

1 **MINUTES OF A REGULAR MEETING**
2 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**
3 **HELD AT THE TOWN HALL**
4 **September 28, 2015**

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 September 28, 2015, at 6:30 P.M.

8 Upon Roll call the following members were found to be present:
9

10 **PRESENT:**

11 Councilor Prairie
12 Councilor Sisneros
13 Councilor Jaramillo
14 Mayor Torres

ALSO PRESENT:

Margie Amiot Steve Amiot
Troy Martinez Dana Koller
Bill Sapien Leonard Salgado
Amy St. John

15
16
17
18 **ABSENT:**

19 Councilor Dominguez

Others Present Not Identified

20
21 **APPROVAL OF AGENDA: 4a)**

22 Councilor Jaramillo moved to approve the agenda as presented. The motion was seconded by
23 Councilor Sisneros and the motion carried unanimously.
24

25 **PUBLIC HEARING 5a) Discussion, Consideration, Action and Adoption of**
26 **Ordinance #291 An Ordinance Implementing the Approval of a Zone Map Amendment**
27 **(Zone Change) from Rural Residential (R-R) to Special Use. Presenter: Janet**
28 **Cunningham-Stephens**

29 STATE OF NEW MEXICO

30 TOWN OF BERNALILLO

31 ORDINANCE NO. 291

32
33 AN ORDINANCE IMPLEMENTING THE APPROVAL OF A ZONE MAP AMENDMENT
34 (ZONE CHANGE) FROM RURAL RESIDENTIAL (R-R) TO SPECIAL USE (S-U).

35
36 WHEREAS, Stormwind Group LLC, property owner, has complied with the
37 requirements of the Comprehensive Zoning Ordinance of the Town of Bernalillo by
38 filing an application for a zone map amendment (zone change); and,

39
40 WHEREAS, a public hearing was held by the Planning and Zoning Commission of the
41 Town of

42 Bernalillo on said Zone Map Amendment application;and,

43

44 WHEREAS, the Planning and Zoning Commission of the Town of Bernalillo has
45 recommended approval of the requested zone change; and,

46

47 WHEREAS, the GOVERNING BODY of the Town of Bernalillo has acknowledged the
48 requested

49 Zone Map Amendment recommendation by the Planning and Zoning Commission; and,

50

51 WHEREAS, the Governing Body of the Town of Bernalillo has held a public
52 hearing on said recommendation.

53

54 NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
55 TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO AS FOLLOWS:

56

57 That Ordinance No. 291, duly adopted by the Town of Bernalillo, is hereby
58 approved for the Zone Map Amendment (Zone Change) on the property addressed
59 as 255 Camino Don Tomas, Tract 4-A, Town of Bernalillo, Sandoval County, New
60 Mexico, and as shown on Exhibits A and B.

61

62

63 This Zone Map Amendment changes the zoning designation from RURAL
64 RESIDENTIAL (R-R) to SPECIAL USE (S-U) and is consistent with the intent of the
65 Comprehensive Land-Use Plan and the Comprehensive Zoning Ordinance of the
66 Town of Bernalillo.

67

68 PASSED, APPROVED AND ADOPTED THIS 28th DAY OF
69 SEPTEMBER, 2015

70

71

72 Janet Cunningham Stephens Planning and Zoning Director made the following presentation.

73 **Subject:** Zone Map Amendment

74 **Property Address:** 255 Camino Don Tomas

75 **Applicant:** Stormwind Group LLC represented by Leonard Salgado (Agent)

76 **Legal Description:** Tract 4-A, MRGCD Map No. 10, Section 31, Township 13 North, Range 4
77 East, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico

78 The purpose of the requested Zone Map Amendment is to change the zoning to a classification
79 that will allow continued operation of the greenhouses plus allow the conversion of a small
80 portion of the office space (which is 3513 square feet) to a medical dispensary. The dispensary
81 would occupy approximately 281 square feet.

82 It is anticipated by the applicant that dispensary could serve 10-15 patients per day, 6 days a
83 week, from 10 a.m. to 7:00 p.m. weekdays and 10:00 a.m. to 4:00 p.m. on Saturday. Additional
84 fencing would be constructed so that patients could not wander throughout the site. There would
85 also be additional cameras and alarms installed.

86 There would be no changes to the rest of the greenhouse operation on Tract 4-A. Tract 4-B is not
87 part of this request.

88 Access will be from the existing 50 foot private ingress/egress easement. Based on the estimated
89 number of patients per day, the vehicle trip count may increase by 20-30 trips per day to and from
90 the facility.

91 The property is currently zoned R-R. The purpose of the Rural Residential zone is to provide for
92 large lot and low density residential uses that are conducive to a rural atmosphere, including
93 limited agricultural activities. Permissive uses include greenhouses and the raising of nursery
94 products.

95
96 The Special Use Zone district permits those uses which require special consideration because of
97 their unusual nature, frequency of occurrence, effect on surrounding property or similar reason.

98 The boundaries of the S-U zone are determined on a case-by-case basis. The applicant has
99 provided a site plan as required by the Comprehensive Zoning Ordinance. It is included in the
100 packet as Exhibit A. The addition of the medical dispensary changes the usage of the property,
101 adding an additional element to the operation.

102
103 The Planning and Zoning Commission voted unanimously to recommend approval of the
104 requested Zone Map Amendment.

105
106 Mayor Torres swore in those wishing to speak for or against Ordinance #291.

107
108 Leonard Salgado asked for the Governing Body's consideration for the approval of Ordinance
109 #291. It is a small portion of the whole operation roughly 7 to 8 % of the office space there.

110 There are 1,300 prescriptions in Sandoval County we look forward to providing them with easy
111 access for medication we can provide. We ask for your consideration and I am available for any
112 questions you may have.

113
114 Councilor Prairie asked what type of security system does the facility have.

115
116 Leonard Salgado stated there are security sensors, cameras and alarms. The NM Department of
117 Health will have to inspect the facility for security, lighting and access to the dispensary.

118
119
120 Mayor Torres stated that dispensaries are State approved and the dispensary must meet certain
121 requirements.

122 Leonard Salgado stated he invites the Council to see the site. We have invested a lot to make
123 sure it meets the standards of the Department of Health.

124
125 Councilor Jaramillo asked what does your license entail.

126
127 Leonard Salgado stated there are 23 non-profit licenses in the state. We are authorized to
128 cultivate 450 plants with a dispensary at the location. We currently operate the dispensary in
129 Santa Fe.

130
131 Councilor Sisneros asked are the green houses by the ditch being used at this time.

132
133 Leonard Selgado stated no the only greenhouses being utilized at this time is the greenhouse on
134 your diagram it is the large square.

135
136 Councilor Jaramillo stated you mention additional fencing.

137
138 Leonard Salgado stated that fencing will be placed for individuals to go directly into the
139 dispensary.

140
141 Bill Sapien spoke in favor for the zone change. Mr. Sapien stated they have placed security that
142 is second to none. They have place a blocked wall all around the property, cameras, and lighting.
143 The corporation has informed all the neighbors of its operation.

144
145 Mayor Torres asked if there were any further questions.

146
147 There were none.

148
149 Mayor Torres entertained a motion for Adoption of Ordinance #291 on Approval of a Zone Map
150 Amendment from Rural Residential to Special Use.

151
152 Councilor Jaramillo moved to approve the adoption of Ordinance # 291 on Approval of a Zone
153 Map Amendment from Rural Residential to Special Use at 255 Camino Don Tomas for property
154 owners Stormwind Group, LLC. The motion was seconded by Councilor Prairie.

155
156 Roll Call Vote

157
158 Councilor Prairie Yea

159 Councilor Jaramillo Yea

160 Councilor Sisneros Yea

161
162 **PUBLIC HEARING: 6a)) Discussion, Consideration, Action and Approval for the**
163 **Proposed Issuance by the Alcohol and Gaming Division of the State of New Mexico, of a**
164 **Restaurant License with Patio Service for on Premise Consumption Application No.**
165 **965067 Freight House, LLC DBA Freight House located at 200 S. Camino Del Pueblo,**
166 **Bernalillo, NM 87004. Presenter: Ida Fierro**

167
168 Ida Fierro stated that this was a request for a Restaurant License with Patio Service for on
169 Premise Consumption Only Appl. 965067 Freight House, LLC DBA Freight House located at

170 200 S Camino Del Pueblo.

171

172 Ida Fierro just referred to the letter from the State of New Mexico Alcohol and Gaming Division
173 in reference to the application and stated the request and disapproval reads as follows;

174

175 The governing body may disapprove the issuance of transfer of the license if:

176

177 The proposed location is within an area where the sale of alcoholic beverages is prohibited by the
178 laws of New Mexico. (The governing body may disapprove if the proposed location is within 300
179 feet of a church or school unless the license has been located at this location prior to 1981 or
180 unless the applicant/licensee has obtained a waiver from the local option district governing body
181 for the proposed licensed premises.)

182

183 The issuance or transfer would be in violation of a zoning or other ordinance of the governing
184 body. The governing body may disapprove if the proposed location is not properly zoned.
185 Because this office is in receipt of a zoning statement from the governing body, this is not a basis
186 for disapproval.

187

188 The issuance would be detrimental to the public health, safety or morals of the residents of the
189 local option district. Disapproval by the governing body on public health, safety or morals must
190 be based on and supported by substantial evidence pertaining to the specific prospective
191 transferee or location and a copy of the record must be submitted to the Alcohol and Gaming
192 Division within 30 day of the public hearing.

193

194 Matt Digregory is here representing Freight House.

195

196 Mayor Torres opened the floor for questions from the Governing Body.

197

198 Matt Digregory stated he would greatly appreciate approval for this improvement to the Town of
199 Bernalillo.

200

201 Mayor Torres reminded the governing body this was an application for a Restaurant License with
202 Patio Service for on Premise Consumption which means no package sales and beer and wine
203 only.

204

205 Mayor Torres asked where is the patio service.

206

207 Matt Digregory stated we are going to place barriers to define the patio which is between the two
208 buildings.

209

210 Mayor Torres stated that when there is a commercial vacated building in the Town it is a good

211 thing to have a business come in and create Gross Receipt Tax and Jobs for the Town.

212

213

214 There were no individuals willing to speak for or against the Restaurant License with Patio
215 Service for on Premise Consumption Liquor License NO. 965067 for Freight House, LLC.

216

217 Mayor Torres entertained a motion.

218

219 Councilor Jaramillo made a motion to approve the Restaurant License with Patio Service for on
220 Premise Consumption Liquor License No. 965067 for Freight House, LLC with acknowledgment
221 of the church within 247 feet of Freight House. The motion was seconded by Councilor Prairie.

222

223 Roll Call Vote

224

225 Councilor Jaramillo Yea

226 Councilor Prairie Yea

227 Councilor Sisneros Yea

228

229

230 **PERSONNEL: 7a) Building Maintenance Worker. Presenter: Troy Martinez**

231 Troy Martinez stated that it was the recommendation of the hiring committee to hire Herminio
232 Estrada as the Building Maintenance Worker for the Town of Bernalillo.

233

234 Mayor Torres entertained a motion.

235

236 Councilor Prairie moved to approve the hiring of Herminio Estrada as the Building Maintenance
237 Worker for the Town of Bernalillo. The motion was seconded by Councilor Sisneros and the
238 motion carried unanimously.

239

240

241 **NEW BUSINESS: 8a) Discussion, Consideration and Action on Approval of a Public**
242 **Celebration Permit for Kaktus Brewing Company, Inc. for October 2-3, 2015. Presenter-**
243 **Ida Fierro**

244

245 Ida Fierro stated that this was a request for a Public Celebration Permit for Kaktus Brewing
246 Company owner Dana Koller located at 471 S Hill RD.

247

248 Ida Fierro stated the event is for Kaktober Festival October 2-3, 2015 from 11:30 a.m. to 10:00
249 p.m.

250

251 Dana Koller owner of Kaktus Brewing Co stated that he has obtained permission from MCT

252 Industries INC. to use their parking lot for overflow parking for the event. The event will include
253 music and food.

254
255 Ida Fierro informed Dana Koller that a Special Events Permit would need to be obtained. Once
256 the permit is approved with NM Alcohol and Gaming Division a copy would need to be provided
257 to the Town of Bernalillo as well.

258
259 Mayor Torres entertained a motion.

260
261 Councilor Prairie made a motion to approve the Public Celebration Permit for Kaktus Brewing
262 Company, Inc. for Kaktober Festival October 2-3, 2015. The motion was seconded by Councilor
263 Sisneros and the motion carried unanimously.

264
265
266 **FINANCIAL SECTION: 9a) Approval of Accounts Payable Voucher List.**
267 Mayor Jack Torres asked for a motion to approve the accounts payable voucher list in the amount
268 of \$1,566,411.25.

269
270 Councilor Sisneros made a motion to approve the accounts payable voucher list in the amount of
271 \$1,566,411.25. The motion was seconded by Councilor Jaramillo and the motion carried
272 unanimously.

273
274 **MISCELLANEOUS SECTION: 10a) Public Comment.**

275 There was none.

276
277 **MISCELLANEOUS SECTION: 10b) Announcements. Presenter: Mayor Torres**

278 Juan Torres stated that at the next meeting there will be adjusted entries for our trial balance.
279 This is one step making it closer to get a clean audit. The process was burdensome but had to be
280 done to make certain the amounts needed to be written off and are correct.

281
282 Maria Rinaldi stated we have received notification to proceed on the project on Hill Road and
283 should go out to bid right after the balloon fiesta.

284
285 Maria Rinaldi stated that at the next council meeting we will have a report on the Brew Fest.

286
287 Chief Tom Romero stated there are going to be some organizational changing at the Police
288 Department in the near future and have some information for you to view. If you should have any
289 questions please do not hesitate to call me.

290
291 Chris Perez stated that we may have some issues on sign ordinances it has to do with the Reed
292 case concerning free speech. I am waiting for some guidance from NM Municipal League and

293 the International Municipal Legal Association.

294

295 Mayor Torres stated he attended the first Mayors summit in Albuquerque sponsored by Richard
296 Barry Mayor of Albuquerque it was very interesting. Out of this summit the Mayors have
297 requested the League to make a subsection for Mayors thru the Municipal League.

298

299 There being no further business, Councilor Prairie moved to adjourn the meeting at 7:15
300 P.M. The motion was seconded by Councilor Sisneros and carried unanimously.

301

302

303 Done this 28th day of September 2015.

304

305

306 ATTEST:

307

308 _____
309 Ida Fierro, Town Clerk
(seal)

Jack Torres, Mayor