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for the proposed licensed premises.)

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

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

Mayor Pro Tem Jaramillo swore in those for or against the transfer of ownership and location of the liquor license.

Joo Kang for Kelly Liquor is present.

Councilor Prairie stated that the application states Bernalillo Special Education should it not read Bernalillo Public School.

Ida Fierro, Town Clerk stated that she assumes that is just Bernalillo Public Schools. The address listed is Central Office for Bernalillo Public Schools.

Councilor Sisneros asked where the location on 550 was.

Ida Fierro, Town Clerk stated it is the property located next to the O'Reillys.

Councilor Sisneros asked what is the square footage of the building to be built on the property.

Joo Kang, Kelly's Liquor Representative stated it is 6,500 sq. ft.

Councilor Montoya asked what was approved for the property by the Planning and Zoning Commission.

Maria Rinaldi, Capital and Planning Director stated this is an allowable use for the property within the zone it was a replat to make it the correct size for the building. There is no other zoning action required.

Councilor Montoya asked whether it is Kelly's Liquor or a restaurant does it have to be presented to zoning before it is built.

90

91 Maria Rinaldi stated if it is a permissive use within the zone it does not. The next step is a
92 building permit. That is the next process for this.

93

94 Councilor Montoya stated that the plat could have been approved without knowing what is built
95 by the Planning and Zoning Commissioners.

96

97 Maria Rinaldi stated there are no additional zoning requirements. On 550 there is no overlay
98 plan. This will be built in the correct zone and are building within the approved plated property
99 with the required setbacks.

100

101 Councilor Montoya stated his biggest concern is that there is going to be another establishment
102 selling alcohol on 550 within two miles you can buy alcohol at six or seven places. That is an
103 issue. It is obviously not what we are looking at here because we are trying to approve the liquor
104 license transfer. It is in the best interest of the town. That is why I asked if Planning and Zoning
105 looked at this to see if it was in the best interest of the town.

106

107 Maria Rinaldi stated it meets the merits of the Planning and Zoning Ordinance.

108

109 Councilor Jaramillo asked Maria Rinaldi about the overlay plan.

110

111 Maria Rinaldi mentioned the overlay because it is an extra layer of zoning such as the main street
112 overlay that gives the ordinance extra leverage for property useage, what the community might
113 consider for the property in a historical zone. In this case there is no additional layer of zoning.

114

115 Councilor Jaramillo asked is the Governing Body able to create a over lay zone on 550 and have
116 control of any of the business that are established in that corridor.

117

118 Maria Rinaldi stated that is a political question and she is not able to answer that question. It is
119 an item to be brought before the voters and the Governing Body. That is not relative to this
120 action.

121

122 Councilor Sisneros stated there are 13 establishment that sell package liquor or beer and wine
123 sales and 2 rights outside the Town's limits. Traffic on 550 is a big concern. That is a viable
124 concern having this establishment there is a big concern for traffic. We are going back to when
125 we had a lot of bars in the Town of Bernalillo.

126

127 Councilor Jaramillo asked for the reason for denial to be read again.

128

129 Ida Fierro stated the following:

130

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

132

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

138
139 The issuance or transfer would be in violation of a zoning or other ordinance of the governing
140 body. The governing body may disapprove if the proposed location is not properly zoned.
141 Because this office is in receipt of a zoning statement from the governing body, this is not a basis
142 for disapproval.

143
144 The issuance would be detrimental to the public health, safety or morals of the residents of the
145 local option district. Disapproval by the governing body on public health, safety or morals must
146 be based on and supported by substantial evidence pertaining to the specific prospective
147 transferee or location and a copy of the record must be submitted to the Alcohol and Gaming
148 Division.

149
150 Ida Fierro reminded the Governing Body of the previous denial of a liquor license the reason for
151 denial did not meet the merits for denial and the liquor license was approve by the Alcohol and
152 Gaming Division.

153
154 Councilor Sisneros stated traffic is a big issue. We can address the traffic with Santa Fe when we
155 deny the transfer.

156
157 Ida Fierro stated if that is your wish we can do that but we do not have a study or actual merit.

158
159 Councilor Sisneros stated he understood. He wanted to remind the Governing Body about the
160 incident where the gentleman got off a plane bought liquor in Bernalillo and got into an accident
161 and killed several people. My name and another Councilor were mentioned and I did not
162 appreciate that. It was not a good situation for us to be mentioned.

163
164 Councilor Montoya stated he can only speak for himself and is speaking for the best interest of
165 the town. Helping small businesses keep afloat in the Town like T & T Supermart, Allsups and
166 Arturo's it could affect them. These are established businesses in the Town and Kelly Liquors
167 will affect them. If the State is going to override this decision then let them. I would not want to
168 live with that decision.

169
170 James Pike asked what was the plan for the draining of the building and the parking lot.

171
172 Maria Rinaldi stated that would be addressed in the building permit. The plan would be
173 approved by the Town's engineer.

174
175 Mayor Pro-Tem Jaramillo entertained a motion

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Councilor Sisneros made a motion to deny the transfer of the liquor license to Kelly's Liquor due to traffic on 550 and the number of liquor establishments already in the Town of Bernalillo. The motion was seconded by Councilor Montoya.

Roll Call Vote

Councilor Montoya	Yea
Councilor Prairie	Yea
Councilor Sisneros	Yea
Councilor Jaramillo	Yea

APPROVAL OF MINUTES: 6a) Regular Meeting of October 24, 2011

Mayor Pro-Tem stated line 152 should read Councilor Prairie not Councilor Sisneros.

Councilor Montoya moved to approve the minutes of October 24, 2011 as amended. The motion was seconded by Councilor Sisneros and the motion carried unanimously.

PERSONNEL: 7a) Utility Worker. Presenter Yolanda Mora

Yolanda Mora stated that it was her recommendation to hire Guadalupe Archuleta as a Full Time Clerk for the Town of Bernalillo Motor Vehicle Department.

Councilor Sisneros moved to approve the hiring of Guadalupe Archuleta as a Full Time Clerk for the Town of Bernalillo Motor Vehicle Department. The motion was seconded by Councilor Prairie and the motion carried unanimously.

Ida Fierro, Town Clerk asked for the ratification to hire a Permanent Part Time Motor Vehicle/Utility Billings Clerk. The individual would work 15 hr a week in each department for a total of 30 hours a week. The candidate would be the 2nd individual in the list of finalist of the 26 applicants that applied for the Motor Vehicle Clerk.

Councilor Montoya moved to approve the hiring of Permanent Part Time Motor Vehicle/Utility Billings Clerk. The individual would work 15 hr a week in each department for a total of 30 hours a week. The motion was seconded by Councilor Prairie and the motion carried unanimously.

PERSONNEL: 7b) Library Aide. Presenter Yolanda Mora

Yolanda Mora stated that it was her recommendation to hire Nancy Candelaria as a Library Aide Clerk for the Town of Bernalillo Library.

Councilor Prairie moved to approve the hiring of Nancy Candelaria as a Library Aide Clerk for the Town of Bernalillo Library. The motion was seconded by Councilor Montoya and the motion

219 carried unanimously.

220

221 **NEW BUSINESS: 8a) Discussion Consideration and Action on Adoption of**
222 **Resolution 11/14/11 Creating a Partnership between the Town of Bernalillo and Eastern**
223 **Sandoval Arroyo Flood Control Authority (ESCAFCA) for the Development of the Athena**
224 **Pond/Park Project. Presenter: Maria Rinaldi**

225

RESOLUTION 11-14-11

226

CREATING A PARTNERSHIP BETWEEN THE TOWN OF BERNALILLO and
227 **EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY**
228 **(ESCAFCA) for the DEVELOPMENT of the ATHENA POND/PARK PROJECT**

229

230 **WHEREAS**, The Town of Bernalillo is committed to improving the quality of life for our
231 residents through the development of parks and open spaces and to safeguarding our environment
232 from flood damage, and

233

234 **WHEREAS**, The Eastern Sandoval County Arroyo Flood Control Authority (ESCAFACA) is
235 committed to promoting the health, safety, prosperity, security, and general welfare of the
236 citizens within their jurisdiction, through management of the watershed, and

237

238 **WHEREAS**, The Town of Bernalillo owns approximately 4.46 acres of property on Athena in
239 Mountain View Estates which was purchased for the purpose of establishing flood control
240 management structures and to secure open space and develop public recreational facilities, and

241

242 **WHEREAS**, The Eastern Sandoval County Arroyo Flood Control Authority (ESCAFACA),
243 through public referendum in November of 2008, was approved for bond issuance for the
244 purpose of building watershed management and aquifer recharge facilities which will also serve
245 as open space areas, and

246

247 **WHEREAS**, The Eastern Sandoval County Arroyo Flood Control Authority (ESCAFACA),
248 board, staff and consulting engineers, in consultation with Town of Bernalillo staff have
249 developed the concept of the "Athena Pond/Park" for flood control management, open space, and
250 park amenities to benefit the community of Bernalillo.

251

252 **NOW, THEREFORE**, Mayor Jack Torres and the Bernalillo Town Council do hereby agree to
253 jointly develop and execute a detailed agreement whereby the Town of Bernalillo will maintain
254 ownership of the aforementioned property in Mountain View Estates and will develop and
255 maintain a park facility, **and** The Eastern Sandoval County Arroyo Flood Control Authority
256 (ESCAFACA), will design and construct storm water ponding facilities and all necessary
257 appurtenances on the same aforementioned property, **and** such agreement will be executed with
258 in thirty days of this resolution.

259

260 Mayor Pro- Tem Jaramillo entertained a motion.

261
262 Councilor Montoya made a motion to approve the adoption of Resolution 11/14/11 Creating a
263 Partnership Between The Town of Bernalillo and Eastern Sandoval Arroyo Flood Control
264 Authority (ESCAFCA) for the Development of the Athena Pond/Park Project. The motion was
265 seconded by Councilor Sisneros and the motion carried unanimously.
266

267 **NEW BUSINESS: 8b) Discussion Consideration and Action and Approval of Award**
268 **of Contract for Independent Public. Presenter: Juan Torres**

269 Juan Torres, Interim Town Treasurer stated the bids for the Independent Public Accountant were
270 received on October 31, 2011 opened on November 8, 2011. The following bids were received:
271

272 Heinfeld, Meech & Co., P.C.
273 Hinkle & Landers
274 Kubiak & Melton, LLC
275 Hershwal & Company, LLP
276 White & Samanego & Campbell, LLC
277

278 All bids were reviewed and scored. The recommendation is that Heinfeld, Meech & CO., PC be
279 selected for approval of the audit contract for Fiscal Years 2010, 2011, and 2012.
280

281 Councilor Prairie made a motion to award the Contract for Independent Public Accountant to
282 Heinfeld, Meech & CO., PC. The motion was seconded by Councilor Montoya and the motion
283 carried unanimously.
284

285 **FINANCIAL SECTION:9a) Approval of Accounts Payable Voucher List.**

286 Mayor Pro-Tem Jaramillo asked for a motion to approve the accounts payable voucher list in the
287 amount of \$363,644.13.
288

289 Councilor Montoya made a motion to approve the accounts payable voucher list in the amount of
290 \$363,644.13. The motion was seconded by Councilor Prairie and the motion carried
291 unanimously.
292

293 **MISCELLANEOUS SECTION:10a) Public Comment.**

294 None.
295

296 **MISCELLANEOUS SECTION:10b) Announcements. Presenter: Mayor Pro-Tem**
297 **Jaramillo**

298 Mayor Pro Tem acknowledged the efforts of all the volunteers and staff that participated at the
299 placement of the playground donated by KABOOM.
300

301 There being no further business, Councilor Montoya moved to adjourn the meeting at
302 7:19 P.M. The motion was seconded by Councilor Sisneros and carried unanimously.
303

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305 Done this 14th day of November 2011.

306

307

308 ATTEST:

309

310 _____
Ida Fierro, Town Clerk

311 (seal)

Jack S. Torres, Mayor