

MINUTES

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES SPECIAL MEETING - 7:00 P.M.
June 11, 2003

Present:

John Hooker, Mayor
Penny Rembe, Trustee/Mayor Pro Tem
David Siegel, Trustee
Don Lopez, Trustee
Pablo Rael, Trustee

Hank Rosoff, Administrator
David Mathews, Attorney
Annabelle Silvas, Clerk
Cyndie Tidwell, Planner

1. CALL TO ORDER

The Village of Los Ranchos Governing Body held a Special Meeting on Wednesday, June 11, 2003 in the Warren J. Gray Hall. The meeting was called to order at 7:02 p.m.

A. APPROVAL OF AGENDA

Trustee Lopez requested that Item 6C be removed from the agenda.

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

VOTE: The motion carried unanimously.

2. PUBLIC COMMENT PERIOD

None.

3. CONSENT AGENDA

A. Approval of the Minutes - Regular Meeting May 28, 2003.

MOTION: Trustee Rembe moved approval of the agenda. **Trustee Siegel** seconded the motion.

VOTE: The motion carried unanimously.

4. PUBLIC HEARINGS AND APPLICATIONS

A. A request by Phyllis Taylor of Sites Southwest, LLC for Retail One, LLC, for site development plan including demolition and new construction, for property owners of some 23 parcels located at the southeast corner of 4th Street and Osuna Boulevard. The following application has been submitted in regards to the parcels legally known as: Lot 11-

A, Lot 12, Lot 13, Lot 14, Lot 15, Lot 16 Osuna Addition; Tract 43A-1, Tract 43B, Tract 43C, Tract 43D, Tract 43E, Tract 58B, Tract 59A-2, Tract 59B-2, Tract 59B-1-B-1, Tract 59B-1-B-2, Tract 59C-1, Tract 59C-2, Tract 59D-1, Tract 59D-2, Tract 59-E-1, Tract 59E-2, Map 29; Division of Lot 1, Land of Robert Cooper. These parcels contain approximately 8.8 acres, more or less.

Trustee Rael recused himself from this matter.

Phyllis Taylor - Sites Southwest - explained the site plan, elevation and the requested variances of the Retail One application. (setback for pharmacy drive-thru, conditional use for the drive-thru and for the building itself, 10% variance in parking, height variance for tower, size of parking areas)

There was a discussion concerning traffic flow.

Trustee Siegel commented on Mr. Contreras being active in the discussions when the VC Zone was being deliberated and seemed to be okay with everything. Trustee Siegel said he was surprised there were so many variance requests. Trustee Siegel also asked questions about tenants and residential use and voiced his disappointment with the design and size of the plaza.

Mike Contreras responded to Trustee Siegel's concerns.

Attorney Mathews explained that if it was decided to take payments in lieu of dedication of land it requires an appraisal by a licensed appraiser approved by the Village based upon square footage of commercial land sales within a five-mile radius of the area in the past twenty-four months.

Trustee Rembe said it's not everything we wanted in the VC Zone but I think it's a great design. I like it; I think it will be a wonderful addition to the Village. I think it will be successful.

Trustee Siegel asked what was going on with Osuna Road and if there were some public right of way dedications.

Mike Contreras said he had agreed to give the Village 13 linear feet the whole length of Osuna and twenty-one feet the length of our property along 4th Street.

Administrator Rosoff said that we don't completely have the road alignment nailed down yet but I think that the right of way that we have plus the dedication is adequate to build what we were planning.

Bob Heiser explained the changes and adjustments to the plans to allow for the right of way dedications.

Trustee Rembe asked if there was any way to add a third story.

There was a discussion about third stories and cell towers.

Mayor Hooker added some small conditions; (1) entrances to driveways. He proposed raising crosswalks to the top of the curve. Leave the entrances at 4th and Osuna at street level.

Bob Heiser discussed landscaping and trees on the site.

Phyllis Taylor said there are three conditions that have to do with improvements that will be built

that are being funded with a grant for 4th Street and those are in conditions 4, 7 and 8. They have to do with construction of sidewalks and have to do with the improvements of 4th and Osuna. She wasn't sure what the restrictions were on the use of the money but said the applicant would like to be paid upon completion of the effort or as soon as possible.

Administrator Rosoff said that may be possible and it may not, that we are still negotiating with FHWA. We can't pay before FHWA actually authorizes construction which takes some engineering process to get to that point.

Trustee Siegel asked how much of the reserve fund would have to be paid out.

Administrator Rosoff said what we are committing to out of the reserves is about something just under 1.2 million dollars.

Planner Tidwell asked for clarification on Condition # 19.

Trustee Siegel said he would suggest that the traffic analysis be made as comprehensive as possible. He proposed that Schulte be the northern boundary for the traffic study.

Administrator Rosoff explained what the traffic analysis of the intersection showed and what it is that the neighborhood fears will happen.

Mayor Hooker asked specifically what is being planned in regard to the open space dedication.

Phyllis Taylor said what they are asking for is the plaza spaces within the project, which include not only the corner but within the project adjacent to the retail properties as well, be counted, because they are public and not dedicated to the Village and the excess would be cash in lieu of dedication.

Attorney Mathews said that restaurant could put restrictions. There is no public right to use this.

Trustee Siegel said he had a compromise proposal. He would be willing to release the housing development condition but in lieu of that is simply ask, and I'll make this an extra condition, that either Mr. Contreras identify and purchase 0.88 acres of land and develop it as a public park within the VC Zone or make a payment as determined by a commercial assessor for that property, for the Village to buy the land and develop it for a public park in exchange for releasing you completely from this housing requirement. We could make it easier and just say 1 acre and no development costs.

Recessed at 8:30 p.m.

Reconvened at 8:45 p.m.

Mike Contreras said he paid \$6.00 per square foot for commercial land and would be willing to pay the Village that based on 0.88 acres, which is \$230,000.00 in lieu of the housing requirements and dedication of the plaza space.

Trustees Lopez and Rembe said they thought this was an okay offer.

MOTION: Trustee Siegel moved approval of the site development plan with the Planning and Zoning recommendations as approved at the last P&Z meeting, plus the small site changes that were discussed with the applicant tonight, as well as releasing them from the housing requirement

and requiring a payment in the amount of \$230,000.00 in lieu of the public park space and the changes suggested by the mayor.

Administrator Rosoff stated that condition of approval number 13 of the development agreement, and the way this is stated is tied to the date of financing approval, which is a very open-ended commitment. He said staff would much rather see a commitment to a certain time. Walgreen's was given a year, and he is asking to tie it to financial approval.

Trustee Siegel amended his motion to include a maximum time limit of 1 year. He also said that on conditions 2, 7 and 8, he would like to add at the end of each of those paragraphs where it says mutually agreed upon, "*contingent upon release of Federal Highway Administration Funding for the 4th Street Project.*"

Mayor Hooker requested that on condition 4 he would delete the words "*from within the north and west property lines,*" and say "*along the north and west property boundaries.*" The Mayor also requested that on Item 6 add at the end "*and the Village.*" and add the word "*existing*" before centerline on both 7 and 8.

Trustee Siegel accepted the changes as stated.

Mike Contreras asked what happens if FHWA does not release funding. He asked if the Village would reimburse him for the improvements.

Mayor Hooker stated that they would release the funds after all the right-of-way had been acquired, and it may take us months to get there, after you have finished your project.

There was a discussion on the FHWA money.

Trustee Rembe asked if the mural was really important.

Trustee Lopez asked that after the word mural (in the conditions) just add the words "*or storefront.*"

Mayor Hooker requested an another amendment to item 17, at the end of the second sentence, the fourth line, say "*or in accordance with the planter detail as approved for the 4th Street project.*"

Walter Darr stated that he was not totally opposed to this project and stated all his concerns. He said the main one is the value of his property and asked if they were considering that it was worth \$6.00 a square foot.

Carlos Osuna said he would take a bigger beating as far as money loss than Mr. Darr. He stated that he would defend the Northsiders as best as he could. He said that making a decision tonight would be premature. He also mentioned the deed restrictions that are still in place.

MOTION: Trustee Siegel amended his motion of agreeing upon an actual value. He would like to actually appraise the value of 0.88 acres in this region using the standard methods for condemnation.

Administrator Rosoff stated that no matter what is decided to accept in lieu of Mr. Contreras building a park it will have no affect on the appraised value of the property; it doesn't tie to any piece of land. He also suggested that they start out with one appraisal, and see if Mr. Contreras

wants to accept it before paying for 3 different ones.

David Mathews said that the ordinance specifically states that payment in lieu of dedication of land shall be accepted at a commercially reasonable rate per square foot, as verified by a licensed appraiser chosen by the Village based upon square footage of commercial land sales within a five-mile radius within the last twenty-four months.

Mike Contreras said one of the problems he sees with that is on this corner, is where we are creating value.

A long discussion continued on land costs and how much Mr. Contreras paid for his land and land costs now. Mr. Osuna also spoke about the costs and value of his properties.

Trustee Rembe seconded the motion.

VOTE: The motion carried unanimously.

5. OLD BUSINESS

None

6. NEW BUSINESS

A. Approval of Resolution No. 2003-6-1- Banning the Use of Open Fires, Campfires, Smoking, and all Fireworks in the Village of Los Ranchos limits.

Administrator Rosoff stated that outdoor smoking was banned last year, and the year before, and the Fire Chief thinks this is necessary because the municipalities and the county around us have recently made these same restrictions.

MOTION: Trustee Siegel moved approval of the Resolution. **Trustee Rembe** seconded the motion.

VOTE: Lopez, aye; Siegel, aye; Rembe, aye; Rael, aye. The motion carried unanimously.

B. Approval of Recommendation for Selection of Village Auditor.

MOTION: Trustee Lopez moved approval. **Trustee Siegel** seconded the motion.

VOTE: The motion carried unanimously.

C. Approval of Contract with Larkin NM - for Design of the Fourth Street Project.

This item was removed from the agenda under Item 1-A.

D. Discussion and Direction to Staff to Advertise an Ordinance for Annexation of Several Properties Contiguous to Village Boundary.

Administrator Rosoff explained the annexation and the areas under consideration.

There was a discussion about the properties under consideration.

MOTION: Trustee Siegel moved approval to advertise all six areas for the annexation ordinance. **Trustee Rembe** seconded the motion.

VOTE: The motion carried unanimously.

7. Financial Business

None.

8. REPORTS

A. Mayor's Report - none.

B. Administrator's Report - none.

C. Attorney's Report - none.

D. Planner's Report - none.

E. Fire Department Report -none.

F. Engineer's Report - none.

9. Trustee's Informal Discussion

None.

10. Adjournment

MOTION: Trustee Rembe moved to adjourn at 9:58 p.m. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____ 2003.

ATTEST:

Annabelle Silvas, CMC
Village Clerk