

MINUTES

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

BOARD OF TRUSTEES REGULAR MEETING

January 14, 2009 -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

Kelly S. Ward, Administrator

Linda Seebach, Interim P & Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

Absent:

Annabelle Silvas, Clerk

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held a Regular Meeting on Wednesday, January 14, 2009 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m. He noted that Trustee McDonough would be arriving later.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried, 3-0.

2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT]

None.

3. CONSENT AGENDA

A. MINUTES – NOVEMBER 12, 2008

B. DEPARTMENT AND COMMITTEE REPORTS

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

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

VOTE: The motion carried, 3-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported that:

- About 40 trail signs are being installed on the ditch banks which will make residents aware to pick up after their pets; keep pets on a leash; and keep trails clean.
- The road construction on Rio Grande is completed; people are accepting the stop signs that were installed during the construction; Phase 2 will start south of Chavez all the way to Montaña in March or April; and will include installation of the green thermo plastic bike lane.
- Running increased radar on Rio Grande and various Village streets; also running three small mobile traffic speed signs, as well as alternating a police car that is not running radar but is causing traffic to slow down.
- Will be getting a Village weather station in conjunction with the Cottonwood School at the Unser Museum which will be monitored by the Weather Bug and Channel 4.
- The Lavender Committee is working well and it will be an even bigger event this year.

B. ADMINISTRATOR'S REPORT

Administrator Kelly Ward reported that:

- The Governor has presented a proposal to de-authorize \$263 million of capital outlay appropriations state wide. The final list has not been approved and he is not sure where the Village stands on its appropriations.
- The Gross Receipt Taxes looked okay until checking January's receipts on-line. They are a little off, but not much to panic about yet. In February or March we may need to revise the budget.
- A used rescue vehicle was purchased with State Emergency Management Funds.
- The intersections at 4th Street and El Pueblo and Ranchitos Road are under construction and should be finished by the end of next week.
- Taft Middle School field is nearly complete, and we have performed a walk through and will complete another walk through as soon as the sod takes root.
- Working on the Village Center RFP and will bring it to the Board at the February or March meeting.

C. PLANNER'S REPORT

Planner Linda Seebach reported that:

- She has provided the Board with her Annual Planner's Report.

D. LEGAL REPORT

Attorney Martha King reported that:

- She prepared an answer on the Harold Davis case challenging the Village Sign Ordinance.
- Prepared the Caruso appeal.
- Responded on the Amy Landau case.
- Worked with the Planner on preparing and drafting Ordinances.
- Processed zoning applications.

E. FIRE DEPT. REPORT

Fire Chief Greg Perez reported that:

- The firefighters have completed training on their Hazmat Operation Certification that will help the firefighters to begin their Firefighter II level certification; the department has been covering training on all aspects of the body.
- Thanked everyone who donated food and clothing for their first annual toy and clothing drive in partnership with Sky Dog. He was happy to provide packages of food, clothing and toys to five families in the Village.
- A used rescue vehicle was purchased that was used by an EMS department in Kansas, and will meet the Fire Department's needs. It should be in service by the end of January.
- Continuing to move forward on the construction drawings for the fire station and getting closer to breaking ground around March or April.
- November and December calls totaled 68 and 71 respectively.

5. FINANCIAL BUSINESS

A. CASH REPORT – NOVEMBER & DECEMBER

Treasurer Haines reported that the ending cash balance for the month of November 2008 was \$6,816,387.01 and that represented an increase of \$57,698.88 from the prior month. She said the cash balance without the bonds and open space would be \$2,907,163.71 and the year-to-date expenditures exceeded revenues by \$581,073.18. She said the year-to-date expenditures in excess of revenues without the bond proceeds and open space would be \$150,971.43.

She said the ending cash balance for the month of December 31, 2008 was \$7,087,590.52 which represented an increase of \$271,203.51 from the prior month. She said the cash balance without the bonds and open space would be \$3,159,034.54 and the year-to-date expenditures exceeded revenues by \$309,869.67. She said the year-to-date revenues in excess of expenditures without the bond proceeds and open space would be \$140,232.08.

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

VOTE: The motion carried, 3-0.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-1-1 FISCAL YEAR 2008/2009 MID YEAR BUDGET REVISIONS

Administrator Ward said the Village received a letter from the Local Government Investment Pool on January 12, 2009 suggesting that the Pool's investments took a hit during the last few months. He said it is unclear from their letter what the dollar impact will be, but the Village is guessing that the effective rate of interest income will be about 0 to ½ percent over the next 10 months. He said as a result, Account 36030, Investment Income, should probably be adjusted by \$24,000. He also noted that on page 6 of 68, under Account 45909, Contract Services – Community Events, they are adding \$17,111 to bring the revised budget to \$25,000.

Mayor Abraham said the \$25,000 is basically for the Lavender Festival. He said the Village has been spending as much as \$10,000 but they have to follow the procurement codes and get bids. He said it becomes an unwieldy process in putting on an event like the Lavender Festival. However, he said if they turn the money over to the non-profit Lavender Foundation and let them get the bids, etc., they have the manpower to handle it.

MOTION: Trustee Lopez moved approval of Resolution No. 2009-1-1 with the two changes recommended by Administrator Ward. Trustee Rael seconded the motion.

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

6. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY CONSENSUS PLANNING, INC. AGENT FOR SCM PROPERTY COMPANY, LLC FOR A ZONE CHANGE AND ZONE MAP AMENDMENT FOR PROPOSED LOT C 1-B OF RANCHO ACRES SUBDIVISION IN THE A-1 ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER AREA. THE PROPERTY IS LOCATED AT 4TH AND RANCHO ROAD AND IS LEGALLY KNOWN AS LOT LETTERED "C-1" OF THE PLAT OF LOTS A-1, B-1, C-1 AND D-1 OF RANCHO ACRES, WITHIN PROJECTED SECTION 21, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JUNE 10, 1996 IN PLAT BOOK 96C, PAGE 252. THE PROPERTY CONTAINS 1.8038 ACRES MORE OR LESS. ZMA-08-01. POSTPONED FROM THE DECEMBER 10, 2008 MEETING.

Planner Seebach gave Planning Report No. PZ-08-86 with a recommendation from the Planning and Zoning Commission for approval.

Jackie Fishman, Agent for Consensus Planning, 302 8th Street, NW, Albuquerque, said the property is comprised of 1.8 acres and is located east of 4th Street within the 4th Street Commercial Area. She said the current zoning on the property is A-1 and the applicant's goal is to sub-divide the property into two lots: one lot would be 1 acre and the other lot at .8 acre. She said existing conditions show that this area has changed from rural A-1 lots to more commercial and higher density housing. She said in addition to compliance with the Master Plan, they believe the zone change is justified by the changed community conditions in the area surrounding 4th Street between the Chamisal Lateral and Ranchitos Road.

Opposition:

No one spoke in opposition.

Questions from Board of Trustees:

Trustee Lopez asked what the range of sale price would be for the homes.

Jackie Fishman responded that they are not sure at this point.

Trustee Rael asked how this would differ from the situation with Amy Landau.

Attorney King responded that the changing conditions in the neighborhood support the request and it is in the 4th Street Character Area rather than the Guadalupe Character Area.

Trustee Rael asked if the road shown going to the inner lot is in place.

Jackie Fishman said that would be something that the applicant would be building and it is the subject of a maintenance agreement with the neighbors which is now on file with the County.

Trustee Homan asked for the width of the road way.

Jackie Fishman answered that it was 20 feet and has a turnaround per the Fire Marshal's requirement.

MOTION: Trustee Homan moved to approve the Zone Change and Zone Map Amendment for proposed Lot C1-B of proposed Vista Bonita subdivision from A-1 to R-2 in the Fourth Street Character Area with significant findings to be made note of:

Findings:

The property is zoned A-1 and lies within the 4th Street Character Area.

The proposed zone change and zone map amendment meets the zone change requirement: There has been a change in conditions since the Zoning Ordinance and Zone Map was enacted by the Village Trustees that warrants a zone change. As pointed out much of the redevelopment was in the area.

The proposed zone change and zone map amendment meets the requirement that: “[t]he regulations and restrictions of any county or municipal zoning authority are to be in accordance with a comprehensive plan”.

The 2010 Master Plan 4.7.2 Commerce Goal, 4.7.2.1 Objectives k) Encourage rezoning to less intensive commercial uses in the Fourth Street Character Area and l) Encourage denser housing in the Fourth Street Character Area. This will help support both of those goals.

The 2010 Master Plan 4.02 Overall Village Goals: The Goal is to reflect a village character through:

- Relatively low density and diversified residential land uses.
- Density and intensity of village scale commercial development appropriate to village needs and primarily focused on 4th Street
- Continued agricultural uses, including animal husbandry; and
- Preservation of historic or archeologically significant features, traditional land use patterns and identifiable family vernacular characteristics (such as tripas, acequias...)

The 2010 Master Plan 4.6.2. Residential Goal: The goal is to maintain residential development in keeping with the rural and diverse character of the Village.

Section 4.6.2.1 Objectives

- Encourage diversity in residential types, which this will do.
- Allow higher density residential uses along Fourth Street. It is higher than currently exists.

The property is differentiated from other property in the area between 4th Street and the Chamisal Lateral because it is located in the Fourth Street Commercial Character Area where other properties are located in the Chamisal, Paseo or undesignated Character Areas.

R-2 zoning for Lot C1-B is a reasonable step down in density based on surrounding C-1 zoning and higher density SUP-PRD Development in the near vicinity.

Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. A REQUEST BY FRANK AND FRANCYANN MARTINEZ, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT FOR FAMILY TRANSFER SUBDIVISION IN THE A-1 ZONE OF THE GUADALUPE TRAIL CHARACTER AREA. THE PROPERTY IS LOCATED AT 8434 GUADALUPE TRAIL AND IS LEGALLY KNOWN AS TRACT NUMBER ONE (1) OF TRACTS 1,2,3,4 AND 5 OF THE LANDS OF FLORA C. ROMERO, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW

MEXICO ON SEPTEMBER 6, 1973. THE PROPERTY CONTAINS 1.135 ACRES MORE OR LESS. SU-08-02 – POSTPONED FROM THE DECEMBER 10, 2008 MEETING

Attorney King swore in those wishing to speak on Items 6.B. and 6.C.

Planner Seebach gave Planning Report No. PZ-08-104 with a recommendation for approval from the Planning and Zoning Commission with conditions and findings.

Jesse Garza, 8434 Guadalupe Trail NW, said they are requesting a Special Use Permit to do a family transfer. He said the property has been in the family for over 75 years and his in-laws would like to divide the property between his brother-in-law and his wife so they can start to build a home on the property.

Trustee Lopez said he has been a big supporter of family transfer subdivisions and if they can keep some of the families who have been here in the Village for a long time, then he believes it is the right thing to do.

Opposition:

No one spoke in opposition.

MOTION: Trustee Rael moved to approve the Special Use Permit for a family transfer of subdivision in the A-1 Zone of the Guadalupe Trail Character Area. Trustee Homan seconded the motion.

Mayor Abraham asked for findings.

Trustee Rael said the findings were:

- 1) The transfer of title to the new parcel is made to a first-degree family member either immediately upon subdivision of the original lot, or upon the death of the original owner.
- (2) Title to either of the parcels derived by family transfer may not be changed for a period of three years from the date of subdivision, except upon the death of a title holder.
- (3) Family members receiving the lots will sign an affidavit to be filed with the County Clerk attesting to compliance with Section 16(B)(15)(c) and (d) as above.
- (4) Application for subdivision S-08-07, a two lot, minor subdivision is approved.

Trustee McDonough asked for clarification if those were the Conditions of the approval, rather than Findings.

Trustee Rael said those items just mentioned were Conditions and the Findings were:

1. Family Transfer Subdivision is allowed under Ordinance 183 as amended, Section 16, Special Use Permit §B(15).
2. The subdivision meets the requirements of Ordinance 183, Section 16§B(15) as amended, for family transfer subdivision.
3. The 2010 Master Plan 4.6.2.2 Policy A: Enforce zoning densities and design requirements in residential areas.
4. The 2010 Master Plan 4.1.2 Village Form Goals. Policy B. For each of the character areas and residential corridors, the Village will preserve the unique characteristics. Action Steps:
 - Use
 - Historic styles
 - Placement of buildings
 - Setbacks
 - Views
 - Lot Patterns, and
 - Density
5. Master Plan 4.6.2 Residential Goal: The Goal is to maintain residential development in keeping with the rural and diverse character of the Village.
 - Preserve qualities that reflect the Character of the Village
 - Preserve existing low density residential uses in the Rio Grande and Guadalupe Trail corridors.
 - Preserve traditional development patterns.
6. Ordinance 183, Section 1 (C). It is the purpose of this Ordinance to require development and redevelopment of land in the Village in a manner that retains and enhances the economic, historical, architectural, educational, civic, social, cultural, and aesthetic values, and the overall quality of life within the community.

Trustee Lopez seconded the motion.

Trustee McDonough said that it is his understanding that the requirements for a family transfer were that the transfer of title goes to a first degree family member, that there can be no change of ownership for three years, and that an affidavit would be filed with the County Clerk to comply with all the requirements. He asked if Jesse Garza agreed with that.

Jesse Garza said that was understood and he agreed.

VOTE: The motion carried unanimously, 4-0.

C. A REQUEST BY FRANK AND FRANCYANN MARTINEZ, PROPERTY OWNERS, FOR FINAL PRELIMINARY PLAT APPROVAL FOR FAMILY TRANSFER SUBDIVISION IN THE A-1 ZONE OF THE GUADALUPE TRAIL

CHARACTER AREA. THE PROPERTY IS LOCATED AT 8434 GUADALUPE TRAIL AND IS LEGALLY KNOWN AS TRACT NUMBER ONE (1) OF TRACTS 1,2,3,4 AND 5 OF THE LANDS OF FLORA C. ROMERO, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 6, 1973. THE PROPERTY CONTAINS 1.135 ACRES MORE OR LESS. S-08-07- POSTPONED FROM THE DECEMBER 10, 2008 MEETING

Planner Seebach gave Planning Report No. PZ-08-105 with a recommendation of approval from the Planning and Zoning Commission with conditions and findings.

MOTION: Trustee Lopez moved to approve the preliminary plat for a minor, two lot, family transfer subdivision in the A-1 Zone of the Guadalupe Trail Character Area, with conditions:

- (a) Adequate ingress and proximity to fire hydrants are available.
- (b) The transfer of title to the new parcel is made to a first-degree family member either immediately upon subdivision of the original lot, or upon death of the original owner.
- (c) Title to either of the parcels derived by family transfer may not be changed for a period of three years from the date of subdivision, except upon the death of a title holder.
- (d) Notarized affidavits from each family member attesting to compliance with Section 16§B(15)(c) and (d) conditions must be filed with the County Clerk at the time of subdivision plat recording.
- (e) The Final Plat must be approved by the Planning and Zoning Commission.
- (f) The subdivision is governed by Ordinance 183, Section 6 as amended.
- (g) All the requirements of the Albuquerque/Bernalillo County Water Utility Authority shall be met in the installation of the utilities, and new ABCWUA rules and regulations will be followed in the subdivision.

With the findings:

1. Family Transfer Subdivision is allowed under Ordinance 183 as amended, Section 16, Special Use Permit §B(15) and SUP-08-02 has been approved.
2. The subdivision meets the requirements of Ordinance 183, Section 16§B(15) as amended, for family transfer subdivision.
3. The subdivision meets the requirements of Ordinance 182, the Subdivision Ordinance.
4. The 2010 Master Plan 4.6.2.2 Policy A: Enforce zoning densities and design requirements in residential areas.

5. The 2010 Master Plan 4.1.2 Village Form Goals. Policy B. For each of the character areas and residential corridors, the Village will preserve the unique characteristics. Action Steps:
 - Use
 - Historic styles
 - Placement of buildings
 - Setbacks
 - Views
 - Lot Patterns, and
 - Density
6. Master Plan 4.6.2 Residential Goal: The Goal is to maintain residential development in keeping with the rural and diverse character of the Village.
 - Preserve qualities that reflect the Character of the Village
 - Preserve existing low density residential uses in the Rio Grande and Guadalupe Trail corridors.
 - Preserve traditional development patterns.
7. Ordinance 183, Section 1 (C). It is the purpose of this Ordinance to require development and redevelopment of land in the Village in a manner that retains and enhances the economic, historical, architectural, educational, civic, social, cultural, and aesthetic values, and the overall quality of life within the community.

Trustee McDonough seconded the motion.

Trustee Homan asked how many feet from the southern boundary of the subdivision the existing house would be.

Jesse Garza replied Lot A was where the existing house was and it was approximately 35 feet from the back porch of Lot A to the boundary line.

VOTE: The motion carried unanimously, 4-0.

D. A REQUEST BY GENE AND AURORA GALLEGOS FOR A SPECIAL USE PERMIT FOR AN OPEN AIR FLEA MARKET IN THE C-1 ZONE. THE PROPERTY IS LOCATED AT 300 EL PUEBLO AND IS LEGALLY KNOWN AS TRACT 140-G1 M.R.G.C.D. MAP NO. 24, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AUGUST, 2002 AND TRACT 140C1 M.R.G.C.D. MAP NO. 24, LANDS OF POMPA, GRIEGO AND FRANCO FILED IN THE OFFICE OF THE BERNALILLO COUNTY CLERK ON 8/6/76, VOLUME D2-A, FOLIO. THE PROPERTY CONTAINS 2.380 ACRES MORE OR LESS. SU-08-01-POSTPONED FROM THE DECEMBER 10, 2008 BOARD MEETING

Attorney King swore in those persons wishing to speak on Item 6.D.

Planner Seebach gave Planning Report No. PZ-08-106 with a recommendation of approval from the Planning and Zoning Commission with conditions and findings.

Gene Gallegos, 9921 Greene Ave., NW, said he and his wife are the owners of the property at 300 El Pueblo. He said an open air market will benefit the Village by increasing Gross Receipts Tax, it will benefit the merchants because they will be able to recycle their excess household goods while supplementing their personal income. He said the buyers will also be able to shop without driving a long way from home and will be able to save money on items bought from their neighbors in the community. He said this market will not limit itself to only one type of merchant. He said this will not be another agricultural products market, it will be an open community market where all merchants and buyers are welcome. He said he realizes the name “flea market” conjures up a vision of nearly homeless people selling junk. He said that is why he prefers the name “open air market.” He said he will run this venture with an iron hand and he has a plan for collecting the gross receipts tax.

Trustee Lopez asked if the market was going to be open for 3 or 4 days a week.

Gene Gallegos responded that it would possibly be 2 or 3 days a week: Friday from 10 a.m. to 4 p.m., maybe, and Saturday and Sunday. He said on Saturday and Sunday it would be from sun up till 4 p.m.

Trustee Homan asked if the ground surface was going to be paving.

Gene Gallegos said that it would not be paving. He said he is looking at some type of hard grass or gravel and tree shavings for the parking lot.

Trustee Homan asked if the vendors would be setting up booths on occasion.

Gene Gallegos responded that they will drive up in their automobile, park, take their things out and sell them. He said at the end of the day, they load them up in the car and take them home.

Trustee Homan said in order for them to collect gross receipts taxes, they would have to have a state tax ID. She asked how that would work.

Gene Gallegos said he could not explain, but the Village Zoning Department told him he would have to find a way to collect gross receipts. He said he has not yet gone to find out if they put it under his name or what he has to do.

Mayor Abraham said that if they had a license the license would collect gross receipts from wherever that license is at. He said they would not be able to collect Los Ranchos gross receipts unless that license is actually from Los Ranchos.

Gene Gallegos said they would have to get a license using his address if they are going to be selling at his flea market. He said he would make one of his requirements that sellers obtain a license from the Village. He said several people had indicated interest and he had informed them they would need a Village license.

Trustee Rael asked how Mr. Gallegos would handle sellers who were only going to be there for the day or for a weekend.

Gene Gallegos said he would have to research that because he thought the Village would help him find out how to do that. He said it is his intent to collect the tax. He then described how he planned to run the open air market.

Trustee McDonough said that with that many vehicles and that much traffic on that small a property, he wanted to know how Mr. Gallegos was going to control the cars coming in and exiting.

Gene Gallegos said he would have someone at the gate and he intends to have at least 6 to 10 people working for him. He said he would be charging the merchants \$15 per day and then \$2 for parking.

Trustee Lopez asked Attorney King if the open air markets that are in the vicinity have a similar situation where all the gross receipts go back to say, Albuquerque.

Attorney King said her impression is that they do not collect gross receipts tax but she would need to check on it.

Trustee Lopez said he believes there is some ambiguity concerning how the tax will be collected. He said they might be better off deferring this item for 30 days until some of the questions can be answered.

Gene Gallegos explained that he did not volunteer to collect the taxes; the Village of Los Ranchos said he had to collect the taxes. He said the State of New Mexico who owns the one in the Heights does not collect taxes from the merchants and the ones in the South Valley do not collect taxes either.

Planner Seebach said it was her understanding that when a merchant came in and sold at a flea market, that they made \$70 and then they paid tax on that \$70 they had made. She said she may have been mistaken.

Trustee Homan asked Attorney King to check on any type of legality around a third party collecting gross receipts on behalf of a government.

Trustee McDonough noted that with the intensity of use, the conditions of the ground will be changed and excess drainage will be generated when it rains. He said it will not percolate as much as undisturbed soil. He said there would also be a concern about dust and there needs to be some sort of covering of that ground to manage the dust and then that would generate excess drainage flows. He said someone needs to look at drainage control on the site. He said he is also concerned about managing the traffic flow when you have pedestrians walking around and looking at goods.

Trustee McDonough said Mr. Gallegos needs to provide more detail on how he intends to develop the site, what kind of ground cover he plans to use, and the tax issue. He said he has concerns about flea markets being essentially fencing operations. He said he also has concerns that if there is a \$2.00 charge for parking, how are the cars going to be prevented from parking on the street?

Gene Gallegos said there is no place to park on the street. He said he has made arrangements for the Church to close off their parking lot.

Trustee McDonough said it would be hard to support without nailing down some of the answers to the questions they have come up with.

Trustee Rael asked Planner Seebach if there had been any discussion on drainage in Planning & Zoning.

Planner Seebach replied that discussion had been held concerning harvesting water to water the landscape. She said they discussed trenching and leveling to where it would water the landscape.

Gene Gallegos said the water that goes into his property comes from out on the street.

Trustee Homan said they were all intrigued by the potential of this property, but she suggested the item be tabled until next month when they can receive additional answers to their questions.

Gene Gallegos asked for the reasons for postponement. He said he understands they need a study for the drainage.

Trustee McDonough said they are asking for a specific operating plan on how the flea market will be operated and managed, the drainage issue, how Mr. Gallegos will grade it to manage the drainage issue, what the surface or material of the site is going to be and a grading and drainage plan.

Gene Gallegos said when his tenant moved out and left all the trash, he came and asked if he could do this and he was told there was no problem if he just cleaned it up and then came back in to get the license. He said he cleaned it up and now he has been told no, you have to get a specially drawn plan and get everything together. He said he has been dealing with this for over 8 months trying to get permission to use this property in a productive way not only for himself but for the community. He said he has now spent money and will have to spend more money on a drainage study.

MOTION: Trustee Homan moved to defer the application until the second Wednesday in February 2009. Trustee McDonough seconded the motion.

VOTE: The motion passed unanimously, 4-0.

E. A REQUEST BY THE VILLAGE OF LOS RANCHOS FOR FINAL SITE DEVELOPMENT PLAN FOR COMMERCIAL CONSTRUCTION IN THE C-1 ZONE OF THE FOURTH STREET CHARACTER AREA AND CORRIDOR TO RE-CONSTRUCT THE DONATED BARN FOR UTILIZATION AS FEED STORAGE FOR MILLER'S FEED AND SUPPLY. THE PROPERTY IS LOCATED AT 8747 4TH STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND, BEING KNOWN AND DESIGNATED AS TRACT 122-B-1 AS THE SAME IS SHOWN AND DESIGNATED ON THE M.R.G.C.D. MAP NO 24, IN ALAMEDA SCHOOL DISTRICT NO. 3, SECTION 16, T11N, R3E, N.M.P.M. THE PROPERTY CONTAINS 5.1712 ACRES MORE OR LESS. SDP-08-05-POSTPONED FROM THE DECEMBER 10, 2008 MEETING.

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

Planner Seebach gave Planning Report No. PZ-08-87 with a recommendation of approval from the Planning and Zoning Commission with conditions and findings.

Trustee McDonough asked if the shipping containers would no longer be used for storage when they build the barn.

Administrator Ward said that was correct.

Trustee McDonough said there is a retention pond shown as part of the drainage plan. He said he believes there are requirements as to how quickly the ponds needed to drain to not become a public nuisance.

Trustee Lopez said the requirement is 96 hours for the pond to drain.

Planner Seebach said there would be rocks or some material to help it drain. Also, she said the Village ordinance had to be addressed due to the requirement that the pond drain in 24 hours. She said when the ordinance was written, AMAFCA, Bernalillo County, and Albuquerque requirements were used. She said the requirements were that the pond drain in 24 hours with an outfall and it was 96 hours with infiltration. She said the "with an outfall" was left out of the ordinance. She said she was recommending that on the next application the requirement for 24 hours for percolation time for soil conditions in the Village be waived and that staff be directed to amend Ordinance 221 to be either 24 hours with an outfall or a longer period of time, whatever the Board would suggest for percolation.

Trustee McDonough said he would be comfortable with either of those, as long as there is a set period. He said 96 hours is the maximum. He noted that there is a condition in a commercial development where the pond never drains and mosquitoes breed. He said he would not like to be a part of that.

Administrator Ward said since this is Village property, that that situation would not be allowed to develop. He said also on 4th Street, a particular development was asked to punch holes beyond the clay and it worked. He said if that situation is found, then accommodations would be made to ensure that the pond would drain.

Trustee McDonough said that currently there is no gate preventing access from 4th Street to the open space. He asked if that could be made part of the plan.

Administrator Ward responded that the Village has the old gate from that area and the plan is to put that gate back up.

MOTION: Trustee McDonough moved to approve the Final Site Development Plan to allow for commercial construction in the C-1 Zone of the Fourth Street Character Area and Corridor to re-construct the donated barn for utilization as feed storage for Miller's Feed and Supply with the following conditions:

- 1) The grading and drainage plan be implemented as approved.
- 2) The barn shall be used as an accessory building for storage as long as Miller's Feed occupies the store front.
- 3) Should Miller's Feed cease to occupy the store front, the barn may be utilized as the Village determines.
- 4) That with the completion of the barn, Miller's Feed move in a reasonably expeditious manner to remove the shipping crates that are currently used for storage.
- 5) That a gate be installed to limit vehicular traffic into the Village Open Space.
- 6) That positive drainage be provided in the retention pond that will drain the pond in a maximum of 96 hours.

Findings:

- 1) The property is zoned C-1.
- 2) The barn is an allowable use in the C-1 zone, Section 10 §(B)(5) Agricultural activities, including the raising, harvesting, and storage of fruits, vegetables, grain, hay and feed, poultry, rabbit, and livestock keeping and raising, for commercial or non-commercial purposes; and Section 10§(B)(14) Retail sales (57) *Feed stores*.
- 3) The 2010 Master Plan 4.7.2 Commerce Goal: The goal is to revitalize the 4th Street area as the Village's major commercial and mixed use corridor through both public and private efforts.
- 4) The 2010 Master Plan 4.7.2.1 Objectives: *Beautify 4th Street*. The barn is certainly more attractive and more in keeping with the Village style and agricultural nature than storage crates.

Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Mayor Abraham called for a 5-minute break at 8:40 p.m. The meeting resumed at 8:50 p.m.

F. A REQUEST BY SUSAN UNSER FOR MONTAÑO LAND COMPANY AND THE VILLAGE OF LOS RANCHOS FOR A ZONE CHANGE AND ZONE MAP AMENDMENT FROM A-1 TO C-1 IN THE DIETZ FARM CHARACTER AREA. THE PROPERTY IS LOCATED AT 1776 MONTAÑO ROAD NW AND LEGALLY KNOWN AS LOT 1, RACING MUSEUM SUBDIVISION, THE

SOUTHWESTERLY PORTION TRACT 8-A-1, LOS POBLANOS RANCH, AS SHOWN ON M.R.G.C.D MAP 31, NOW BEING LOTS 1 AND 2, WITHIN THE ELENA GALLEGOS GRANT, PROJECTED SECTION 31, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS, BERNALILLO COUNTY, NEW MEXICO, JUNE 16, 2005 AND LOT 2-A, PLAT OF LOTS 2-A AND 2-B, RACING MUSEUM SUBDIVISION, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, FEBRUARY 2007. LOTS 2-B-1 AND 2-B-2, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, DECEMBER, 2008. THE PROPERTY CONTAINS 5.0119 ACRES, MORE OR LESS. ZMA-08-03

Attorney King swore in those persons wishing to speak on Items 6.F. and 6.G.

Planner Seebach gave Planning Report No. PZ-08-110 with a recommendation of approval from the Planning and Zoning Commission.

Trustee Rael suggested that they were trying to clear up an error that was made in 2004.

Planner Seebach said that when the property was annexed, it was zoned A-1 but Montaña Bridge has gone in causing a lot of changing conditions.

Trustee McDonough asked why Planning and Zoning would want to change it from C-1 Zone back to a Special Use Permit down the road.

Planner Seebach responded that we went away from Special Use Zoning, but now we are coming back to it again.

Administrator Ward said the reason the Village might want to return to Special Use Zoning is because there are some unique conditions in the Village, not just this property, where current zoning does not accommodate the envisioned use. He said on this particular property, they would want to maintain the look and feel of it. He said C-1 allows for a range of uses that are not conducive to the neighborhood. He said in order to limit it to the use that the Village prefers as the owner of the property, he thinks it would be appropriate to come back through the mechanism of a new ordinance that would allow for special use zones under certain conditions and for certain properties.

Susan Unser said they will continue to work with the Village.

Dan Mayfield, 5515 Poblanos Court, said when the motion was made by Commissioner Brawley for the zone change, he stated that a plan had been developed by the Planning Officer to address the buffer on the east side between a commercial and residential zone and that the appropriate legal document be prepared that requires the Village to state the time table when the zoning would be changed to a Special Use Zone. He said the zoning calls for a 15-foot buffer.

Planner Seebach said under Section 18, Landscaping, it says that “standard buffing landscaping strip be at least 15 feet wide located along the boundary between residential use and non-residential uses.” She said it also notes: “The Director may approve an alternative landscape if he finds that noise, light and sound buffering of the residential zone can be accomplished as well with an alternate plan.” She said there is a 6 foot wall

that runs along that side of the development and they have alternated every 4th or 5th tree to put at the end of the parking space which would be a sound buffer and provide shade for the parking space as well.

Theresa Mayfield, 5515 Poblanos Court, said the landscaping issue was brought up at the Planning and Zoning Commission and two of the Commissioners were on board with having green landscaping on the west side of their wall. She said she wants to make sure that the zoning will revert back to the Special Use Zoning within a year because they feel that commercial is not a suitable designation for the property there since it is surrounded by a residential area.

Bill Chappell, Chappell Law Firm, 6001 Indian School, said with respect to changing zones again because of the zoning requirements there could be some issues in doing that. He said he was going to suggest that if the Village wants to restrict it to the kinds of uses that could be approved in a special use zone, because you are the owner of the land, you could file covenants on the land which would restrict it from other uses and accomplish the same thing.

Dan Mayfield said they were led to believe that the zone change actually requires the landscaping and the 15-foot buffer on all the property.

MOTION: Trustee Rael moved to approve the request for a Zone Change and Zone Map Amendment from A-1 to C-1 zoning for the Unser Racing Museum Subdivision in the Dietz Farm Character Area, with the directive to staff that at such time as special use zoning is approved by this body, that these properties will come back for that special use zoning.

Findings:

1. The zone change and zone map amendment is allowable under the “test” for zone change:
 - a) Significant change has occurred since the property was zoned A-1; the Montañño Bridge has created a major thoroughfare between East and West, with commercial development between the Museum and 4th Street.
 - b) An error or mistake was made in 2004 when a zone change to C-1 would have been the appropriate action to allow for the museum;
 - c) Public, rather than private, good is derived from a zone change to C-1, as land uses should be appropriately zoned.
2. Section 10(B)(13)(c) allows museums in the C-1 Zone.
3. Section 10(B)(14)(j) allows Offices and Professional Offices in the C-1 Zone.
4. The amendment meets the Master Plan goal 4.02 *to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.*

5. The amendment meets the Master Plan goal 4.1.2 *to preserve and enhance the historic and “Valley” character of Village neighborhoods, roadways, mixed-use centers, and corridors.*
6. The amendment meets the Master Plan goal 4.1.2.2 Policy A. *The Village will promote private development that is in keeping with Villagescale.*
7. The amendment meets the Master Plan goal 4.5.2.2 Policy A. *The Village will utilize and enhance local cultural features as a way to create a sense of place.*
8. The amendment meets the Master Plan goal 4.7.2 Policy B. *The Village will recognize and enhance the commercial activities.*
9. The amendment meets the Master Plan goal 5.2.5 Policy 5. *The Village will revise its review procedures...to conform to Master Plan goals.*

Trustee Lopez seconded the motion but inquired if the 15-foot landscape buffer could be covered in the next item.

Planner Seebach said it would be addressed.

Mayor Abraham said just for clarification, it was stated: The Village will apply for Special Use Zoning for the Racing Museum Subdivision if a Special Use Zone Ordinance is adopted. He said, should it not say in lieu of, adopt covenants to restrict the use of the land to be more conducive.

Trustee Rael said he would accept the amendment.

Trustee McDonough said it was his understanding that all the land to be zoned C-1 was not owned by the Village, therefore could the other property be included, with an agreement with the Unser's?

Mayor Abraham said that ideally we want to get there, whether we do it by Special Use or through restrictive covenants we will get to the same place.

Dan Mayfield said he was concerned that covenants do not carry the same weight that zoning action carries. He said when final zoning is in place and changes are made, there is public input. He said he has lived in neighborhoods where covenants are there, but enforcement is difficult. He said he would prefer that it be done by zoning.

Trustee McDonough asked if it could be stated that as such time as special use zoning is approved by this body, that these properties will come back for that special use zoning.

Trustee Rael accepted the amendment.

VOTE: The motion carried unanimously, 4-0.

G. A REQUEST BY SUSAN UNSER FOR MONTAÑO LAND COMPANY FOR FINAL SITE DEVELOPMENT APPROVAL FOR THE CONSTRUCTION OF A

20,000 SQUARE FOOT BUILDING TO HOUSE THE CHALLENGER LEARNING CENTER AND RACING MUSEUM ANNEX. THE PROPERTY IS LOCATED AT 1776 MONTAÑO ROAD NW AND LEGALLY KNOWN AS LOT 2-B-1 OF PLAT OF LOTS 2-B-1 AND 2-B-2, RACING MUSEUM SUBDIVISION, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, DECEMBER, 2008. THE PROPERTY CONTAINS 1.6439 ACRES, MORE OR LESS. SDP-08-07

Planner Seebach gave Supplemental Planning Report No. PZ-08-112 concerning the Grading and Drainage Plan for the Racing Museum Subdivision. She said a grading and drainage plan had not been done in 2004 and it needed to be done for the whole property. She said they have been working on a grading and drainage plan for the Unser Subdivision since that time. She said it has now been developed. She said there were three problems associated with it: 1) there is offsite storm water that flows off Montaña on to the Unser property; 2) the AH Flood Zone that is in the front portion of the property; and 3) the problem of the Village Ordinance requirement that the pond empty in 24 hours. She said if the Board agrees, they were requesting that the 24 hour infiltration of the pond be waived and that staff be directed to amend the ordinance so that it reads more conducive to onsite ponding that would realistically drain in 24 hours with an outflow, if there is an outflow possible.

Trustee Lopez noted that the State standard for emptying pond water is 96 hours and he would like to see that correction made. He asked how this approval of the Grading and Drainage Plan affects the landscaping.

Planner Seebach responded that they will have to have a meeting with Advanced Engineering to make sure they are compatible.

Trustee Lopez said he is not clear on exactly what they are supposed to be approving.

Mayor Abraham said he believes if you approve the Site Development Plan, you approve the Grading and Drainage Plan. He said you cannot take a separate action that is not on the agenda.

Planner Seebach gave Planning Report No. PZ-08-111 for the Final Site Development Plan for the Challenger Learning Center and racing annex with a recommendation of approval from the Planning and Zoning Commission with conditions and findings.

Joe Slagle said he is the Architect working with the Unser's on the project. He said there were three major items discussed at the Planning & Zoning Commission meeting that had to do with the landscape plan. He said the first item was the buffer along the east wall, the second was the drainage pond, and the third was the addition of cottonwood trees. He said there was concern by the neighbors that they not add any additional seeded cottonwoods. He noted that they have sacrificed 5 parking spaces to create a landscape island and situated the trees in 6 locations along the east property line at least 15 feet away from the wall so that there would be no root damage to the existing wall. He said the Site Development Plan is only for Lot 2-B-1.

Dan Mayfield said the result of all this is wonderful because the Challenger program is great, but there is an increase in traffic and noise. He said when they attended the Commission meeting, they were under the impression that the 15-foot buffer would go completely around the property.

Trustee Lopez said he understands that the Grading and Drainage Plan took a long time to prepare because it is so comprehensive. Therefore, he said with the pond location, the 15-foot buffer does not seem to be feasible.

Theresa Mayfield said her understanding from the draft minutes of the Planning and Zoning Commission meeting was that Commissioners Radnovich and Brawley were not aware of a 15-foot buffer zone being required. She said there appears to be a disconnect between the Board and the Commission.

Mayor Abraham said the site plan where there is no buffer zone has already been approved.

Administrator Ward said the ordinance does envision the type of activity where you have commercial activity in proximity to a residential neighborhood and it allows for the accommodation of a buffer to be made in a 15-foot screen and alternatives. He said those alternatives specifically were a solid wall, 6 feet high.

Trustee McDonough said he thinks it is important to recognize that the 15-foot buffer requirement was in place prior to any discussion about the rezoning. He said it has been there and he can only assume that what has been there was considered an effective alternate to a 15-foot landscape buffer. He said he believes the other consideration is that as the site develops, there are more uses, more activities and there are diminishing parking spaces. He said he believes they have been sensitive to the issues of the neighbors and believes the Village has worked hard to find a balance between those two.

Ruth Tiny (not sworn in), 5527 Poblanos, said she did not want any confusion about the wall and it needed to be understood that it is set in one foot from the property line and then there is a utility easement and a wrought iron fence along the Unser property. She said she wants it to be understood that the wall belongs to the residents.

MOTION: Trustee McDonough moved to approve the Final Site Development Plan for the Challenger Learning Center and racing annex in Building 3 on Lot 2-B-1, in the C-1 Zone of the Dietz Farm Character Area with the conditions:

- 1) The air conditioning units on Building 3 are completely housed in a manner to achieve noise abatement.
- 2) The grading and drainage plan is to be implemented in conjunction with any building permit.
- 3) The building shall be sprinkled as per the recommendation of the Los Ranchos Fire Department and all other conditions required by the Fire Department shall be met.
- 4) The Dark Skies ordinance shall be met.
- 5) All appropriate zone reviews and parcel permits for gross receipts tax shall be obtained from the Village and building permits from Bernalillo County.

- 6) The Use of the property shall at all times conform to all applicable state laws and Village Ordinances.

With the following findings:

1. The Zone Change and Zone Map Amendment from A-1 to C-1 has been approved.
2. The Site Development Plan meets Section 24(E)(1) as amended.
3. The Site Development Plan meets Ordinance 211, Section V(F).
4. A conditional use permit was issued for the Challenger Learning Center on October 14, 2008.
5. The proposal complies with the 2010 Master Plan, Section 4.02 which states that one of the overall Village goals is *"to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle."*
6. Master Plan goal 4.1.2.2 Policy A. *The Village will promote private development that is in keeping with Village scale.*
7. Master Plan goal 4.5.2.2 Policy A. *The Village will utilize and enhance local cultural features as a way to create a sense of place.*

Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

7. OLD BUSINESS

None.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN ORDINANCE CREATING A NEW PLANNING AND ZONING ACTION MATRIX- AND REPEALING ORDINANCE NO. 186. POSTPONED FROM THE DECEMBER 10, 2008 MEETING

Trustee McDonough said he had a question about the item on variance designated for the Commission to deal with in final form. He asked if that was a variance for anything; i.e., subdivision requirements, site plan requirements, etc.

Planner Seebach responded that there are only certain things that are allowed to have a variance.

Trustee McDonough said he also questions the Director being the approver for a sidewalk café.

Planner Seebach responded that this is covered under Section 24.C.(b), Planning Director Issued Permits.

Mayor Abraham said he thought the intention was if you just had a table outside of your existing restaurant.

Trustee Rael said he has a problem with a minor subdivision being approved by the Director.

Planner Seebach said it is in the Subdivision Ordinance that the Director approves minor subdivisions and there is a very narrow definition of minor subdivision.

Mayor Abraham said this matrix is only reflecting what the ordinances already call for.

Planner Seebach said she will send the Board a copy of the old matrix for comparison purposes.

MOTION: Trustee McDonough moved approval to advertise in summary the Ordinance P&Z Action Matrix. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL TO RATIFY APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE REGENTS OF THE UNIVERSITY OF NEW MEXICO AND THE VILLAGE OF LOS RANCHOS AND AUTHORIZATION FOR THE MAYOR TO SIGN THE AMENDMENT

Administrator Ward said this contract needed to be extended or we would not have coverage of the medical advisor for the EMS personnel in the Fire Department. He said this extends our contract with UNM for one more year.

MOTION: Trustee Homan moved approval of Amendment No. 2 to the Professional Services Agreement between the Regents of the University of New Mexico and the Village of Los Ranchos. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

C. DISCUSSION AND APPROVAL OF PURCHASE AGREEMENT BETWEEN PATTY ANDERSON AND THE VILLAGE OF LOS RANCHOS FOR THE PURCHASE OF 19 ACRES OF LAND FOR OPEN SPACE

Administrator Ward said the agreement before the Board also has an amendment that brings the dates that are in the agreement more in line with reality since some of the dates have already passed. He said they are extending the closing date out to accommodate the action at this meeting. He said the stated purchase price is \$310,000 an acre, subject to an appraisal and there is a provision that if the appraisal comes in higher than the \$310,000 then they go to closing. He said if the appraisal comes in lower than the \$310,000, then they have an opportunity to negotiate or to walk away. He said they have Village Open

Space funds for the purchase, State appropriation money, Bernalillo County Open Space funds and a small grant from the Energy, Minerals and National Resources Department.

Mayor Abraham said they have had a meeting of the minds with the Andersons for awhile. He said he would like the Board to vote on something close to this agreement because the Village knows the State is trying to take the grant money away. He said he believes the Village needs some kind of backing from the Board to show the State we are committed to purchasing this property.

MOTION: Trustee McDonough moved approval of the purchase agreement between the Village of Los Ranchos and Patty Anderson authorizing the purchase of real property within the Village of Los Ranchos for designation as open space in keeping with the terms of the agreement. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

D. DISCUSSION AND APPROVAL OF LEASE AGREEMENT WITH MILLER'S FEED AND SUPPLY FOR BUILDINGS AND SURROUNDING PROPERTY AT 8747 FOURTH ST NW

Administrator Ward said Miller's Feed has been in the property for a little over a year and this lease represents the terms that were negotiated with Miller's Feed.

MOTION: Trustee Rael moved approval of the lease agreement with Miller's Feed & Supply for buildings and surrounding property at 8747 Fourth Street NW. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

E. DISCUSSION AND APPROVAL OF PROPOSED ANNEXATION PLAN

Administrator Ward said they titled the item "discussion and approval" in order to give the Board maximum flexibility to take an action if they so desired. He said the posted notice allows the Board to go as far as accepting a plan of annexation and directing staff to implement that plan.

Mayor Abraham said he believes the map is more of what the Board of Trustees wants to see in the future. He said some of it is 20 or 30 years down the road; for instance, a Transit Oriented District coming off the Rail Runner that connects to Los Ranchos. He said the yellow area on the map is what they are proposing in order to square off some boundaries. He said on the right-hand side of the map, which is 4th and Osuna, by squaring it off, it would make it easier for fire, police, etc. He said going north, they would like to annex up to the ditch and actually improve the ditch and create a trail network that would go all along 2nd Street, come down to the open space at Andersons, go along Rio Grande and connect back to open space at Paseo del Norte. He said further north, they are trying to tie in Garduno's who have asked to come in. He said if you look at Ortega, by State law the Village has the maintenance of Ortega Road and so it makes sense to annex the other side of the road, plus the cul-de-sacs on numbered streets and then you run into David Montoya's property and some other large chunks of property that are

more conducive to being open that the owners and the Village would want to protect. He said by going to the boundary shown, it would make it easier for the fire department, police and Waste Management to have a clearer boundary line for the Village. He said they have tried to keep the most logical approach to square off the boundaries.

Trustee Lopez said looking at the map as presented, it looks like almost the ultimate build-out of the Village. He said he doesn't believe it is an unreasonable proposal and he believes they should vote on it tonight and that will get the process started.

Mayor Abraham said it is understood that the details of annexation would have to be worked out with Bernalillo County.

Trustee McDonough said he believes squaring the boundaries has to be balanced with some understanding of the increased need for services. He said he believes that annexing 2nd Street makes sense due to the businesses located there and down by Village Center. He said he believes it is pretty square on the north end right now and he would rank that a low priority. He said his other concern is that we have a small staff and he believes it should not be the Village's burden to send all the letters and drive the petitions. He suggested instead, having a picture of the annexation area and saying that the Village would be open to encouraging and supporting the action.

Mayor Abraham said he thinks Bernalillo County would be cooperative, especially along the eastern boundary because it just makes sense. He said he thinks the Village needs to go after everything on the map that is from Paseo south.

Trustee McDonough said he thinks it would be better to do it in a phased approach rather than all at once. He asked if the Rail Runner station is on property owned by the County.

Administrator Ward responded that the Rail Runner station is on DOT right of way; therefore, we could not take the station property, but we could take the surrounding property.

Mayor Abraham suggested that a letter be drafted to the property owners and see what kind of reception is generated. He said they may not be anywhere near 50 percent agreeing to annexation and then it would not need to be discussed any further.

MOTION: Trustee Homan moved approval for discussion and approval to contact property owners regarding proposed annexation to the Village. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

F. DISCUSSION AND APPROVAL TO AWARD RFB 2008-11-01 [A] FOR AGRICULTURE BUILDING (BARN) FOUNDATION TO THE LOWEST RESPONSIVE BIDDER, QUANTUM CONTRACTING, INC. AND AUTHORIZE THE MAYOR TO ENTER INTO AND SIGN THE CONTRACT FOR THE SCOPE OF WORK

MOTION: Trustee Lopez moved approval to award the RFB to Quantum Contracting, Inc. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Rael said he only received one complaint about the stop signs. He said most people are in favor of the stop signs on Rio Grande Blvd.

Trustee Lopez said he wants to make sure that we keep striping because some of the striping around the Village is starting to deteriorate. He said he noticed that the speed bumps on Chamisal need to be re-striped.

Trustee Homan said she would like to know what the plans are for development of the new Master Plan and if a public advisory committee is going to be used like on the last Master Plan.

Administrator Ward said they will have a letter to the residents in the next *Village Vision* that will discuss the importance of a Master Plan and how that is used to conduct the business of the Village and the importance of their participation in that effort. He said the thought is to send them a survey with specific questions relating to areas that need updating in the Master Plan.

Trustee Homan asked about getting a public postal box. She said there used to be one at Osuna and 4th Street.

Administrator Ward said by the end of this month, there should be a blue postal box show up at Los Ranchos Villa between Big Lots and Eye Care for You.

Trustee Homan said that a number of businesses are once again having problems with their mail on 4th Street. She said things are being taken out of their mailboxes again or things that you know should be coming to you are being returned back to the sender because they are not recognizing Los Ranchos. She said her daughter had problems getting her new driver's license mailed to her from Santa Fe because it had Los Ranchos on it. She said she finally went back and had them put Albuquerque on it and then it got delivered.

Trustee Homan asked if the Village notifies the Post Office on which properties are commercial versus residential versus A-1. She said the Post Office is insisting that they got the information from a governmental entity on a number of properties along 4th Street that are A-1. She said the Post Office is insisting that they are commercial properties and therefore you cannot get your coupons for digital converters for your television.

Mayor Abraham responded that the list was strictly an address list that was submitted to the Post Office.

Trustee Homan announced that it is Girl Scout cookie time and selling cookies is a great experience for the girls by providing leadership skills, building confidence and giving them project management and money handling skills.

Trustee McDonough asked that their appreciation be conveyed to Lisa Manwill for handling such a tough sewer project so well.

Trustee Rael said a gate or chain needs to be put across the entry to the former Contreras property because people drive in there and do wheelies.

10. ADJOURNMENT

The meeting was adjourned at 10:29 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2009.

ATTEST:

Annabelle Silvas, Village Clerk