

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.

BOARD OF TRUSTEES REGULAR MEETING

May 14, 2008 -7:00 p.m.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Mary Homan, Trustee

Pablo R. Rael, Trustee

Annabelle Silvas, Clerk

Kelly S. Ward, Administrator

Terry Nighbert, P&Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

Absent:

Tim McDonough, Trustee

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, May 14, 2008 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

Mayor Abraham stated that a closed meeting was held at 5:15 p.m. on May 14 and only those items stated on the posted notice for the closed meeting were discussed.

MOTION: Trustee Homan moved approval of the Mayor's closed meeting statement. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

A. APPROVAL OF AGENDA

MOTION: Trustee Lopez moved approval of the agenda. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

2. PUBLIC COMMENT PERIOD

Claudia Cole, 323 Pueblo Solano NW, said most people on her street want speed bumps. She said they submitted petitions, a study was done and stop signs were placed by the Village; however, that is not sufficient and they now want speed bumps.

Administrator Ward said they will move the speed board to Pueblo Solano, collect the data and then make a determination whether the stop signs are having any impact on slowing traffic down.

Greg Hawryshyn, 330 Pueblo Solano NW, said the neighborhood feels there is still a problem and the stop signs have not calmed the speeding down. He said they are still interested in speed bumps and traffic control. They would also like to have the Village report back to them on what is being done.

3. CONSENT AGENDA

A. MINUTES – April 9, 2008

B. DEPARTMENT AND COMMITTEE REPORTS

1. LAW ENFORCEMENT/BCSD
2. FIRE
3. ANIMAL CONTROL

MOTION: Trustee Lopez moved approval of the CONSENT AGENDA. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 3-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported that:

- Verizon will be the third provider on our cell tower and they plan to go live next week.
- Currently negotiating with AT&T as the next provider on the cell tower and the lease is being reviewed by the attorneys.
- The Lavender in the Village Festival will be held on July 12 & 13; plus the first ever barn dance will be held Friday night, July 11.
- Summer Growers' Market has begun.
- Construction continues on Rio Grande and they are currently looking for a surface color for the bike lanes.
- He has been nominated as Chairman for the Mid-Region Council of Governments.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported that:

- The Old Route 66 Car Show will be held on June 20-22. There will be a “Neon Cruise” on June 21st beginning at Lomas and Wyoming with a stop somewhere in the Village as they continue on to San Felipe’s Casino Hollywood.
- The budget was included in the Board packets for comments.
- The Coop Agreement was approved by the County so that the Village can pay for the bike lane.
- The Village is awaiting comments from AMAFCA and the County on the Agreement for Garduño Road.
- The Village will be responding to an RFI from Energy Minerals & Natural Resources Department for a Land, Wildlife and Conservation Project in conjunction with Trust for Public Land.
- They have been meeting and discussing the Village Center Project with Village Center area property owners.

C. PLANNER’S REPORT

Planner Nighbert reported that:

- Planning staff presented to the Board the Sign Ordinance and the Floor Area Ratio Ordinance which includes all zones in the Village.
- They have been coordinating with NMDOT on road projects in the Village.
- It appears the Village will be receiving funding for the bike path along Rio Grande from Montañño to north of Chavez due to some reprogramming at the Council of Governments.
- Effective May 30, 2008 he will be resigning as the Planning and Zoning Director. He has thoroughly enjoyed working for the Village for the past 3-1/2 years and believes they have accomplished a lot during that time.

D. LEGAL REPORT

Attorney King reported that:

- She has worked on the Neff and Landau appeals; several motions; and research for the Planning & Zoning Department.

E. FIRE DEPT. REPORT

Fire Chief Perez reported that:

- He wanted to express his appreciation to Planner Nighbert for all his support and that he played a huge part in getting the Sprinkler Ordinance and International Fire Code in place.
- They had six individuals assisting in the Trigo Fire and spent a total of twelve days at the fire.
- They ran 69 calls for the month of April.
- They have had numerous training sessions with live burns in Socorro, New Mexico, and continue to perform bike patrol in the Village.

5. FINANCIAL BUSINESS

A. CASH REPORT – APRIL

Treasurer Haines reported that the April 30 ending cash balance was \$7,218,737.13.

MOTION: Trustee Homan moved approval of the CASH REPORT. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

B. DISCUSSION AND APPROVAL TO SUBMIT THE PROPOSED BUDGET [FY 2008/2009] TO DEPARTMENT OF FINANCE AND ADMINISTRATION

Trustee Lopez asked what the deadline for submission was.

Administrator Ward responded that the deadline for the first submittal is June 30th. He said they will have an opportunity through September 1st to make any changes.

Trustee Homan said she noticed in the General Fund a decrease in gross receipts both from the Municipal and State share. She asked if that was due to the completion of the road construction.

Administrator Ward said he and Gil Saavedra looked at what they thought was going to happen just generally with the slow-down of the economy. He said they took a percentage decrease in gross receipts tax collections which Gil has broken down in every category the Village collects tax in. He said the biggest hit was a 40% decrease in construction, but overall it was an 8% decrease in gross receipts tax collection.

Mayor Abraham used his Verizon bill as an example of how much additional gross receipts taxes the Village could have received if everyone used Los Ranchos as their mailing address.

MOTION: Trustee Lopez moved approval to submit the proposed budget. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY M2 BUILDERS, LLC FOR A SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT FOR A MAJOR THIRTEEN (13) LOT SUBDIVISION IN THE R-3 ZONE OF THE PASEO CHARACTER AREA. THE PROPERTY IS LOCATED AT 8312 4TH STREET NW AND LEGALLY KNOWN AS TRACT LETTERED "B" OF LANDS OF JOHN AND AGNES MCDONNELL, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE

COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON OCTOBER 30, 2006, IN VOLUME 2006C, FOLIO 327. THE PROPERTY CONTAINS 3.4449 ACRES MORE OR LESS. THE 2ND PROPERTY IS LOCATED AT 8409 2ND STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED IN ALAMEDA, WITHIN SECTION 16, T11N, R3E, N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, BEING KNOWN AS TRACT 149-B, AND A PORTION OF TRACT 146-A2, M.R.G.C.D. MAP 24, THE PROPERTY CONTAINS 1.31 ACRES, MORE OR LESS. SUP-07-06. [DEFERRED FROM THE APRIL 9, 2008 BOARD MEETING]

Attorney King swore in those who would be speaking on Item 6.A.

Planner Nighbert reported that this is a Special Use Permit for a planned residential development for a major 13 lot subdivision in the R-3 Zone of the Paseo Character Area. He said the applicant proposes dividing 5.02 acres into 13 lots, 8 of which are less than the required 1/3 acre for R-3 zoning. He said the application for a Special Use Permit is to allow for smaller lots and provide restrictions and guidelines for development. He said the Planning and Zoning Commission recommended approval for a Special Use Permit with seven conditions and four findings.

Planner Nighbert said the second part of this case is for preliminary plat approval if the Special Use Permit is approved. He said in this request the Planning and Zoning Commission recommended approval for the major 13 lot subdivision with 22 conditions and 3 findings.

Seth Markham, 3101 Charity Road, Rio Rancho, said he is one of the owners of the land located at 8312 4th Street. He said over the last year they have worked closely with Planner Nighbert and his staff to create a subdivision that fits in well with the Village's master plan and its community. He said they respectfully request that the Board approve the Special Use Permit and subsequently the Preliminary Plat for Paraiso Escondido.

Trustee Lopez said there is a question in his mind and others about whether this Special Use Permit actually meets the literal intent of the Zoning Code. He said for that reason he would like to recommend a deferral until June 18 in order to allow the Village administration and staff to discuss these issues before the Board makes its final decision. He said another issue is that all four Trustees are not currently present and he feels they should be because this is a significant decision regarding the Zoning Code.

Chuck Gara said his biggest concern is that they were not aware of this until this afternoon. He said they have no documentation to even know what to refute, other than the verbal comment that it may not meet the requirements of a Special Use Permit. He said they reviewed the language in the Ordinance and fully believe that it does meet the requirements because of the language contained in Paragraph 16.A. He said they are trying to meet a need in the Village for smaller lots and smaller houses.

Attorney King said there used to be planned residential developments in the Ordinances but they were eliminated.

Assistant Planner Seebach said when Ordinance 183 was passed, the special use zone was eliminated and those subdivisions that had been introduced and approved by the County or City would be incorporated in the Village and we would recognize those zones, but special use zones for planned residential developments are no longer available in the Village as a zone. She said there was no reference whatsoever in the Zone Code for a Special Use Permit for a planned residential development.

Planner Nighbert said he believes the Board would have the ability to issue a Special Use Permit for a planned residential development because it does not necessarily prohibit it.

Attorney King said it is a strict reading of a Special Use Permit requirement. She said there is nothing in there that allows for a waiver or for other uses. She said you start a precedent and it puts an “administrative glaze” that when someone has a zone and they have a density restriction on that zone, then that could actually be waived because you have started down that path.

MOTION: Trustee Lopez moved to defer the approval of the Special Use Permit and Preliminary Plat Approval to the June 18th meeting. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0

Trustee Lopez said he recommends that the developer meet with Village Administration to come up with options and include a better explanation and details of what constitutes an “administrative glaze”.

B. A REQUEST BY M2 BUILDERS, LLC FOR PRELIMINARY PLAT APPROVAL FOR A MAJOR THIRTEEN (13) LOT SUBDIVISION IN THE R-3 ZONE OF THE PASEO CHARACTER AREA. THE PROPERTY IS LOCATED AT 8312 4TH STREET NW AND LEGALLY KNOWN AS TRACT LETTERED "B" OF LANDS OF JOHN AND AGNES MCDONNELL, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON OCTOBER 30, 2006, IN VOLUME 2006C, FOLIO 327. THE PROPERTY CONTAINS 3.4449 ACRES MORE OR LESS. THE 2ND PROPERTY IS LOCATED AT 8409 2ND STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED IN ALAMEDA, WITHIN SECTION 16, T11N, R3E, N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, BEING KNOWN AS TRACT 149-B, AND A PORTION OF TRACT 146-A2, M.R.G.C.D. MAP 24, THE PROPERTY CONTAINS 1.31 ACRES, MORE OR LESS. [DEFERRED FROM THE APRIL 9, 2008 BOARD MEETING]

[Item 6.B. was deferred to the June 18, 2008 Board meeting. See discussion under Item 6.A. above.]

7. OLD BUSINESS

A. DISCUSSION AND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 31, IMPLEMENTING A VILLAGE WIDE FLOOR AREA RATIO [PROPOSED ORD. NO. 216]

Assistant Planner Seebach said many months of preparation went into this Ordinance and it is a take-off of Ordinance 209 with some specific areas addressed, such as the C-1 Zone that had no restrictions whatsoever, addressing common wall condominiums, and an amendment to Ordinance 209. She said she hosted three open forum meetings that were not well attended, but those who did attend were all in favor of the Ordinance.

MOTION: Trustee Homan moved approval to adopt proposed Ordinance No. 216. Trustee Rael seconded the motion.

ROLL CALL VOTE: Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 3-0.

B. DISCUSSION AND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 31, SECTION 21, SIGNS [PROPOSED ORD. NO. 217]

Assistant Planner Seebach said this is a reorganization of the existing Sign Ordinance. She said they took out the discrepancies and contradictions and added some new dimensions for signs to address shopping center setbacks and eliminated sandwich boards. She said the significant changes were that they clarified what permissible banners were, liquor banners were made illegal, and added a better description of holiday banners. She said they did away with basic banners and clarified permissible construction signs.

Trustee Homan asked about the status of signs that had previously been “grandfathered” and whether they were still protected.

Assistant Planner Seebach responded that they would be protected only if they had a sign permit. She said they found that many of the people who had signs for a very long time did not have a sign permit.

Trustee Rael said on Page 10, Section K.(5), Osuna should be included as a street where political signs are allowed on the public right of way. He also noted that on Page 13, Section 2, Definitions, a portion of Item C was not deleted.

Attorney King suggested that additional language be included to give staff authority to revoke the permit.

MOTION: Trustee Homan moved approval to adopt an amendment to Section 21, Signs, as presented and to include Osuna as a street where political signs are allowed on the public right of way and staff be given authority to revoke the permit. Trustee Rael seconded the motion.

ROLL CALL VOTE: Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 3-0.

C. DISCUSSION AND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 31, SECTION 24, APPLICATION AND APPROVAL PROCESS [PROPOSED ORD. NO. 218]

Assistant Planner Seebach said this is a revision of the process by which home occupations are applied for, processed and approved. She said they have proposed a new process and revised the permit application so that the applicant testifies what they are and are not going to do so that the Village has the documentation and then the Village can determine whether it is a diminimus or a regular home occupation. She said in addition public notice through mailing to adjacent properties and sign posting will be required. She said they also added a revocation process where home occupations can be revoked and a bed and breakfast section because it was not addressed previously.

Chief Perez said currently bed and breakfasts do not have to have a fire inspection performed before they open for business. He said he would like to see some type of annual fire or safety inspection for bed and breakfasts.

Administrator Ward noted that staff will be directed to fix the typos on Page 7 of 19 and that language should be added detailing fire inspections for bed and breakfasts.

MOTION: Trustee Rael moved to adopt Ordinance No. 218. Trustee Lopez seconded the motion.

ROLL CALL VOTE: Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 3-0.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-5-1 – ADOPTING A REVISED FEE SCHEDULE FOR SIGNS WITHIN THE VILLAGE OF LOS RANCHOS

MOTION: Trustee Lopez moved to approve Resolution No. 2008-5-1 adopting a revised fee schedule for signs within the Village. Trustee Homan seconded the motion.

ROLL CALL VOTE: Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 3-0.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-5-2 – SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

Administrator Ward said the Board has seen this before and they are now adding a clause documenting that a public meeting was held on May 7, 2008 to solicit comments on the project. He said the packet will then be sent back to DFA, Local Government Division.

MOTION: Trustee Lopez moved approval to adopt Resolution No. 2008-5-2, Small Cities Community Development Block Grant. Trustee Rael seconded the motion.

ROLL CALL VOTE: Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 3-0.

C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-5-3 – TO SUPPORT AND TO APPROVE THE LOCAL SHARE OF FEDERAL FUNDING FOR THE CONSTRUCTION OF THE RIO GRANDE BIKE LANES FROM MONTAÑO TO CHAVEZ ROAD WHEN THE GRANT IS AWARDED.

Planner Nighbert said there is a possibility that the Village can get available Federal funding by some reprogramming that the Council of Governments is doing whereby the Village would be able to fund the estimated \$795,000 to mill two inches off of Rio Grande from Montaña to Chavez Road to build a bike lane on both sides of the road. He said the firm of Boyle Engineering has completed the design for the bike lane from Paseo del Norte south to Chavez Road but they are holding action on any additional bike lane expenditures south of Chavez Road in expectation of this grant being awarded.

MOTION: Trustee Homan moved approval to adopt Resolution No. 2008-5-3, authorizing the Village to apply for funds from the Mid Region Council of Governments for financing of the Rio Grande Blvd. bike lanes from Montaña Road to Chavez Road. Trustee Rael seconded the motion.

ROLL CALL VOTE: Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 3-0.

D. DISCUSSION AND APPROVAL TO REPAVE THE INTERSECTIONS OF LOS RANCHOS, RANCHITOS AND EL PUEBLO

MOTION: Trustee Rael moved approval to repave the intersections of Los Ranchos, Ranchitos and El Pueblo at 4th Street. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 3-0.

E. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN ORDINANCE AMENDING ORDINANCE NO. 173 OF THE ANIMAL WELFARE ORDINANCE, SECTION 6. LICENSING AND VACCINATION REQUIREMENTS FOR DOGS AND CATS, SECTION 10, SPECIALLY PERMITTED ACTIVITIES INVOLVING ANIMALS, (A)(5), SECTION 11, (D), PROVISIONS RELATING TO LIVESTOCK AND ADDING A NEW SUBSECTION (D, E and G) TO SECTION 11

MOTION: Trustee Rael moved approval to advertise in summary an ordinance amending Ordinance No. 173 of the Animal Welfare Ordinance. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 3-0.

F. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN ORDINANCE AMENDING CHAPTER 11 OF THE CODIFIED ORDINANCES, ORDINANCE 169, FLOOD DAMAGE PREVENTION, SECTION 5, DEFINITIONS, SECTION 6, GENERAL PROVISIONS, SECTION 7, ADMINISTRATION AND ORDINANCE 185

MOTION: Trustee Rael moved approval to advertise in summary an ordinance amending Chapter 11 of the codified ordinances, Ordinance 169, Flood Damage Prevention. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 3-0.

G. DISCUSSION AND APPROVAL TO AUTHORIZE THE MAYOR TO EXECUTE THE FINAL AGREEMENT BETWEEN THE DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION AND THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE FOR THE APPROPRIATIONS MADE IN THE LAWS OF 2008, CHAPTER 92, OF THE LEGISLATURE

MOTION: Trustee Lopez moved approval to authorize the Mayor to execute the final agreement with DFA. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

H. DISCUSSION AND APPROVAL TO APPOINT KELLY WARD AS THE ALTERNATE VILLAGE REPRESENTATIVE TO THE TRANSPORTATION COORDINATING COMMITTEE OF THE MRCOG

MOTION: Trustee Rael moved approval to appoint Kelly Ward as the alternate for the TCC of MRCOG. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 3-0.

I. FORMAL ACTION ON SETTLEMENT AGREEMENT IN RETAIL ONE VS. VILLAGE OF LOS RANCHOS. DEFERRED FROM THE APRIL 9, 2008 BOARD MEETING.

MOTION: Trustee Rael moved approval to give Mayor, staff and administration the ability to negotiate with Retail One and any other owners in the VC Zone properties . Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 3-0.

9. TRUSTEES INFORMAL DISCUSSION

The Trustees did not have any discussion items.

10. ADJOURNMENT

MOTION: Trustee Lopez moved to adjourn at 8:45 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2008.

ATTEST:

Annabelle Silvas,
Village Clerk