

**MINUTES**  
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD NW  
**BOARD OF TRUSTEES REGULAR MEETING - 7:00 P.M.**  
**June 25, 2003**

**Present:**

John Hooker, Mayor  
David Siegel, Trustee  
Don Lopez, Trustee

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

**Absent:**

Penny Rembe, Trustee/Mayor Pro Tem  
Pablo Rael, Trustee  
Allen Leatherwood, Treasurer

**1. CALL TO ORDER**

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, June 25, 2003 in the Warren J. Gray Hall. The meeting was called to order at 7:03 p.m.

**A. APPROVAL OF AGENDA**

**MOTION: Trustee Siegel moved to approve the agenda with the exception of moving Item 3-C2 out of the Consent Agenda for discussion. Trustee Lopez seconded the motion.**

**VOTE: The motion carried unanimously.**

**2. PUBLIC COMMENT PERIOD**

**Walter Darr:** stated that he wanted to inform the Board that Mike Contreras, the developer for the Village Center, is threatening to sue any property owner that does not sign the termination and release of deed restrictions on their property. Mike Contreras has defaulted, lied, alienated and is now resorting to making threats to sue anyone he considers to be in his way. In his desperation to secure financing, what else will he do? It would benefit all of us if the Board would find a new developer for the Village Center. A developer who has the money and most of all the honesty and integrity to proceed with the project in a sane and businesslike manner. As he pointed out at last nights meeting, there have been a lot of events going on and he would hate to see this village end up with a white elephant. He does have concerns, and he has never said he was against this. He does not think that anyone should be threatened. He brought me this release, to my office, he came to me and said will you sign this. I said let me look this over, I wanted to look it

over, it's a legal document, let me take some time. He said if you don't sign this by Wednesday, which is today, at 5 p.m. then he would sue. I told him that was not any way to do business. I told him if he wanted to proceed in this manner then we had nothing further to discuss and asked him to please leave the office. He said I will leave and the only way I'll be talking to you is through my lawyers. This is getting a little ridiculous. He then made a call, and talked to Mr. Hooker, David, and called the people who are renting the property. He talked to Mr. Mathews and he thinks this is a serious consideration that the Board of Trustees needs to re-evaluate just what is going to go on at that intersection.

**Trustee Siegel** said he wasn't sure what the Board could do as far as the threats to Mr. Darr being sued.

**Walter Darr** said he didn't want the Village to do anything about the threat to him. He said he just wanted to bring to light that this is not a businessman or someone that wants to gain integrity. He would not want to go and do business with a person that goes around threatening you to make you release something you have. He said he couldn't release the deed restrictions, he has nothing to do with them, and has told Mr. Contreras that repeatedly. He said he thought the Board of Trustees should do something to ensure that this project does have the financing, and he does have a complete plan. He said he watched the zoning committee go through and was appalled at some of the stuff that was brought forward. There was not a complete plan, there were red lines and there were little remarks made as they went through it.

**Carlos Osuna:** said he also received a letter stating as of 5 o'clock today he will be sued, because he will not turn over the deed restrictions on Lots 1, 2, 5, & 6 of the Osuna Addition Number 1. These are properties that he owns. That is definitely a threat to surrender my rights as a landowner and a citizen of the United States. He said he has called the State Attorney General, and he is going to pursue this in a judicial manner and will follow it through. He said he welcomes the lawsuit that he wants to file on him because that will be his disclosure of the transgressions that he's presented in the past. He is not against the development and has a signed purchase agreement with Mr. Contreras to buy his property, which he defaulted upon and failed to put up the earnest money. This is the developer who's going to be Saint Michael, the archangel of the North Valley. I don't think so, beware, bad times are coming through him. Thank you.

### **3. CONSENT AGENDA**

- A. Approval of the Minutes - Special Meeting, June 11, 2003.**
- B. Receive Department and Committee Reports**

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

- C: Home Occupation Approvals (renewals)**
  - 1.) Virginia Gins, CPA, P.C. (Accounting) - 908 Green Valley Road**

**2.) Alfredo H. Sanchez Top to Bottom Services - Restaurant Hood Cleaning-  
357 Enchanted Valley Road**

**Trustee Siegel** said he had some questions on item 3 C-2 because there wasn't much information in the consent agenda about this business other than no complaints had been received. He asked how this was being done out of the home.

There was some discussion and explanation of how this was done.

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

**VOTE: The motion carried unanimously.**

**4. PUBLIC HEARINGS AND APPLICATIONS**

None.

**5. OLD BUSINESS**

**A. Discussion of Public Comment Received on Proposed Annexation.**

**Al Chavez** said he has property on 4<sup>th</sup> Street and as far as being annexed into the Village he prefers to remain in the county. He didn't see the benefit of joining the Village.

**Trustee Lopez** asked if a resident did not want to be annexed into the Village, is the Village being heavy-handed in going ahead and doing so.

**Attorney Mathews** said that was a difficult question to answer in the way it was asked and that annexation was an odd law in New Mexico. If the Village wants to annex properties, the Village has the power to do this.

**Trustee Lopez** questioned why the annexation has come up so fast.

**Attorney Mathews** said the reason it came up fast this time was two-fold, one being the new law and the other being the fact that a petition was submitted to the Village by some individuals that did not want to remain with the county, that felt they would be better served by the Village. When residents submit a petition for annexation, the Village has an obligation to act on it.

**Trustee Lopez** said he won't be able to make the special meeting. He feels that if someone doesn't want to be annexed into the Village, we shouldn't drag them in.

**Trustee Siegel** said you can't just do a checkerboard annexation. He said one advantage to being in the Village that maybe some people have not considered is that Bernalillo County is not going to be the same entity that it is today.

**Chuck Henry** said he lives on Wayne Road, which is not a part of the Village, but he is interested in the Village. He said he is not in favor of being dictated to, but he likes the right to gripe and be heard, and just wants to make sure that he won't be dictated to in the Village.

**Glenn Frey** from Alameda Bible Church said he was concerned about the speed at which the annexation was happening and wasn't sure it was legal. His second concern was that they had started a remodel on the property and have been getting permits , etc. from the county and wondered if they would have to start the process all over again if they were annexed.

**Administrator Rosoff** explained more about the new law and when it goes into effect and why the annexation seems hurried.

**Ron Glaser** said he does not want to join the Village, he thinks the Village is a "stalled government". He thinks county roads are well taken care of, saying that in a few weeks after the call, the problem is taken care of. He feels that the Village does not maintain its roads.

**Ubie Sanchez** asked who would answer fire calls if they were annexed. He said he would be opposed to being annexed.

**Edwin Gibson** asked if they were being forced to annex into the Village. He also asked questions about what the Village planned on doing to Osuna Road.

**Trustee Lopez** stated again that the Village should not annex the properties of people who don't wish to be annexed.

**Walter Darr** said he heard Hank say that Mr. Contreras is going to do a traffic impact study and whatever that determined, it would go ahead and determine whether there would be a two-lane or three-lane. He said he was led to believe that it was going to definitely be a three-lane road.

**Barbara Chavez** said in 1979 or 1980 she had three Village officials make promises trying to get her to agree to be annexed in. She said the annexation happened, everything changed, and none of the promises were kept.

**Ray Alderete** said he thought checkerboard annexation would be really wrong and won't work.

Taxes, property and gross receipts tax were discussed and the people were told that annexation would not increase their property tax.

## **B. Discussion and Approval of New Personnel Ordinance (Chapter 21 of the Codified Ordinance)**

**Trustee Lopez** said that this was the same ordinance that they reviewed at a previous meeting.

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

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

**C. Discussion and Approval of an Amendment to the Administration Ordinance (Chapter 1 of the Codified Ordinance)**

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

**Trustee Siegel** said he had a comment on the original ordinance. He said that the original ordinance was not being followed, he mentioned that the mayor pro tem was appointed and not elected by the Board. He had questions about the permanent fund and referendum required for spending money in the permanent fund and the reserve fund.

**VOTE: Lopez, aye. Siegel, aye. The motion carried unanimously.**

**D. Discussion and Approval of an Amendment to the Penalties for Violation of Ordinance (Chapter 20, Section 2 of the Codified Ordinance)**

**Administrator Rosoff** said the changes in the fees were established according to state law and we are required to pass those on and that's why those changes are there. The deletion of Section 3 is because that repeal already took place and that's it no longer needs to be in the ordinance.

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

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

**6. NEW BUSINESS**

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

**Trustee Lopez** commended the Village on this selection, he thought it was an outstanding proposal.

**Trustee Siegel** agreed with the comments made by Trustee Lopez and was glad to see the project moving forward.

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

**VOTE: The motion carried unanimously.**

**B. Discussion and Approval of Memorandum of Understanding - Village of Los Ranchos and City of Albuquerque-Maintenance of the City/County Enhanced Digital Access Control System.**

**Administrator Rosoff** said this is just a contract by which the City/County maintains our radio force for the Fire Department. It's just a continuation of an existing agreement.

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

**VOTE: The motion carried unanimously.**

**C. Final Report and Recommendations - Citizens Advisory Committee on Public Safety - George Dahl, Vice-Chair.**

**Trustee Lopez** said he had a couple questions and since Mr. Dahl was not present, he suggested moving this item to the July 23, 2003 meeting.

**Trustee Siegel** explained some of the things the committee had discussed in meetings.

**MOTION: Trustee Lopez moved to postpone this item until July 23, 2003. Trustee Siegel seconded the motion.**

**VOTE: The motion carried unanimously.**

**D. Discussion and approval of Resolution No. 2003-6-2 - Establishing Fees for Zoning Applications and Minimum Penalties for Violations.**

**Administrator Rosoff** explained that when the new zoning ordinance was passed and these fees were not included.

**Trustee Lopez** said on line 38 where it says "all costs will be paid" is open-ended.

**MOTION: Trustee Lopez moved approval of Resolution No. 2003-6-2. Trustee Siegel seconded the motion.**

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

**E. Discussion and Approval to Dispose Obsolete, Worn-out and Unusable Equipment.**

**Administrator Rosoff** explained that this was the equipment on our inventory that we wanted to dispose of at auction. We need a finding from the Board specifically that none of this is worth over five-thousand dollars, and is all obsolete or unusable.

**MOTION: Trustee Siegel moved that the current resale value is less than five-thousand dollars and the items are obsolete and unusable to the extent that the said item is no longer economical or safe for continued use by the government body and therefore should be placed at auction. Trustee Lopez seconded the motion.**

**VOTE: The motion carried unanimously.**

**F. Discussion and Approval to reschedule the August Board Meeting.**

**Administrator Rosoff** said that the Board meeting falls right in the middle of the Municipal League Meeting, and asked if we can move it to any other day in August that doesn't conflict with that and we can have representation at the Municipal League Meeting.

**MOTION: Trustee Lopez moved to reschedule the meeting to August 21, 2003 at 7:00 p.m. Trustee Siegel seconded the motion.**

**VOTE: The motion carried unanimously.**

**7. Financial Business**

None.

**8. REPORTS**

**A. Mayor's Report** - reported that he met with the C.O.G. on the proposed concept of creating a Regional Transit Authority. He said a request from Mike Trujillo of the M.R.C.O.G. has been received to speak at our next meeting on the status of the water plan.

**Meeting recessed for ten minutes at 8:35 p.m.**

**B. Administrator's Report** - gave a brief rundown on the support given by our fire department to the effort against the Bosque fire. He said the Area K sewer project is getting very close to being advertised for bid. He explained how some of the committees were working and their progress.

**Trustee Lopez** asked on the scope of work of Larkin to meet with businesses. He asked if he could see the design of pavers from Geo-Tek.

**Administrator Rosoff** said he thought they would be starting to meet with people toward the end of July.

**C. Attorney's Report** - Mathews said that the Dickens property on Rio Grande continues to have problems and that the estate is in probate. He said he met with Toby Perea of Bernalillo County regarding the Valley Bowl wanting to re-open. They lost their liquor license because it was not renewed and will also need to put in a sprinkler system. He also said that their sign is out of conformance and that there are some other illegal signs, and letters have been sent out to the people who have non-conforming or illegal signs. The Barreras property is possibly being foreclosed on. There is an abandoned dog on the property that the neighbors are caring for and don't want Arturo to pick up. The problem with the property is that it is overgrown with weeds. There is an infestation of bugs on the

property now and we are going to go to District Court for an emergency order to allow the Village to go in there and clean that property up and put a lien on it. An appeal has been filed on one of the variances requested by Mr. Beverley. He mentioned that all the testimony has been taken, and new witnesses can't be added. He urged the Trustees that instead of rehearing this case to review the transcripts from the Planning & Zoning meeting and base your case from the record before you. The one request for VC zoning last night was approved, it was Bernie Sanchez that has a day care center. A petition from some neighbors to K-9 Country Club came in about excessive barking there. Jake Vigil has been contacted. The Heartlane Farms case lingers on, we had another hearing, the Village lost, I don't know what that means, the judge has apparently ruled that it's not a non-conforming use. Another hearing on this case won't be until July. He also said that a summary judgment has been granted with no relief.

**D. Planner's Report** - Presented a mid-year report on construction activity, both commercial and residential.

**Interruption of the meeting for fire evacuation.**

**E. Fire Department Report -none.**

**F. Engineer's Report - none.**

**9. Trustee's Informal Discussion**  
**None.**

**10. Adjournment**

**MOTION: Trustee Siegel moved to adjourn at 9:15 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:**

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Annabelle Silvas, CMC  
Village Clerk

