartman-Majewski Design Group

657

658 Landscape Architectural Professional Services

- 659 • Morrow, Reardon, Wilkinson, Miller, Ltd. Landscape Architects

660

661 Mayor Torres entertained a motion.

662

663 Councilor Jaramillo made a motion to approve the Award of Multiple Professional Retainer
664 Agreement for Engineering and Architectural Services. The motion was seconded by Councilor
665 Dominguez

666

667

668 **FINANCIAL SECTION: 8a) Approval of Accounts Payable Voucher List.**

669 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of
670 \$360,457.82.

671

672 Councilor Sisneros made a motion to approve the accounts payable voucher list in the amount of
673 \$360,457.82. The motion was seconded by Councilor Dominguez and the motion carried
674 unanimously.

675

676 **MISCELLANEOUS SECTION: 9a) Public Comment.**

677 None.

678

679

680 **MISCELLANEOUS SECTION: 9b) Announcements. Presenter: Mayor Torres**

681 Mayor Torres stated that the Legislative Session begin January 20th and is a 60 day session.

682

683 The fire department is close to completion.

684

685 Juan Torres Town Treasurer stated he is waiting for a call back from the State Auditor. Our
686 auditors are working on a plan of action. Once that is completed we will meet with the State
687 Auditor for their approval to move forward and correct the errors on our books.

688

689 There being no further business, Councilor Sisneros moved to adjourn the meeting at
690 8:38 P.M. The motion was seconded by Councilor Dominguez and carried unanimously.

691

692

693 Done this 12th day of January 2015.

694

695

696 ATTEST:

697

698 _____
699 Ida Fierro, Town Clerk

(seal)

Jack S. Torres, Mayor