

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
December 13, 2006 - 7:00 P.M.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Tim McDonough, Trustee

Pablo R. Rael, Trustee

Mary Homan, Trustee

Annabelle Silvas, Clerk

Juan Vigil, Administrator

Terry Nighbert, P&Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

Tape 1-Side 1-Index #000

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, December 13, 2006 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

Mayor Abraham announced that Troop 9 is going to build benches that will go under the outdoor pavilion at Hartnett Park.

Mayor Abraham noted that Trustee Homan is on her way from Santa Fe and should arrive shortly.

Mayor Abraham introduced Hector Gonzales who has served as a Board member on the Middle Rio Grande Conservancy District for 23 years. He said the Conservancy District played a very important part in the 4th Street Project and he thanked Mr. Gonzalez for his support.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried unanimously 3-0.

Tape 1-Side 1-Index #028

2. PUBLIC COMMENT PERIOD

Frank Mangano, 4300 Rio Grande Blvd., said ever since the Area K sewer project was allegedly completed, they are missing a lot of traffic signs on the southern part of the Boulevard from Chavez Road to Griegos. He said on October 3 he e-mailed this administration asking to have someone look into the situation and he was told that the contractors would check it out. He said it has been over two months and he sees no reason for such a delay. He said he would ask that the Village step up and secure the safety of the southern part of the Village and put back the signs.

Tape 1-Side 1-Index #042

3. CONSENT AGENDA

**A. MINUTES – SPECIAL MEETING OCTOBER 16TH AND CONTINUATION OF MEETING ON NOVEMBER 8, 2006
MINUTES – REGULAR MEETING –NOVEMBER 8, 2006**

There were no additions or corrections to the Minutes.

B. DEPARTMENT AND COMMITTEE REPORTS

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

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

VOTE: The motion carried unanimously, 3-0.

Tape 1-Side 1-Index #046

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported that:

- Next week they will start to interview builders of cell towers. Three builders are flying in from California and he will evaluate their design proposals. They are still working with T-Mobile on finalizing the lease agreement.
- He would like to thank the staff for the comprehensive Board reports. He believes it gives the Trustees enough information to make good decisions.
- He and Administrator Vigil and Lobbyist Les Houston have met with Senators Ryan and Feldman. They will meet with Representatives Zanetti and Sandoval later in the week. They are receiving a good response on their legislative priorities and he believes they will do very well in the upcoming Legislature.

B. ADMINISTRATOR'S REPORT

Administrator Vigil reported that:

- He has been working on the resurfacing of El Pueblo and has received two bids. He is waiting for one more so that he can get the best price for the Village.
- He has been working with NM DOT on the extension of the COOP grant for the lights and signals at 4th and Los Ranchos.
- Regarding the Area K sewer project, the Montañño pump station subsided and the Water Authority has been negotiating with the contractor to fix it. The project should be certified and available for hook-up in March of 2007.

- According to Ms. Manwill, Bernalillo Public Works Official, Areas I and J will go out to bid in February and they hope to award the contract by March or April 2007.
- Regarding the San Juan Chama Project, the trail has been completed, trees have been planted and seeding all along the project. They are currently planting trees on the west side of Rio Grande and the construction trailer will probably be removed from the project area in January 2007.
- After interviewing six candidates for the Maintenance Worker I position, Kenneth Shurter has been selected to fill the position.
- Joiner Academy has donated two computers to the Village with the hope that they can be used as points of access for the children in the Village. They plan to install them in the new Fire Station for public access.
- They have been interviewing several candidates who are interested in updating the Village's website.
- They have been reviewing contracts for services with T-Mobile, Alltel, Verizon and Cingular. He has draft agreements which have been provided to Chappell Law Firm for review.
- Municipal Court has been busy with five cases regarding failure to renew business licenses which were resolved and two cases of residents not cleaning up their properties; both of these persons are making progress in their clean-up.
- The Village will be getting new Deputies in mid-January – Sgt. Lazo and Deputy Meeks will remain and two new Deputies will join them: Matt McCoy, who is a Village resident and Joe Nelson, who has worked with the Village before.
- Boy Scout Troop 9 is building picnic tables which will be put in the pavilion. It is an Eagle Scout project for Mr. McKernan who lives in the Dietz Farm area.

(Trustee Homan arrived at 7:15 p.m.)

C. PLANNER'S REPORT

Planner Nighbert reported that:

- They have been working on several projects of importance as a result of the Joint Work Study Session of the Board of Trustees and the Planning & Zoning Commission. These included the floor area ratio text amendment, the Resolution for the two-story residential structure moratorium in Guadalupe Trail, the Village Center boundary change ordinance and also the moratorium in the Village Center.
- The 4th Street Project is in its 41st week and it has 97% of the time used and 96% of the value at this point in time. There are about 7 days left on their contract. The Village has been assured by the Project Superintendent that he hopes to have all the paving done by Saturday, December 16. They plan to stripe as soon as the pavement is down and they will have the lights turned on flashing this weekend. There are a few items left on the punch list which include the lining of the Alameda Drain where the outfall drops at Willow Road, the striping of the track which will be delayed until Spring and also the repaving of J.B.'s Restaurant lot. There will be one last change order at the January 10 meeting which is the clean-up where all the quantities are adjusted and anything that might have come up during the last 6 weeks of the project. They don't anticipate that to be a very large change order since they have been adjusting the quantities as they came through the last three change orders.

- The RFP for the Fire Station design is before the Board this evening. They held interviews on the RFP.
- The Site Development Plan application for a development at the old Chavez property between Chavez Road and Sandia View looks like it might be a Starbucks. It is still being reviewed by the department.

Trustee Lopez asked if all the drainage facilities were ready to go on 4th Street.

Planner Nighbert responded that they have been pumped out and desilted and are ready. He said all they need is a grate over the outfall at the Taft pond.

- They have had additional structural work done to the barn according to code so that it can have occupancy as more than just a barn so that events can be held there. Maranantha Construction has graciously come in and provided the labor for bracing of the barn.

D. LEGAL REPORT

Administrator Vigil noted that Attorney Tippett had turned in her resignation. He said the Village has a contract with Chappell Law Firm to do some work on the VC Zone and under that arrangement they brought in Martha King who is a new attorney with Chappell Law Firm. He said she has served as an attorney in Anchorage, Alaska, and in the Navajo Nation and is familiar with the process of local governments. He said she has been working very closely with staff on a number of the issues before the Board this evening.

Attorney King said she has been transitioning with Attorney Tippett and taking over her cases. She said they have started to review some of the agreements and are drafting language for resolutions and ordinances. She said they have also been considering a codification of the whole code so that it is more comprehensive. She said she has also been working on a legal memo for the Planning and Zoning Commission and the Trustees on a legal issue.

E. FIRE DEPT. REPORT

Chief Perez reported that:

- There have been a number of transports for the rescue during November.
- The agreement with APS to allow the Village Fire Department to do their inspections will be completed and signed during the first week of January 2007.
- Thirteen members have been sent to Alabama for Homeland Security training.
- John Wilgohs is the new Volunteer Coordinator who oversees all the operations for the 24 volunteers.
- They have been working on the Fire Code Ordinance which is before the Board tonight
- They are taking part in a Toys for Tots drive on December 17 that is being organized by Billett's Grille. They will escort the bikers and the Marine Reserves down Edith to Alameda, Alameda to Rio Grande, and Rio Grande to Hartnett Park.

Trustee Homan asked what Village residents should do if they would like to donate to the cause.

Chief Perez responded that they should bring the toys to Hartnett Park around 11 a.m. on December 17.

- On January 13, 2007 at 9 a.m., they will be having a pancake breakfast to benefit the volunteer firefighters. The breakfast will be prepared, cooked and served by the firefighters.

5. FINANCIAL BUSINESS

Tape 1-Side 1-Index #198

A. CASH REPORT – NOVEMBER

Treasurer Haines reported that the ending cash balance as of November 30, 2006 was \$2,086,289.94. She said revenues exceeded expenditures by \$462,334 and year-to-date expenditures exceed revenues by \$552,607.

Trustee Lopez asked if that included all the finances for the 4th Street Project.

Administrator Vigil responded that it does include the 4th Street Project.

MOTION: Trustee Rael moved approval of the Cash Report. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 1-Side 1-Index #212

B. DISCUSSION AND MOTION TO APPROVE THE LEASE FROM PAUL AND KANDACE S. BLANCHARD OF TRACTS 109, 121-A1 THRU 121-A5, MRGCD MAP 24, CONTAINING APPROXIMATELY 17 ACRES FOR \$191,000 AND THE PURCHASE OF TRACTS 122-B-1, MRGCD MAP 24 CONTAINING 5.2662 ACRES FOR \$559,000 FROM MOUNTAIN RUN PARTNERS, LTD.

1. DISCUSSION AND APPROVAL TO ADOPT RESOLUTION NO. 2006-12-1-APPROPRIATING \$750,000 FROM THE VILLAGE'S RESERVES FOR THE MOUNTAIN RUN PARTNERS, LTD PROPERTY

Administrator Vigil said the Village has been working on the acquisition of these properties for approximately 2 years. He said during the last legislative session they discussed with the Governor and Legislators appropriating funds from their capital outlay to help with the acquisition of both parcels. He said the prior agreements with Mr. Blanchard and Mountain Run Partners, Limited, expired and the Board of Trustees authorized the Mayor to enter into new negotiations in October 2006. He said as a result of that they jointly obtained revised appraisals on the property separating the 5 acres from the original 17 acres. He said Mr. Blanchard was willing to sell the 5 acre tract that fronts on 4th Street for \$559,000 and to enter into a lease agreement with the Village for the remaining 17 acres at \$191,000. He said they asked Mr. Blanchard if the \$191,000 would be applied to the purchase price of the 17 acres if they were successful in their appropriation request and it was agreed in the contract that the \$191,000 will be applied to the \$2.8 million price for the 17 acres. He said Mr. Blanchard raised the question about what would happen if the Village did not get the appropriation and the Village owned the property. As part of the negotiations, he said the Village agreed that in the event they were

unsuccessful in the appropriation request from the State of New Mexico, that Mr. Blanchard could repurchase that property for the \$559,000 that the Village paid for it. He said since then the issue has been discussed with members of the Department of Finance and Administration to obtain their assurance that they were aware of the need to include this in the Governor's outlay request. He said he and the Mayor met with the Governor's Chief of Staff and Legislative Liaison and reminded them of the Village's request for the appropriation in the legislative priorities at \$3.5 million for the acquisition of open space. He said in their meetings with Representatives Ryan and Feldman they have also brought up the open space priorities of the Village, which include acquisition of some properties around the Anderson Fields and the Paseo del Norte property. He said the agreements have been reviewed by legal counsel and have been initialed and signed by the Village. He said they are now looking at the major issue of appropriating \$750,000 from the Village reserves to accomplish the commitments made in the agreements. He said the Village started with a reserve of approximately \$1.3 million and they have been able to contain expenditures by reducing staffing levels and have been very aggressive in looking at the Gross Receipts Tax issues as they relate to developments and new construction in the Village. He said the Village's cash flow is doing very well and the Board is kept informed on a monthly basis. He said the 4th Street Project has not impacted the Village's financial standing because there was an undesignated amount of \$902,000 available from MRCOG which the Village aggressively sought so that more money would not be taken from the Village reserves in order to pay for the project. He said the Larkin Group, Village Accountant, Planner Nighbert and he have been diligent about monitoring expenditures on the project. As a result, he said that project has not impacted the financial standing of the Village.

Trustee Lopez asked what kind of opinions the Governor's Chief of Staff gave him.

Administrator Vigil responded that they did not get a commitment or a promise but they were very much aware that the Governor himself has made mention to them that preservation of open space is a priority for him. He said he believes that they are all aware of it and the fact that it fell through the cracks last year during the session, but they have assured him that it will not happen this time.

Trustee McDonough said he noticed in the contract that we hold the owner harmless on the land we lease. He asked if our insurance will cover us as leased property.

Administrator Vigil responded that as leased property we will be responsible for insuring that it is properly maintained and it will insure us in case of incidents there.

Trustee McDonough said since the Village has been working on this for several years, how much has been invested in this property in prior agreements?

Administrator Vigil said the Village has not made any monetary investment and there has been no money exchanged in terms of the agreement. He said we did pay for one appraisal.

Mayor Abraham said this property is important to the Village because staff has been working with the State of New Mexico for them to deed over all the excess right of way from north of Paseo. He said there is a lot of land from the clear ditch up to 4th Street. He said they have been working with Secretary Faught to deed that land over to the Village since we administrate it now. He said he believes when this is all put together, it will encompass about 40 acres of open space which would be the second largest open space in the Village. He said they have had the

contractor for the San Juan Chama Project make a trail with cinders on it from the clear ditch to 4th Street that is lined with several hundred trees. He said it will be one of the nicest walking trails and it will tie in the 40 acres. He said they hope to have a trail from the Paseo open space to the Anderson open space in Los Poblanos orchards and also a trail on Rio Grande so that you can make a complete circle between the two open spaces.

Administrator Vigil said Joe Craig is in the audience and he was very helpful during the last legislative session by testifying in front of several committees and meeting with many of the legislators about this open space and others. He said he really appreciates Mr. Craig's support.

MOTION: Trustee McDonough moved approval of the lease from Paul and Kandace Blanchard of Tracts 109, 121-A1 through 121-A5, MRGCD Map 24, containing approximately 17 acres for \$191,000 and the purchase of Tracts 122-B-1, MRGCD Map 24, containing 5.2662 acres for \$559,000 from Mountain Run Partners, Ltd. and approval of Resolution No. 2006-12-1. Trustee Rael seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 4-0.

6. PUBLIC HEARINGS AND APPLICATIONS

Tape 1-Side 1-Index #403

A. A REQUEST BY THERESA EASLEY FOR SITE DEVELOPMENT PLAN FOR STORAGE FACILITIES IN THE C-1 ZONE. THE PROPERTY IS LOCATED AT 8320 4TH ST. NW AND LEGALLY KNOWN AS LOT NUMBERED ONE (1) OF THE ENGLEBRECHT SUBDIVISION, A SUBDIVISION OF A TRACT OF LAND IN LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, OCTOBER 30, 1941. THIS PARCEL CONTAINS APPROXIMATELY .3977 OF AN ACRE. THIS ITEM WAS DEFERRED FROM THE OCTOBER 11, 2006 PUBLIC HEARING

(Attorney King swore in those persons wishing to speak on this item.)

Planner Nighbert read Planning Report No. PZ-06-99. He said the Planning and Zoning Commission forwarded a recommended conditional approval dependent upon satisfactory resolution of 8 items. In addition, he said the Board of Trustees had requested the Applicant to redesign the sales structure as an enclosed building and the Applicant has met this condition by including a restroom facility and a parking space and it is designed to have a Southwestern look. He said the Board had requested that the grading and drainage plan be reviewed and approved by the Village-designated engineer prior to the Board meeting and the Applicant has complied. He said the Applicant has met all the conditions imposed by the Board of Trustees with the exception of working out an agreement with the owners of the two adjoining lots (8320 and 8312) concerning the encroachment of the roof of the building on to the Applicant's property prior to the issuance of a building permit. He said they are working with Mrs. Agnes McDonald and she is considering demolishing those buildings so the encroachment of the eve structure over into the Easley property would go away with that demolition. He said the Department recommendation is that the Applicant has met all the conditions imposed by the Board of Trustees and therefore recommends

approval of the Site Development Plan.

David Campbell, Attorney for Theresa Easley, said he is there to answer any questions and he appreciates the work the Village has gone through on this project. He said he hopes the Board will go along with the Planning Department's recommendation of approval.

MOTION: Trustee Lopez moved that the request for Site Development Plan approval for special use permitted SU-1 storage units in the C-1 Zone of the 4th Street Commercial Corridor, Applicant Theresa Easley, property owner, be approved. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

7. **OLD BUSINESS**

8. **NEW BUSINESS**

Tape 1-Side 1-Index #512

A. DISCUSSION AND APPROVAL OF THE FIRST AMENDMENT TO TITLE I SCENIC BYWAYS PROGRAM GRANT AGREEMENT FOR PROJECT SB-NM-2003(006), CONTROL NO. 7821

Administrator Vigil said the First Amendment to this Grant Agreement is to extend the timeline in order to complete the projects that have been undertaken. He said following the approval of the First Amendment, they will hear a report from Sites Southwest on their study of Camino Real and Route 66. He said the Village would like to extend the termination date to December 30, 2007.

Trustee McDonough said he believes there is a typographical error on Exhibit A of the Agreement which reads: "Construction of Comfort Station at Jemez Springs Community Park".

Administrator Vigil agreed that it was a typographical error and said it does not affect the Amendment.

MOTION: Trustee Lopez moved approval of the First Amendment to the Scenic Byways Program Grant. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 1-Side 1-Index #545 and

Tape 1-Side 2-Index #000

B. DISCUSSION AND APPROVAL TO ACCEPT SITES SOUTHWEST LLC'S REPORT VILLAGE OF LOS RANCHOS RESOURCE AND INTERPRETATION PLAN FOR EL CAMINO REAL AND ROUTE 66 NATIONAL SCENIC BYWAYS COMMISSIONED BY THE VILLAGE PURSUANT TO THE TITLE I SCENIC BYWAYS PROGRAM AGREEMENT.

Administrator Vigil said he would like to introduce Phyllis Taylor who has been working with the Village not only on this plan, but also on the Master Plan. He said he believes she has

identified a lot of the issues that will help the Village with areas like the Village Center Zone, open space, a visitor center, and registration of historical and significant places in the Village.

Phyllis Taylor, Sites Southwest, said the document's purpose was part of the National Scenic Byways program, which is a program of the Federal Highway Administration to recognize and promote distinctive roads nationally. She said 4th Street through the Village is part of the El Camino Real and Route 66 which are both national scenic byways. She said the document contains a summary of goals and actions in the front which include: support businesses and create an environment where businesses can thrive along 4th Street; create a strong identity that has to do with gateways, landscaping improvements, maintenance along the roadway, façade renovations and new signage; protect natural resources, scenic resources, archeology, cultural resources, recreation and historic resources. She said the document later describes those resources within the Village in detail and some things the Village could do to protect various resources. She said one of the things they talk about is a potential Byway Committee that could work with the Village and the businesses to develop and coordinate activities.

Trustee Rael commented that he truly enjoyed reading the report and that he learned a lot. He said he was surprised to learn that even in 1937 the traffic count at 4th and Osuna was 6,700+.

MOTION: Trustee Rael moved approval to accept the Sites Southwest Report. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 1-Side 2-Index #047

C. DISCUSSION AND APPROVAL TO ADOPT RESOLUTION NO. 2006-12-2 – AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR CDBG'S FUNDING AND GRANTING AUTHORITY TO THE MAYOR/DESIGNEE TO ACT AS THE VILLAGE'S CHIEF EXECUTIVE IN MATTERS PERTAINING TO THE CDBG PROGRAM

Administrator Vigil said the Village has not participated in this program for a number of years due to some miscommunication either on our part or from the State that the Village because of its income status did not qualify. However, he said when he talked to the funding agencies and explained that there are various census tracts in the Village and some are eligible for participation, they encouraged the Village to look at a project. He said the Trustees have come to him many times saying we should do something about the flooding on Garduño. He said when the sewer line was put in on that road, apparently the contours of the road were shifted so that the drainage system was adversely affected and the water is either ponding on the road or threatening the homes in the area. He said the Village has conducted a public meeting where about 16 residents from the area attended expressing concerns about the issue. He said the Village has looked at various options to address the drainage problem but due to the infrastructure utilities in the roadway, using the roadway as a place to put storm drain systems would not work. He said their idea is to put a system for drainage through the roadway and pick up as much water as they can that is coming off 4th Street and the residential areas and drain it into an underground storage system that will percolate into the ground. He said as a result of that they could put a small pocket park with a few benches in the area and children who are going to school could use it as a bus stop. He said they have sent out questionnaires to the residents but

have not had a good response so they plan to do a door-to-door survey to solicit their support and collect the income criteria to justify the project.

Trustee Homan said she believes this is a wonderful idea and a very positive step for a great solution to the problem of flooding in this area.

MOTION: Trustee Homan moved approval of Resolution No. 2006-12-2 authorizing the submission of an application for CDBG's funding and granting authority to the Mayor/Designee to act as the Village's Chief Executive in matters pertaining to the CDBG program. Trustee McDonough seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 4-0.

Tape 1-Side 2-Index #99

**D. DISCUSSION AND APPROVAL TO ADOPT RESOLUTION NO. 2006-12-3—
RESOLVING THAT A SPECIAL ELECTION BE HELD ON MARCH 13, 2007 TO
ISSUE GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL
AMOUNT NOT TO EXCEED \$3.6 MILLION FOR THE PURPOSE OF ACQUIRING
OPEN SPACE AND RELATED FACILITIES**

Administrator Vigil said since he has been with the Village one of the primary concerns has been preserving open space. He said the Village has been able to preserve the 280-foot setback along Rio Grande Blvd. and in two character areas in order to preserve the vistas. He said they have also been looking at a variety of other options as discussed earlier with the Blanchard and Mountain Run properties. He said that during last year's legislative session they had two appropriations to the Village, the Governor's appropriation for \$450,000 and one from Senator Feldman for \$200,000. He said that \$650,000 was designated specifically for open space acquisition adjacent to Los Poblanos fields and the Anderson properties. He said staff has been challenged by the Board to come up with a proposal to look at going forward with the acquisition of property. He said one of the options was to go to the voters of Los Ranchos to authorize general obligation bonds or other revenues to secure the resources to help with the project. He said one of the questions staff gets when they are testifying at legislative sessions is what is the Village doing in terms of its own initiatives in helping to fund the acquisition of open space. He said as a first step they have pursued with the Trust for Public Land to conduct a survey of Village residents. He said that survey was performed by Research and Polling and it was found that about 85% of the residents would support some form of taxation in order to acquire and preserve open space. Following that, he said they have gone forward with looking at the process. He said Clerk Silvas has been working with the Bernalillo County Clerk to ascertain the appropriate dates to have an election. They looked at the 2007 calendar and found an open period in March 2007 to have the election. He said he has been working with the County Assessor and the current assessed residential value of the Village is \$157,919,000 and non-residential is \$21,848,000 for approximately \$180 million of assessed net taxable valuation in terms of the area. He said he also wanted to report on the acquisition of property. He said working with the Water Authority and the San Juan Chama project, they have made good progress in securing the land along Paseo del Norte. He said another area mentioned was adjacent to Hartnett Park and the Mayor has met with the property owner because they thought we were trying to use eminent domain; however, he assured the owner that we will not be using eminent domain but if they are ever willing to sell their property that we would like to discuss

and negotiate the purchase of that property. He said there are a number of 1-2 acre parcels along Los Ranchos, Ranchitos and other areas that could be feasible for smaller acquisitions, but the primary area that they want to preserve was the Anderson property. He said the Trust for Public Land is currently in the preliminary stages of negotiation before a full appraisal of the property is to be done. He said there will be an article in the *Village Vision* containing a summary of the information on the special election. He said one of the confusing things for residents is the issue of market value, assessed value and taxable value. He said with the \$180 million of assessed valuation, the Village can raise approximately \$7.2 million, but the recommendation is that we go for a one mil levy increase which would raise \$3.6 million in revenues to be used for general obligation bonds for the purchase of the property. He said if a person had a taxable value property of \$100,000, which means you would have an assessed value of \$300,000, you would have approximately a \$100 increase in your property taxes in order to pay for this bond issue. He said the issue is similar on the non-residential side in terms of the valuation. He said what staff is proposing to the Board is to afford the voters of the Village the opportunity to vote on an issue of whether it is in the Village's best interests to preserve land that has the potential to be developed into high density developments. He said the Resolution has been prepared by bond counsel, Hughes & Strumor, and goes through the structure of what the process is under Municipal Code in terms of having an election. He said one item of interest was that if there are registered voters in Bernalillo County who own property within the Village limits, they have the right to vote on the issue. He said a non-resident municipal elector's certificate needs to be filled out by those people who pay property taxes within the Village and if they want to vote, we have to have a separate place for them to vote. He said we also need to have paper ballots printed and an early voting site. He said March 13, 2007 is the designated voting day at Village Hall from 7 a.m. to 7 p.m. He said the Board will need to appoint a Bond Committee that will raise the money to inform the voters on why they should vote "yes" for this particular bond issue. He said Bond Counsel, Tommy Hughes and Bob Strumor, are present to answer any questions.

Trustee Lopez asked what the rules will be for early voting.

Clerk Silvas responded that Village Hall will be the early voting site and early voting will begin on February 22, 2007 and the final day will be March 9, 2007 with daily hours of 8 a.m. to 5 p.m., Monday through Friday.

Trustee Homan asked how many members make up the Bond Committee, what will their duties be and how soon do they need to get started?

Administrator Vigil said their main responsibility, once they are appointed, is to promote the bond issue. He said they will set up a bank account to raise money, to print brochures, to attend public meetings or forums, meet with the Chamber, talk to any residents, hold forums at various locations to inform the public of what the value is for the bond issue. He said staff can support the Bond Committee by providing information on what the taxes would be in certain areas and inform them about the process in terms of the sale of bonds. He said that staff and elected officials can do a lot of informing but should refrain from promoting a vote for the bond issue.

MOTION: Trustee Rael moved approval of Resolution No. 2006-12-3. Trustee Lopez seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 4-0.

Tape 1-Side 2-Index #332

E. DISCUSSION AND APPROVAL TO ADOPT RESOLUTION NO. 2006-12-4 - EXTENDING A MORATORIUM ON ALL DEVELOPMENT WITHIN THE VILLAGE CENTER ZONE OF THE VILLAGE, INCLUDING THE CORE AND EDGE AREAS AS DEFINED IN SECTION 11. V-C – VILLAGE CENTER ZONE

Planner Nighbert said there is a revised resolution in the Board packets that rewords the moratorium as it was originally passed 6 months ago. He said this resolution extends the moratorium on the acceptance of planning, zoning and building permit applications for properties in the Village Center Zone. He said the VC Zone section of the Comprehensive Code requires a complete redraft of those regulations as they are contradictory in many places and the current ordinance mixes purpose and intent/regulating language making interpretation of the code difficult for both the staff and developers to follow. He said the extension of this moratorium would allow time for the staff to complete the redraft of the ordinance and also complete an economic development study of the 4th Street commercial corridor and the VC Zone. He said they will also look at other vacant land in the area and especially the southeast corner and other parcels that could be combined to build the Village Center as envisioned in the Master Plan. He said the moratorium would affect all applications for development of site plans, sub-division platting, zoning and building permits with the exception of tenant improvements or building permits for the Los Ranchos Villa shopping center. He said they would also accept tenant improvements for building permits to existing businesses in the area and site development plan applications for C-1 zoned property where sub-division platting action is not required. He said the moratorium would be continued in effect from the date of the resolution through July 1, 2007. He said the Planning & Zoning Commission endorsed this moratorium and recommended approval to the Board of Trustees.

Trustee Lopez asked if litigation could stop the moratorium.

Attorney King said she believes that question should be answered in Executive Session on what she thinks the outcome of pending litigation would be.

Trustee McDonough said he is confused about why we would allow building permits if there is no platting action. He asked if that would apply to building on existing lots as well as lots that need platting action.

Planner Nighbert responded that it would apply but they looked at the possibility of timeframes for certain developments that they might want to have in the Village and those timeframes might not fit into the July 2007 timeframe.

Trustee McDonough asked if they would have to comply with the existing VC Zone.

Planner Nighbert responded that they would have to comply unless there are variances that they can apply for. He said it would be similar to the Auto Zone where alleyways would be a variance that they would ask for or a residential unit for every 5,000 square feet. He said they have granted similar variances before.

Trustee McDonough asked if this ordinance will apply to the VC Zone as now defined or to the redefined VC Zone.

Planner Nighbert said it would apply to a redefined VC Zone because redefining the VC Zone is part of the steps in the current moratorium.

Trustee Lopez said the intent as he understands it is to give them 6 months to make a decision internally as a Village about where we may want to go with this tract. He asked if that was correct.

Mayor Abraham responded that it refers to the entire VC Zone and the ordinance.

Trustee Lopez said even though there may be financial harm to people out there, it is across the zone.

Mayor Abraham said we have the ability for a waiver if it is a project that would fall within the guidelines that we are anticipating. He said if the project falls within the Village Center that we anticipated before, we are not going to stop it. He said if a developer comes through with a project that is exactly what the Master Plan and the previous administration had intended, then the Village will work with them.

Trustee McDonough asked how much time elapses from the time a developer first contacts you until the time you issue the building permit.

Planner Nighbert responded that it is well over 6 months before they could get approval. He said if it is a platting action, they cannot accept it; if it is a site development plan, they can accept it. He said there is one sketch plat application that is in the Village Center area as presently defined, but in the newly defined area under the ordinance where they shrink the boundaries, it would be excluded from the edge area because there would be no edge area.

Tape 2-Side 1-Index #000

Mike Contreras, Retail One, LLC, said he is opposed to this moratorium. He said there was a recent moratorium for 6 months and it was brought to his attention that the Village was intending to condemn the property in the Village Center Zone for that purpose for that 6-month period. He said he has had several conversations with the Mayor and was told that an offer was forthcoming from the Village but nothing ever transpired. He said on November 9 he was told that the Village would not seek another moratorium. He said he has invested a large sum of money in his property and has put 10 years into the project and has received no assistance from the present administration. He said he has been accused of being a hold-out on his property. He said there was a newsletter that said he misled the Village into thinking he had a project at 4th and Osuna when he proposed an Eckert's. He said he did not mislead the Village and he doesn't like the way that he has been treated. He said this is very costly to him because every time you have a moratorium there is no one looking at his property. He said he would not mind getting out of his property and getting his money back. He said he has invested a lot in the property in trying to put it together for the Village and he would hope the Board would consider not putting another moratorium on it, but if there is another moratorium on it he would like to know specifically what changes are being proposed to the Village Center Zone.

Mayor Abraham said that is why they are having the moratorium, so that they can propose the changes. He said they don't know everything right now. He said one of the items is to clean up the language so there are no contradictions and another is to clean up the boundaries.

Planner Nighbert said he knows what the boundary changes are and they will be discussed in the next item. He said the changes to the ordinance are numerous and they are working on an outline of those changes right now. He said in the body of the VC Zone they are talking about alleyways which were tried and didn't work during early platting. He said the ordinance calls for 40 foot tall buildings with residential houses on top of the commercial zones. He said he doesn't think you are going to get an Auto Zone that also wants to run an apartment complex. He said another item is that 1/10th of an acre for every acre you have in the zone you have to donate park land or cash in lieu of, but there is only one park in the Village area. He said one of the things they would like to have in the commercial zone center is Pueblo-style buildings, but when you have 70% glass facing the street, it doesn't look like Pueblo style. He said they found that these things are really onerous for the type of lots that are in the VC Zone. He said there is only one collectible parcel which is the one at the southeast corner and Mr. Contreras owns land in it. He said the other collectible parcels that would be available would be prohibitive to collect because you would have to go into established residential neighborhoods, such as the Mullen/El Paraiso area or the Nara Visa area. He said those residential owners are not going to sell off their homes unless they are forced under eminent domain.

Mike Contreras asked if the Village will still seek to condemn.

Planner Nighbert said that is one of the things that they want to look at in the economic development plan. He said they can look at that as an option but they would rather help the developer in putting together packages and look for ways that they can offer incentives to put together packages without condemnation.

Mike Contreras said it is the cost of the land that broke most of the proposals.

Planner Nighbert said there have been developers who have come in and offered partnerships to those people who own parcels so that it forms a corporation of the property owners and they have to take the same risk in deeding their property into one large parcel, but they own a share of that development and that is an option we have to look at in our economic development property.

Mike Contreras said he has brought in several offers over the past 2-1/2 years but this administration has not appeared to make any forward movement.

Planner Nighbert stated that the Mayor, Administrator and Board have over the last 3 months begun to ask the Planning Department to look at this. He said there were other issues that needed to be addressed before they could look at a VC Zone ordinance that will work so that they do have economic development in the Village Center Zone and all along the 4th Street corridor. He said the offers that were brought forward were placed in the hands of Chappell Law Firm who will be considering many of the proposals. He said when those proposals are in a condition that can be brought before the Board for a decision in a logical manner, then Mr. Contreras will be contacted at that time.

Mayor Abraham said he does not believe there will be another moratorium because he believes they will have this worked out very soon. He said he thinks the VC Zone was designed with the property already being assembled. He said with the property not being assembled, the current ordinance does not work. He said they do not want to hurt the owners financially, but they do

want to put something in place that will hopefully increase their net worth. He said eminent domain would be the last possible resort.

David Siegel, 7014 Guadalupe Trail, NW, asked if Trustee Rael was going to recuse himself from this and the next item.

Trustee Rael responded that he would be recusing himself for Items 8.E. and 8.F.

Scott Wittington, 1675 Tiera del Rio, NW, Albuquerque, said Item 8.E. and 8.F. are being meshed together, but he thinks he is the one that Planner Nighbert referred to for an incoming sketch plat. He said he is concerned because he has a piece of property at the end of Sandia View that is right off of 4th Street which they submitted for sketch plat and did it based on the current VC Zone. He said if that VC Zone is reduced, then a lot of his investments in the form of earnest money deposits, engineering, traffic studies of 4th Street and Sandia View, as well as grading and drainage plans will be lost. He asked if the VC Zone is shrunk, will his plans and sketch plat no longer be heard?

Planner Nighbert said the sketch plat would be placed on hold until July 1, 2007. He said if they shrink the zone, Mr. Wittington's sketch plat can be made but it cannot be made at the 22 dwelling units unless you ask for a planned residential development in that area.

Scott Whittington said they made a lot of judgment calls based on how the VC was outlined and they have been working on it for a long time. He said they purchased the property based on what they could get on the DUs and he said he always thought that trying to get the density in the VC was something the Village was looking for to create a walkable community. He said if by shrinking the VC they lose their density, then his project no longer economically works.

MOTION: Trustee McDonough moved approval of Resolution No. 2006-12-4 extending a moratorium on all development within the Village Center Zone. Trustee Lopez seconded the motion.

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

Tape 2-Side 1- Index #185

F. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN ORDINANCE AMENDING TEXT TO THE COMPREHENSIVE ZONE CODE, CHAPTER 31, ZONING AND ZONE MAP, CHANGING SECTION 11. VILLAGE CENTER ZONE TO REDEFINE THE BOUNDARIES OF THE VILLAGE CENTER ZONE IN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE

Mayor Abraham pointed out that this is only to advertise the ordinance and at the next meeting the public's comments will be welcome.

MOTION: Trustee Lopez moved approval to advertise a text amendment to the Comprehensive Zone Code, Chapter 31, Zoning and Zone Map, changing Section 11. Village Center Zone, to redefine the boundaries of the Village Center. Trustee Homan seconded the motion.

VOTE: The motion carried, 3-0. Trustee Rael recused.

Tape 2-Side 1-Index #200

G. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN ORDINANCE AMENDING TEXT TO THE COMPREHENSIVE ZONE CODE, CHAPTER 31, ZONING AND ZONE MAP, TO IMPOSE A MORE RESTRICTIVE FLOOR AREA RATIO FOR ALL A-1 PROPERTY WITHIN THE VILLAGE OF LOS RANCHOS

Mayor Abraham said this is to advertise and he said it is his understanding that the floor area ratio would not apply to sub-divisions that have previously been approved. He said he wants there to be a very clear understanding of what this entails and how large a building can be.

Planner Nighbert said at the January meeting the Planning Department will have some illustrations and will define those sub-divisions they have acted upon where the CCRs do have an adopted floor area ratio that is different from this proposal.

MOTION: Trustee Lopez moved approval to advertise in summary an ordinance amending text to the Comprehensive Zone Code, to impose a more restrictive floor area ratio for all A-1 property in the Village. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 2-Side 1-Index #228

H. DISCUSSION AND APPROVAL OF RESOLUTION 2006-12-5 TO IMPOSE A MORATORIUM ON ACCEPTANCE OF CERTAIN BUILDING PERMIT APPLICATIONS FOR TWO STORY RESIDENTIAL STRUCTURES IN THE GUADALUPE TRAIL CHARACTER AND GREEN VALLEY CHARACTER AREAS UNTIL JUNE 30, 2007

Planner Nighbert said this resolution was discussed at the Joint Study Session and the Planning & Zoning Commission endorsed this two-story moratorium at their meeting. He said this moratorium would last until June 30, 2007 and staff will be studying the area to determine how many two-story buildings are being built, what the effects are on solar access, set backs and other rules. He said they also want to study how much impact not having two-stories or having two stories built in the two character areas would affect the Village.

Trustee Rael asked if any homes have already been approved.

Planner Nighbert said there have not been any two story building permits come in that would be affected by this moratorium.

MOTION: Trustee Rael moved approval of Resolution No. 2006-12-5 to impose a moratorium on acceptance of certain building permit applications for two-story residential structures in the Guadalupe Trail Character and Green Valley Character Areas until June 30, 2007. Trustee McDonough seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 4-0.

Tape 2-Side 1-Index #278

I. DISCUSSION AND APPROVAL TO AWARD RFP NO. 01-06-LRFD, ARCHITECTURAL DESIGN SERVICES FOR A NEW MAIN FIRE STATION AND ASSOCIATED LIVING QUARTERS, 6693 FOURTH STREET NW TO NCA ARCHITECTS AND TO AUTHORIZE THE MAYOR TO ENTER INTO A PROFESSIONAL AND TECHNICAL SERVICES AGREEMENT WITH NCA ARCHITECTS

Administrator Vigil said the Village has received legislative appropriations for the acquisition of property and they have purchased the property at 4th Street and Schulte after conducting extensive research on various areas concerning origin of calls, vacant land along the areas for delivery of services, etc. He said the Board then authorized the issuance of a request for proposal for professional services to perform architectural drawings and related services for the design of a fire station. He said they held a mandatory pre-bid conference which 7 prospective bidders attended. He said they set a deadline for submission of RFPs of November 14, 2006 and four professional architectural companies responded. He said in alphabetical order they were: Cherry/See/Reames Architects, DMJM H&N, NCA Architects, and Rohde May Keller McNamara Architecture. He said the Review Committee consisted of Glenn Fellows, an architect; Fire Chief Greg Perez; Planner Terry Nighbert; and himself. He said they then ranked all the proposals independently and followed up with an oral interview of each bidder and ranked those. He said they then ranked the top three firms which were NCA, Cherry, and then Rohde May. He said the Review Committee is recommending award to NCA Architects.

Bruce Muhr, 336 Enchanted Valley Place, said he has a petition signed by 25 of his neighbors that live in this area. He said there are 2 fire chiefs and 1 deputy fire chief that have signed this petition saying they don't believe this is a good place for a fire station. He said that is based on the facts that it is located next to a school, it is hard to get a ladder truck into the busiest intersection in the Village, that they don't need 2 fire stations that are ¾ mile apart, and that no need has really been established for a new fire station. He said they suggest that the property was probably a good idea to buy, but there are many things that could be put there instead of a fire station. He said they would like to keep the integrity of their neighborhood and 1,200 sirens going off every year does not make his back yard a desirable place. He said he spoke to mortgage brokers, real estate agents and appraisers and they told him that a fire station in that location will affect his property values. He said the suggestion was made by Jose Jaramillo, former fire chief, that what they need is a sub-station off of Paseo del Norte and keep the present station at Rio Grande and they would have much better service for the Village. He asked that the motion be tabled and approach the fire station location again with people who have been fire chiefs for Bernalillo County and seek their expertise on where the fire station should be placed.

David Siegel, 7014 Guadalupe Trail, said he is speaking as the representative for the East Los Ranchos Neighborhood Improvement Association. He said their Board met and considered a resolution stating that while the need for a new fire station may be there, this particular location may not be the most optimal and the conclusions that it was the best were drawn prematurely because there were no outside consultants, not a lot of notice about the property purchase, and not a lot of community input on that particular site. He said if there had been a slower process there would not be as much controversy as there is now. He said there is also a concern about traffic and pedestrian safety. He said even on Rio Grande Blvd. when the fire engine came in and out it would tie up traffic for quite awhile. He said he couldn't print a copy of the resolution

because his printer wasn't working, but it basically asked that the site be reconsidered for another possible use and other locations be investigated if indeed the need for a fire station is paramount. He said he and most people in the Village applaud the concept of open space, but he said he believes people are going to be reluctant to vote for the 1 mil levy if they think the properties will be identified and purchased without their input or a public hearing.

Trustee Lopez asked how long the process has been going on.

Administrator Vigil said since they identified the real issue in terms of the deficiencies of this fire station, which was at least 2 years ago. He said they would keep the fire station on Rio Grande and operate it as a sub-station operating it with volunteer staff. He said the idea of keeping 2 fire stations would mean doubling the regular staff and that is an ongoing cost.

Trustee Lopez said he understands that people do not like the location, but it is still in a strategic area of this part of town and time is critical in battling fires and other emergencies. He said unless someone can tell him why a fire station should not be built there, he thinks they should go forward.

Administrator Vigil said this item has been on our legislative priority list for 3 years, they have sought funding and the money used for the purchase was designated specifically for the fire station. He said they had 2 properties appraised along the 4th Street corridor because of the call volume and response time issues. He said every time they have come before the Board, those items have been advertised with notice to the public that we were moving forward to designate a site for the fire station.

Ray Savatie Cvetic's, 340 Enchanted Valley, asked when the first public notification occurred about the intended purchase of the property on Schulte and 4th Street.

Administrator Vigil said he believes it was in August when they did the request to go for appraisals.

Ray Savatie Cvetic's said he does not believe the opportunity was there for the type of input that the total population of the Village could come together to discuss it. He said all of a sudden they get a week's notice and the purchase has been made and the deal is going to be closed. He said he doesn't think that is in the best spirit of the community.

Mayor Abraham said they charted every single accident, fire, and EMS call on a map in 2005 and a new one in 2006. He said they identified where the best location would be by the call volume. He said in 2005 they saw that it needed to be somewhere within a half mile, each direction, of Schulte. He said two years ago the Legislature funded the purchase and when they do that you have to show you are using the money. He said the call volume states where the fire station needs to be. He said the synergy of this is that the fire station is being built right next to where the Village spent \$1.5 million on a running track and field. He said they spent \$10 million on a road project and they are trying to build from within and have some anchors. He said putting a fire station out by itself up north is not where the call volume is located. He said the property has been for sale for over a year and the Village has been negotiating on it and talking about it for probably 4 or 5 months before that. He said the only controversy here is the "not in my backyard" and that will be an issue no matter where they put a fire station.

Patty Serna, 900 El Alhambra, said she wants to remind the Mayor of something he said before. She said at the September meeting when the Enchanted Valley neighborhood was here and they were upset about the location of the fire station, she said the Mayor said that he would take the heat for that choice and he chose that site because he didn't like Arnold's and because he wanted to build that fire station next to what was already new and what was being built and what he wanted to be building outwards on. She said she thinks people have legitimate complaints when they say that professionals were not involved in that process, nor was the community. She said the Mayor's wants and tastes were all that was considered.

Tape 2-Side 2-Index #000

Administrator Vigil said they asked Code Enforcement Officer Keith Bradley to start identifying properties along the corridors that prior fire chiefs had identified as potential locations. He said Northwest Auto was the first one they looked at and started negotiating with them after the appraisal. He said they doubled the price and then sent in a banker and an attorney to negotiate for them. He said they then spoke with Mr. Goller and he indicated a willingness to work on the price and deal with some of the infrastructure issues. He said the existing building on the property has some potential for use by the Fire Department. He said the professionals we have are our own firefighters who have to deal with responding to calls on a daily basis. He said they know their data and information and the data reflects that the 4th Street corridor is very high in call volume. He said one of the problems with the current station is that when it was originally built we had volunteer firefighters, but now we have a professional staff that includes females, but there is no segregation of sleeping quarters. He said there is also a problem with exhaust from the equipment and the prior administration tried to deal with it in terms of an exhaust system that did not work. He said we have been advised against trying to retrofit the system. He said a sub-station would work, but a fully staffed station on Rio Grande is not an appropriate location.

Fire Chief Perez said he would like to mention that there are some true benefits to bringing a fire station into the neighborhood. He said if those persons opposed to the fire station would check with the residents who live across the street from the current station, they would hear very few complaints, if any, about the amount of noise from fire trucks going in and out of the station. He said they are very cautious and courteous and whatever community they are in, they become members of that community. He said when they go out at 2 a.m. to save somebody's life, the neighbors will not know because they go out as quietly as they can and come in as quietly as they can. He said another thing they might want to consider is that now they will have someone at the top of their street or around the corner from their residence that is on guard 24 hours a day, 365 days a year and you can't buy that kind of security.

Bruce Muhr asked if they have bad fire service now

Chief Perez responded absolutely not.

Bruce Muhr said they don't need a fire station up there in order to get decent service in the 4th Street corridor. He said they already have terrific service with the station where it is.

Chief Perez said a fire station is needed on 4th Street because of the way the Village is growing and the increase in the amount of calls that are coming into the department. He said the core area where they are seeing that growth is on the 4th Street corridor near the Schulte area. He said by

being in that center of where the calls are happening will allow them to provide even better service.

Patty Serna said about 3:10 p.m., Monday through Friday, she is a parent trapped on Schulte. She said the traffic for picking up kids at Taft and getting onto 4th Street stacks up quite deep at Schulte. She said she'd like to know what you will do in order to pull a fire truck out.

Chief Perez said he can't answer that question right now.

Mayor Abraham said he will concede to that and the first thing he will have NCA do is make sure that the site is a proper site. He said he thinks it is reasonable to have them do a study and assure us that there won't be major problems like that. He said there is a school on almost every major block.

Patty Serna said there is no school near Bledsoe and 4th Street where the ladder truck could pull in and out.

Mayor Abraham pointed out that 4th and Bledsoe is not for sale and they tried to buy it first and could not.

Patty Serna said her point is that they are not going to be able to get the parents to reverse their way safely back down Schulte to get out of the way for a fire truck.

Administrator Vigil said the way the traffic lights will work is that it will give them an opportunity to move out of the way so that the fire truck can access directly behind them and if they have their lights on, traffic is supposed to move out of the way. He said the intersection will be an improved intersection with lights.

Mayor Abraham said Ms. Serna has spent 3 years at an intersection that has a stop sign. He said this intersection will now have a full 4-way signal and the fire department will have control of the light. He said he will have NCA determine if this is a suitable site for a fire station. He said he will ask them to make that their priority.

Trustee Rael said this situation is more or less the same as at Griegos and 4th Street and there isn't a problem because the fire department can control the light and change it as they need it.

Trustee Homan said she believes the residents have a valid concern for some transparency in the reasons why we chose this site. She said above all we should be communicating what those reasons were. She said even if they decide that the decision has been made, she believes the reasons behind that should be answered for them which could be done in a public forum and as a discussion at the Board's next meeting. She said she doesn't see any reason not to go forward with the RFP.

MOTION: Trustee Lopez moved approval to award RFP No. 01-06-LRFD to NCA Architects. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 2-Side 2-Index #135

J. DISCUSSION AND APPROVAL DECLARING THAT THE CONCRETE SCULPTURE/FOUNTAIN HAS NOT BEEN PLACED IN THE VILLAGE'S INVENTORY AND THAT DUE TO ITS UNFORTUNATE CONDITION IS OF NO VALUE TO THE VILLAGE

Administrator Vigil said the concrete sculpture that was just to the west and south of the fire station exit was in disrepair when he joined the staff. He said after inspecting it, they discovered that it had some liabilities so they took it down. He said he talked to the artist's spouse and informed her that Ms. Lilly Barrack would like to rescue the sculpture. He said this is a request to the Board to allow staff to move forward to allow Ms. Barrack to take possession of the sculpture and she will be responsible for moving the sculpture.

Trustee Rael said he assumes this does not violate the anti-donation regulation.

Administrator Vigil said it does not because it was never accepted by the Village and it was not on any inventory for the Village.

MOTION: Trustee Rael moved approval to declare that the concrete sculpture/fountain has not been placed in inventory and that due to its unfortunate condition it is of no value to the Village. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 2-Side 2-Index #154

K. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN ORDINANCE ADOPTING THE INTERNATIONAL FIRE CODE 2003 EDITION AND INCLUDES SEVERAL AMENDMENTS TO THE 2003 IFC TO REQUIRE AUTOMATIC FIRE SPRINKLER SYSTEMS IN ALL NEW COMMERCIAL STRUCTURES AND RESIDENTIAL STRUCTURES, INCLUDING ATTACHED AND DETACHED GARAGES AND SHOPS OVER 3000 SQUARE FEET

Administrator Vigil said they would like to show a short video of what happens when there is a fire and a sprinkler system is in place and an identical location where there is no sprinkler system. He said they have been discussing this issue for sometime and under the International Fire Code, the Fire Chief does have authority to request a developer or builder to include a sprinkler system. He said at present they have had 3 homes being built that have agreed to install an automatic sprinkler system and they have one builder who is appealing the decision. He said they anticipate having that issue before a hearing board in the near future.

Chief Perez said currently the Fire Department operates under the 1997 Uniform Fire Code and there are a lot of items inside the code that do not apply or there is no language for things that they currently face in the field of fire service and prevention. He said the International Fire Code offers them a variety of different options when they are looking at new construction of both residential and commercial-type structures. He said it gives a lot of guidance in other areas as well regarding apparatus placement and fire hydrants. He said the Fire Department is currently running off an 8-page ordinance that was written a long time ago. He said the ordinance before the Board will allow them to move forward in their efforts to continue to provide fire prevention for the residents of the Village. He said one of the key things within the ordinance is the

sprinkler portion. He said what they have done is taken the International Fire Code and gone through it page by page of the 350 pages. He said they evaluated each section and made a determination of whether that section met their needs. He said they didn't reduce any of the language, they just made additions to certain sections of the code to better address the needs of the Village. He said the ordinance is laid out so that it corresponds with the International Fire Code document itself. He said the department has some concerns with the sheer size of the structures coming into the Village. He said a structure that is greater than 3,600 square feet today would require a flow rate from a fire hydrant at 2,500 gallons per minute. He said right now the absolute best hydrants in the Village flow at 1,500 gallons per minute. He said that means you would need 2 hydrants dedicated to fighting just that structure. He said if there were any structures on either side that needed protecting, they would not be able to do it. He said your Village Fire Department is going to be the first one in New Mexico to adopt the International Fire Code's portion on sprinklers for residential buildings. He said the City of Albuquerque has adopted it for commercial structures, Bernalillo County is preparing to do the same for commercial and residential, the State of New Mexico is also preparing to adopt it. He said what they have before the Board is that any residential structure greater than 3,000 square feet built inside the Village must have mandatory sprinklers. He said as far as commercial, there is a zero tolerance. He said after the adoption of this ordinance, any commercial structure inside the Village would have to have mandatory sprinklers. He said any businesses that are already established will be grandfathered in and also existing homes will be grandfathered in. He said if someone wants to add an addition to their home or business that is greater than 50% of the current structure, then they would probably be required to add sprinklers.

Trustee Lopez asked how the residents of the Village are being notified about this and whether there was any previous notification.

Chief Perez said he held a Town Hall meeting in April which was well advertised in the *Village Vision*; he said only one person showed up. He said the individuals inside the Prado sub-division understand and are complying with the Sprinkler Ordinance. He said every house inside there will have sprinklers. He said you can walk into those million dollar homes and he would challenge you to show him where the sprinklers are. He said they are no longer the ugly metal things hanging from the ceiling that they once were. He said they have an 80 to 85% success rate.

Trustee Homan said if she had a home that was over 3,000 square feet and she wanted to do an extensive remodel in the home, not building anything new, but remodeling a number of rooms; she asked if that would trigger her having to install sprinklers.

Chief Perez said it would depend on the amount of money and they have it set so that it probably would not impact someone who was remodeling, but he said if you begin to add on to the square footage and it falls into the parameter of greater than 50% then you may be looking at something with sprinklers.

Trustee Homan suggested another situation whereby a commercial owner in the Village has to do some remodeling to attract renters. She asked if that would trigger having to install sprinklers.

Chief Perez responded that it would not trigger sprinklers. He said it would have to be a new addition or a brand new structure. He said there is some language in the Code that addresses the

dollar amount of improvements. He said he believes the amount is set high enough that it would not be an issue.

Trustee McDonough asked if the 3,000 sq. ft. includes the garage.

Chief Perez said the garage would not be included unless there was a living space above the garage.

Trustee McDonough asked what the additional cost would be for a sprinkler system.

Chief Perez said it is about \$1.75 to \$2.25 per square foot. He said currently if any portion of your structure sits greater than 150 feet back from an existing fire hydrant, you have to install a hydrant to bring it back into code. He said the cost today to run 150 feet of 6-inch line plus a hydrant is around \$11,000. He said to install a full sprinkler system on a home that is 2,500 to 3,000 square feet, the cost is around \$7,500. He said you could also realize a discount in insurance premiums from some companies, but not all companies.

Trustee Homan asked if water pressure at the fire hydrants would also be an issue with sprinklers in the homes and businesses.

Chief Perez responded that the amount of pressure required for the sprinkler system is much less than that required for the fire hydrants. Chief Perez then played the video entitled Marble Mountain Sprinkler Burn, produced by the Orange County, California, Fire Department

Duane Brown, 1110 El Alhambra Circle, said since this is a public safety issue, why not follow the Scottsdale example and go to zero tolerance on all residential structures. He said that would be his suggestion as a resident. He said he thinks \$7,500 to put it in would be more than worth it.

John Wilgohs, Volunteer Coordinator, said he has more than 18 years experience as a firefighter. He said that nowadays contractors are using much lighter weight building materials and once a fire gets started in a house, those building members tend to fail a lot quicker. He said he would like the Board to consider a different aspect of the code that will help protect the lives of the firefighters.

Trustee Homan asked if there is going to be a public forum for comment, followed by another discussion by Trustees and then final adoption of the ordinance.

Administrator Vigil said Attorney King has been reviewing the Fire Code and she has some questions on the process. He said tonight was the first public hearing on the proposed ordinance for adoption. He said they will then publish a notice that the Board is intending to adopt this ordinance and allow comments to be made either in writing or in person with the Fire Department. He said there is a 30-day period where they have hearings and if during that process they make substantial changes to the ordinance as it was advertised from this hearing, then they bring it back to the Board with those changes and a request for a second advertisement before adoption. He said if there are no substantial changes, then it will be brought back in 30 days for final adoption and it takes effect 5 days after publication.

MOTION: Trustee Homan moved approval to advertise in summary an ordinance adopting the International Fire Code 2003 edition. Trustee Lopez seconded the motion.

Trustee Rael offered a friendly amendment that would establish zero tolerance rather than over 3,000 sq. ft.

Trustee Homan accepted Trustee Rael's friendly amendment and said she thought that would draw enough attention for comment.

Mayor Abraham asked what all would be included in zero tolerance and whether it would include remodels and if they would automatically have to use sprinklers.

Administrator Vigil said the way it is worded right now it would say "all new commercial structures and residential structures." He said they would delete the words after the comma which state: "including attached and detached garages and shops over 3,000 square feet."

REVISED MOTION: Trustee Homan moved approval to advertise in summary an ordinance adopting the International Fire Code 2003 Edition and include several amendments to the 2003 IFC to require automatic fire sprinkler systems with zero tolerance in all new commercial structures and residential structures. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 3-Side 1-Index #006

9. TRUSTEES INFORMAL DISCUSSION

Trustee Rael asked if there is something going on in the house across the street from him on Osuna.

Administrator Vigil said he would check with Sgt. Lazo, but he had met with him this morning and he did not report any unusual incidents.

Trustee Rael said he had a conversation with Leo Bartolucci and Alfredo Garcia and they asked about honoring the past Mayors and Trustees. He said he thinks they have a legitimate concern because they said if they have to wait until 2008 for the 50th Anniversary, they said they might not make it until then. He said they suggested a plaque being placed on the wall.

Mayor Abraham said they can look into that and maybe put something in the budget for it. He said the type of plaque they were talking about was huge, bronze and expensive. He said they will figure something out.

Trustee Homan said last year and in previous years they have had a holiday reception for Village residents. She asked if they were going to do that again this year.

Mayor Abraham said they were not planning on it.

Tape 3-Side 1-Index #038

10. ADJOURNMENT

MOTION: Trustee McDonough moved to adjourn the meeting at 10:19 p.m. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 4-0.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2007.

ATTEST:

Annabelle Silvas, CMC
Village Clerk