

MINUTES

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

BOARD OF TRUSTEES REGULAR MEETING

April 9, 2008 -7:00 p.m.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Mary Homan, Trustee

Tim McDonough, Trustee

Pablo R. Rael, Trustee

Annabelle Silvas, Clerk

Kelly S. Ward, Administrator

Terry Nighbert, P&Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, April 9, 2008 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

Mayor Abraham stated that a closed meeting was held at 5:30 p.m. on April 9 and only those items stated on the posted notice for the closed meeting were discussed.

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

VOTE: The motion carried unanimously, 4-0.

A. APPROVAL OF AGENDA

MOTION: Trustee Lopez moved approval of the Agenda and that Items 6.E. & 6.F. be deferred to the May 14, 2008 Board meeting. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. *Proclamation proclaiming April 11, 2008 as Tribute to Teacher Excellence Day*

C. *Proclamation proclaiming April 11, 2008 as World Parkinson Disease Awareness Day in NM*

Mayor Abraham read the proclamations proclaiming April 11 as Tribute to Teacher Excellence Day and World Parkinson Disease Awareness Day.

2. PUBLIC COMMENT PERIOD

None

3. CONSENT AGENDA

THOSE ITEMS ON THE AGENDA INDICATED BY AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON BY ONE MOTION. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

*** A. MINUTES –**

**JANUARY 9, 2008 - Regular Meeting
[Deferred from the 2/13/08 Meeting]
FEBRUARY 13, 2008
MARCH 10, 2008 Special Meeting**

*** B. DEPARTMENT AND COMMITTEE REPORTS**

1. LAW ENFORCEMENT/BCSD
2. FIRE
3. ANIMAL CONTROL
4. PLANNING & ZONING

*** C. APPROVAL TO ADVERTISE THE FOLLOWING ORDINANCES IN SUMMARY:**

- 1) An Ordinance amending Chapter 31, implementing a Village Wide Floor Area Ratio [Proposed Ordinance No. 216]
- 2) An Ordinance amending Chapter 31, Section 21, Signs [Proposed Ordinance No. 217]
- 3) An Ordinance amending Chapter 31, Section 24, Application and Approval Process [Proposed Ordinance No. 218]

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

VOTE: The motion carried unanimously, 4-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham said he would not give a report to save time due to the length of the Agenda.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported that:

- He recently met with APS regarding their acceptance of Taft Field.
- The sewer project is moving at a steady pace.
- Planning has begun for Lavender in the Village which is now a 501(c)(3).
- The gates have been installed on the Chamisal and Main Canals off of Ortega and have been locked to prevent continued vandalism and dumping. There were issues with the equestrian crossing but those are being addressed with the Equestrian Committee.
- Progress is being made on getting sprinklers installed in the Community Barn and to establish a Barn Usage Policy to be brought before the Board at the May meeting.

C. PLANNER'S REPORT

Planner Nighbert reported that:

- Three ordinance revisions are on the agenda for first reading.
- Working with NMDOT on COOP and MAP grant applications for Osuna, Ortega, Green Valley and Ranchitos Roads.
- Coordinating with Larkin Group and Albuquerque Asphalt for the emergency repair of intersections at 4th Street and El Pueblo, Ranchitos, and Los Ranchos.
- Building permits are down and so are cases before the Planning & Zoning Commission.
- The striping on 4th Street all the way from Schulte to the limits of the Village is being discussed with Albuquerque Asphalt.

D. LEGAL REPORT

Attorney King reported that:

- She worked on the Landau and Neff appeals; the cell tower agreement; and reviewed some ordinances.

E. FIRE DEPT. REPORT

Fire Chief Perez said his report for March and April was included in the Board packet.

5. FINANCIAL BUSINESS

A. CASH REPORT – FEBRUARY & MARCH

Treasurer Haines reported that the cash reports were included in the Board packets plus a summary report for each month that includes the balances.

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

VOTE: The motion carried unanimously, 4-0.

B. REVIEW AND DISCUSSION OF PROPOSED BUDGET FOR FY 2008/2009

Mayor Abraham noted that the budget was included in the Board packets and would not be discussed in detail until the May 14, 2008 Board meeting.

Administrator Ward stated that they are estimating an 8% decrease in general fund revenues based on the decreased amount of construction activity. He said they will come back in May with a revised number because they would then have one more month of information. He said an item of note in expenditures is that they are making some changes in the salary structure for the Fire Department and they are adding another Firefighter position which will cost about \$113,000. He said overall they are proposing a 4% increase in expenditures. He said there will be a balance of \$513,000 in excess revenue to expenditures. He said the Village will end up with a cash balance of \$2 million.

Trustee Rael asked why the police budget was being reduced by 12%.

Administrator Ward responded that it has to do with the timing of their billing. He said their budget is not being reduced, it is still about \$26,000 per month.

6. PUBLIC HEARINGS AND APPLICATIONS

A. AN APPEAL BY RON CHAVEZ OF PLANNING AND ZONING COMMISSION APPROVAL OF CU-07-04, A REQUEST FOR A DRIVE-THROUGH COFFEE SHOP IN THE VC ZONE AND THE 4TH STREET COMMERCIAL CORRIDOR, ON DECEMBER 11, 2007, AGENDA ITEM 5A. THE PROPERTY IS LOCATED AT 6561 4TH STREET NW AND IS LEGALLY KNOWN AS TRACT 41G, M.R.G.C.D. MAP NO. 29, ELENA GALLEGOS GRANT IN PROJECTED SECTIONS 28 AND 29, T11N, R3E, N.M.P.M. CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, MAY 31, 1962. THE PROPERTY CONTAINS .9317 ACRES MORE OR LESS. CU-07-04. POSTPONED FROM FEBRUARY 13, 2008.

Mayor Abraham noted that neither Ron Chavez nor a representative for Ron Chavez was present. He said they were not going to postpone this item again. He asked why the Appellant was not present.

Linda Seebach, Assistant Director, Planning & Zoning, said Ron Chavez was notified in person by telephone and she also sent him a letter.

Trustee Lopez said they have gone through a number of hearings on this matter and have heard all the pros and cons. He said he is ready to make a motion to deny and uphold the Planning & Zoning approval. He asked Attorney King if it would be legal for him to do that.

(5 minute break for discussion with Attorney @ 7:20 p.m.)

MOTION: Trustee Lopez moved to deny the appeal and uphold the Planning and Zoning Commission's approval for the coffee shop drive-through facility with the following conditions:

1. The Conditional Use Permit is for a coffee shop drive-through facility only. The drive-through facility shall not be used for any other uses including, but not limited to, any of the following: financial institutions, pharmacies, liquor stores, fast food restaurant, photo uses, car washes, without the approval of this Board and there may be other facilities.
2. The applicant shall comply with all Village ordinances including making payment in lieu of public park land dedication as required by Ordinance No. 208.
3. The hours of operation are limited to no earlier than 5:00 a.m. and no later than 10:00 p.m.
4. The menu order's speaker system shall comply with the Village noise ordinance which restricts sound to 40 decibels at the property line until 6:00 a.m. and 50 decibels until 10:00 p.m.
5. The site lighting shall comply with the Dark Skies Ordinance.
6. The Conditional Use Permit and restrictions are recorded with the County Clerk.
7. The Conditional Use Permit is revocable by this Board if any of the conditions set forth herein are violated.

I make this motion with the following findings:

1. Establishments with drive through facilities are allowed under Ordinance 208 (E).
2. The conditional use meets the requirements of Ordinance 183, Section 24 (E) (2) (A).
3. The conditional use meets the Master Plan 4.7.2. Commerce Goal.
4. The conditional use meets Master Plan 4.7.2.2 Policies and Actions.
5. The conditional use meets Master Plan 4.7.2.1 Objectives A-C.
6. The conditional use meets Master Plan 4.7.2.2 Policy B & C and the Action Steps.
7. The conditional use is not injurious to adjacent property, the neighborhood or the community.
8. The site is surrounded by Village Center zoned property.
9. The traffic study shows no adverse impact.
10. Ordinance No. 166, regarding nuisances, misconduct, and common offenses is met.
11. Ordinance No. 183, Section 17, regarding off street parking is met.
12. Ordinance No. 183, Section 18, regarding landscaping is met.
13. Ordinance No. 183, Section 19, regarding dark skies is met.

Trustee Homan seconded the motion.

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

Josh Skarsgard stated that he stands behind the staff recommendations and motion. He said he and Doug Peterson are available for questions.

Doug Peterson stated that if there are no appeals, they could immediately start building drawings and probably start construction in 150 days.

Trustee McDonough said his concern is a coffee shop. What is a coffee shop?

Doug Peterson responded that a coffee shop is a business that serves primarily coffee-based drinks as their primary source of revenue.

Josh Skarsgard noted that if the Board wishes to add more restrictive language that includes what percentage of the business' revenue must come from coffee drinks, it could be addressed in the Development Agreement.

Planner Nighbert said another thing that would define this as a coffee shop is that they would not have a cooking hood or grill. He said it could be defined by the appliances that are in the business as listed in the Fire Code as well as in the Building Code.

Josh Skarsgard said he would recommend that they make that a condition of approval.

Trustee Rael said he understands they could actually go back and bring in a Starbucks.

Doug Peterson said there is nothing that says local but there are two different coffee shops they are talking to – one is decidedly local and the other is a franchise of a national company. He said Starbucks has looked at the location twice and turned it down both times.

Josh Skarsgard asked whether they need the approval for the Development Agreement which had the goal of identifying the uses but he said he thinks that was already done with the conditional approval.

Trustee McDonough said for clarification, they added that there would be no grill and no cooking hood.

Trustee Lopez said he accepts those amendments to his motion regarding Item 6.A.

Trustee Homan seconded the amendments to the motion.

Trustee Rael asked if they could add that Chavez Road from the west property line of this development going east to 4th Street be changed to one way so that you don't have the traffic that turns out of the Taco Bell and this development going west.

Trustee Lopez said he believes that should be handled under site development.

Trustee McDonough said he still stands behind the old Master Plan that said no drive-up windows.

VOTE: The motion carried unanimously, 4-0.

B. A REQUEST BY JOSHUA J. SKARSGARD, ESQ. AGENT FOR DOUG PETERSON, PROPERTY OWNER, FOR SITE DEVELOPMENT PLAN APPROVAL FOR NEW COMMERCIAL CONSTRUCTION IN THE VILLAGE CENTER ZONE AND FOURTH STREET COMMERCIAL CORRIDOR. THE PROPERTY IS LOCATED AT 6561 4TH STREET NW AND IS LEGALLY KNOWN AS TRACT 41G, M.R.G.C.D. MAP NO. 29, ELENA GALLEGOS GRANT IN PROJECTED SECTIONS 28 AND 29, T11N, R3E, N.M.P.M. CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, MAY 31, 1962. THE PROPERTY CONTAINS .9317 ACRES MORE OR LESS. SDP-07-07. POSTPONED FROM FEBRUARY 13, 2008.

Trustee McDonough said he had a question on why the right of way on Chavez Avenue was not a straight line.

Doug Peterson said they did a survey when they purchased it two years ago and the lines are as purchased.

Planner Nighbert said they use Conservancy District maps.

Trustee Rael said as he discussed earlier, he would like to see Chavez Road going one-way east.

Doug Peterson clarified that it would be from the western property line of their property to 4th Street, that portion would only allow traffic to go east. He said this would prevent people from coming out on the north side and turning left, they would need to go right only. He said he does not believe that would have any adverse effect on them and they would find a condition of approval acceptable. He also said they would be willing to put a sidewalk in on the north side of the property.

Trustee Homan asked where the speaker system would be installed.

Doug Peterson responded that it was not called out in a note but toward the southeast corner of the proposed building there is a dash mark with R-18 feet pointing to it, and that is the speaker system.

Planner Nighbert said the Planning Report discusses the speaker system being on the southeast corner and it is to face away from the neighborhood to the west of the property.

MOTION: Trustee Homan moved approval of the Site Development Plan for commercial development in the Village Center Zone based on the following:

- 1) The Site Development Plan meets the requirements of Ordinance 183, Section 24, Subsection E-1 (A) thru (E).
- 2) The Site Development Plan meets the Master Plan 4.7.2. Commercial Goal.
- 3) The Site Development Plan meets the Master Plan 4.7.2.2 Policies and Actions, Policy A.
- 4) The Site Development Plan meets the Master Plan 4.7.2.1 Objectives- A-H.

- 5) The Site Development Plan meets the Master Plan 4.7.2.2 Policy B & C- Village and Neighborhood Center
- 6) The Site Development Plan meets the requirements of Ordinance 208, Village Center Zone.
- 7) The Site Development Plan meets the requirements of Ordinance 183, Section E, Subsection E-1 (B) 1-6 - Site Development Plan.
- 8) The Board has not been bound by any prior decisions in this case nor prior cases or “conjoined in this one.”

And with the following conditions:

- 1) The Grading and Drainage recommendations of the Village Designated Engineer be incorporated and followed.
- 2) The lighting plan conform to the dark skies regulations section of the Zoning Code with consideration of the 2010 Master Plan VC Zone Pedestrian Friendly lighting.
- 3) The applicant did not request a variance from the dedication of park land or funds in lieu-of regulations of Ordinance 208 §(H). The fee would be based on the percentage of square feet required at 1/10th of an acre to be dedicated for every acre of development. Cash-in Lieu of funds would be determined on the most recent appraisals of commercial property in the Village, pending the Village Center Project area appraisals.
- 4) The applicant is required to build a buffer wall along the rear property line six (6) feet in height, then 3 feet in height 25 feet from Chavez Road.
- 5) The applicant accepts the rear lot setback as recommended by the Fire Chief, where the property abuts a VC zoned property with a residential use (15 feet).
- 6) Any additional leased space in the retail building for restaurant purposes cannot exceed 2,000 square feet to maintain parking regulations.
- 7) Sign permits required per Ordinance 183, Section 21.

Added to the Site Development Plan is that on the south side of Chavez Road running the length of the property or between the entrance of egress and ingress exits, a sidewalk shall be installed to help promote a pedestrian friendly environment.

Also add, from the western edge of this property going east that Chavez Road becomes a one-way, eastbound for health and safety issues.

Trustee Lopez seconded the motion.

Doug Peterson said he agrees with these conditions.

VOTE: The motion carried unanimously, 4-0.

(Mayor Abraham called for a 3-minute break @ 7:55 p.m.)

C. AN APPEAL BY ALLISON AND FISHER OF PLANNING AND ZONING COMMISSION REVERSAL OF APPROVAL OF HO-353, DESERT OASIS RECOVERY ON FEBRUARY 12, 2008, AGENDA ITEM 5B. THE PROPERTY IS LOCATED AT 6915 GUADALUPE TRAIL NW AND IS LEGALLY KNOWN

AS LOT 4A, AMENDED PLAT OF LOTS 1,2,3,&4, LANDS OF RANDALL DAVIS, WITHIN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, SECTION 20, T11N, R3E, N.M.P.M., BERNALILLO COUNTY, NM. THE PROPERTY CONTAINS 1.2500 ACRES MORE OR LESS.

Attorney King swore in those wishing to speak in favor of the Appellant.

Attorney King then swore in those wishing to speak in opposition to the Appellant.

In Favor

Charles Fisher, Attorney, 300 Central Avenue SW, #2200E, said 6915 Guadalupe Trail, Desert Oasis Recovery, LLC, seeks to offer a home away from home to individuals who are looking for support and encouragement in a very discrete and private setting to undertake a private battle with disabling addictions that they have determined to overcome. He said there was a considerable amount of misapprehension as to the nature of the activities that Desert Oasis was conducting. He noted that Ms. Pacheco is an inactive real estate broker and her husband, Paul Pacheco, is an Albuquerque Police Department officer. He then described some of the clients of Oasis Recovery and discussed Ms. Pacheco's contacts with the Village to obtain a home occupation permit. He said what they are gravely concerned about is a view that because of the people who are being served that this is an inappropriate location for those people to be served. He said their submission to the Board is that to make that determination would place the Village in violation of both the Federal Fair Housing Act and the Americans with Disabilities Act. He said the essence and facts are that people received services that were necessary and appropriate in a community setting in a way that did not infringe in any way on the quiet enjoyment and use of the other residents in that area.

Opposed

David Campbell, Attorney in New Mexico, said he is representing a group of owners who have properties on Guadalupe Trail. He said he would like to state that this is not a hearing on social policy, whether it is a good thing to help people recover, or whether people should get relief from their disabilities or addictions. He said it is a land use hearing having to do with what is allowed by the Village of Los Ranchos in this A-1 Residential Zone and what is allowed under the very specific provisions for a Deminimis Home Occupation Permit. He said that Desert Oasis Recovery's website describes in detail the services they offer which appear to be far more extensive than what Mr. Fisher described. He said the Village does accommodate "group homes" in accordance with the Americans with Disabilities Act but only in the commercial zone. He said he believes the Planning & Zoning Commission on February 12, 2008 properly found that this was a situation that should not exist and it does not follow the requirements of the Home Occupation Permit and that it should be revoked since it was wrongfully gained in the first place.

Comments from the Public – Opposed and In Favor

Peggy Beaudette, 6823 Guadalupe Trail, opposed Desert Oasis.

Jennice Johnson, 6835 Guadalupe Trail, opposed Desert Oasis.

Leah Persons, 6827 Guadalupe Trail, opposed Desert Oasis.

Tami Pacheco, 4216 Rancho Grande Place, NW, Albuquerque, spoke in favor of Desert Oasis.

Michelle Ratliff, 6911 Guadalupe Trail, opposed Desert Oasis.

Tracy Roberts, 6905 Guadalupe Trail, opposed Desert Oasis.

Janelle Johnson, 6839 Guadalupe Trail, opposed Desert Oasis.

Summary from Appellant

Attorney Charles Fisher said they would submit to the Board that in the relation to conclusions of law, that the business is not using more than 25% of the floor area, that while it employs persons who are not residents of the dwelling, the owner is present 90 plus hours per week and one or the other of the owners stays there over night on a regular basis. He said it is his understanding from looking at the Planning & Zoning Ordinance that the granting of a Home Occupancy Permit is the equivalent to a Business License. He said in relation to the Hill Case that was referred to by Mr. Campbell, the restrictive covenant there was restricting the use of any of the buildings in the neighborhood to single family residences.

Comments from Attorney Campbell

Attorney David Campbell said the website clearly shows that there are 8 people who are on the Desert Oasis staff and therefore the case is made that there are people working there who are not residents of the home. He said the rooms are shown on the website and it is 100% of place and is not limited to 25% of floor area. He said Mr. Fisher said the owner does not reside there but is there for 90 hours a week and that being there is the equivalent of residing there. He said he believes that all of the above shows that this is not properly a Deminimis Home Occupation or any kind of home occupation. He said Desert Oasis Recovery was issued a permit based on incorrect information and the decision by the Planning & Zoning Commission was absolutely correct and he asks that the Board uphold their decision to revoke the permit.

Discussion by Trustees

Trustee Lopez said he would like to refer to Planner Nighbert's February 1, 2008 Planning Report which states that there are three specific clauses that the Desert Oasis is in violation of, namely: 6(a) It shall be conducted entirely within the residence or accessory building and only by persons living at the residence. 6(b) No more than 25% of the total area of the dwelling and 1,000 square feet of an accessory building shall be used to conduct a home occupation. 6(m) Home Occupations shall not employ individuals other than the permittee and permittee's family members who live and work on the premises. He said if those violations are correct, and he believes that they are, then it would be proper to move to deny, list the findings and that in effect tells staff what to do.

Attorney King said they will know what to do if they are operating without a permit.

Trustee McDonough said the Planning & Zoning Commission, based on the evidence, decided that a Home Occupation Permit was not appropriate for the use that they were doing and so they did not renew the Home Occupation License. He said to suggest that addictions are not part of our society or that we as a society do not have a responsibility to try to intervene and assist and support in those would be ridiculous. The question is whether the operation that is occurring fits the definition of what we have in the Home Occupation and I think from early on in the testimony it was pretty clear that the owner does not live there, there are outside people who work there, there are parts of that operation that are in conflict with the Home Occupation License, not that that isn't important work, not that that is not something that needs to happen and happen in our Village, but the Home Occupation License is not appropriate for this operation. So without and with no judgments in mind other than a strict reading of what our ordinance says, it is difficult to override the Planning & Zoning's decision that a Home Occupation License is not appropriate for this operation.

MOTION: Trustee McDonough moved to uphold the decision of the Planning and Zoning Commission not to renew the Home Occupation License based on the findings that:

- 1) It conflicts with our ordinance where no more than 25% of the total area can be used for the business. It is clear that more than that is used in that operation.
- 2) That who runs the business needs to live at the residence. It is clear that although they spend a lot of time there, they don't live at that residence.
- 3) That it should not employ individuals other than family members who live and work on the premises—and that is not stay for a while, that is, live on the premises.

Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

(3 minute break at 9:10 p.m.)

D. A REQUEST BY BETTY BLEA FOR FINAL APPROVAL FOR SITE DEVELOPMENT PLAN FOR COMMERCIAL CONSTRUCTION IN THE C-1 ZONE OF THE 4TH STREET COMMERCIAL CHARACTER AREA. THE PROPERTY IS LOCATED AT 7222 4TH STREET AND IS LEGALLY KNOWN AS TRACT 153-B M.R.G.C.D. MAP 27, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS 1.458 ACRES MORE OR LESS. SDP-07-08 POSTPONED FROM FEBRUARY 13, 2008. POSTPONED FROM FEBRUARY 13, 2008

Planner Nighbert said his Planning Report is written and includes an updated grading and drainage report on the applicant meeting approximately 12 items named by the Village-retained engineer and the applicant has addressed all 12 issues.

Trustee Homan recused herself from voting due to her being a direct neighbor.

MOTION: Trustee Rael moved to approve the Site Development Plan in the C-1 Zone of the 4th Street Commercial Character Area with the conditions that the landscaping shall be met, dark skies shall be met, signs shall be met and all recommendations of the Village designated engineer for permitting shall be met. Trustee Lopez seconded the motion.

The applicant agreed to the conditions.

VOTE: The motion carried, 3-0.

E. A REQUEST BY M2 BUILDERS, LLC FOR A SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT FOR A MAJOR THIRTEEN (13) LOT SUBDIVISION IN THE R-3 ZONE OF THE PASEO CHARACTER AREA. THE PROPERTY IS LOCATED AT 8312 4TH STREET NW AND LEGALLY KNOWN AS TRACT LETTERED "B" OF LANDS OF JOHN AND AGNES MCDONNELL, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON OCTOBER 30, 2006, IN VOLUME 2006C, FOLIO 327. THE PROPERTY CONTAINS 3.4449 ACRES MORE OR LESS. THE 2ND PROPERTY IS LOCATED AT 8409 2ND STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED IN ALAMEDA, WITHIN SECTION 16, T11N, R3E, N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, BEING KNOWN AS TRACT 149-B, AND A PORTION OF TRACT 146-A2, M.R.G.C.D. MAP 24, THE PROPERTY CONTAINS 1.31 ACRES, MORE OR LESS. SUP-07-06.

Item 6.E. was deferred to May 14, 2008 meeting.

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

Item 6.F. was deferred to May 14, 2008 meeting.

7. OLD BUSINESS

A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE ESTABLISHING AN EMERGENCY MANAGEMENT PROGRAM [Proposed Ordinance No. 215]

Chief Perez stated that the ordinance lays out a plan for an emergency management plan in the Village. He said it also entails acknowledging the Emergency Management Director who is the Mayor and authorizing the appointment of an Emergency Management Coordinator to serve at the pleasure of the Mayor.

Trustee Homan said on Page 4, Section 6, Commitment of Funds, she said she assumes an emergency Board of Trustees meeting would be called at the same time an emergency is declared.

Chief Perez said that is correct and the Mayor or his designee would be empowered to make an executive decision at the time of the emergency and would follow up with a Board of Trustees meeting.

Trustee Rael said Section 8 on Page 4, Line 30 is a duplicate of Section 11 on Page 5. He said he believes Section 8 should be eliminated and the sections renumbered.

MOTION: Trustee Rael moved approval to adopt Ordinance No. 215. Trustee Homan seconded the motion.

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

B. DISCUSSION AND APPROVAL OF AGREEMENT WITH AMAFCA, BERNALILLO COUNTY AND THE VILLAGE OF LOS RANCHOS TO PROVIDE FUNDING, RIGHT-OF-WAY ACQUISITION AND PROJECT MANAGEMENT AND FOR THE GARDUÑO ROAD STORM DRAINAGE IMPROVEMENTS PROJECT

MOTION: Trustee Rael moved approval of the Agreement with AMAFCA, the County of Bernalillo and the Village of Los Ranchos to provide funding, right-of-way acquisition, and project management for the Garduño Road Storm Drainage Improvements Project. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

8. NEW BUSINESS

A. FORMAL ACTION ON SETTLEMENT AGREEMENT IN RETAIL ONE VS. VILLAGE OF LOS RANCHOS

MOTION: Trustee McDonough moved to defer Item 8.A. to the May 14, 2008 meeting. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL OF COOPERATIVE AGREEMENT FOR NORTH VALLEY AREA I PHASE 2 AND AREA J SEWER PROJECT BETWEEN BERNALILLO COUNTY AND THE VILLAGE OF LOS RANCHOS

Administrator Ward explained that this Agreement will allow the County to accept the Village's money for its portion of the project which is the additional 4 feet of paving for the bike lane.

MOTION: Trustee Rael moved approval of the Cooperative Agreement for the North Valley Area I, Phase 2 and Area J Sewer Project between Bernalillo County and the Village of Los Ranchos. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-4-1 – RESOLUTION OF SUPPORT FOR THE VILLAGE OF LOS RANCHOS MUNICIPAL ARTERIAL PROGRAM PROJECT REQUEST FOR THE IMPROVEMENTS TO OSUNA ROAD AND REPAVING OF ORTEGA ROAD THROUGH THE CAPITAL COOPERATIVE AGREEMENTS FOR THE 2008 LEGISLATIVE APPROPRIATION(S) TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

MOTION: Trustee Lopez moved approval to adopt Resolution No. 2008-4-1. 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.

D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-4-2 – A RESOLUTION OF SUPPORT FOR THE VILLAGE OF LOS RANCHOS COOPERATIVE PROGRAM PROJECT REQUEST FOR REPAVING OF GREEN VALLEY AND RANCHITOS ROADS THROUGH THE CAPITAL COOPERATIVE AGREEMENTS FOR THE 2008 LEGISLATIVE APPROPRIATION(S) TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

MOTION: Trustee Lopez moved approval to adopt Resolution No. 2008-4-2. 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.

E. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-4-3 – A RESOLUTION AUTHORIZING THE VILLAGE TO SUBMIT A NEW MEXICO CLEAN AND BEAUTIFUL GRANT APPLICATION TO THE NEW MEXICO DEPARTMENT OF TOURISM FOR THE PASEO DEL NORTE OPEN SPACE

Administrator Ward said the grant application is for signage and trash receptacles.

MOTION: Trustee Rael moved approval to adopt Resolution No. 2008-4-3. Trustee Homan seconded the motion.

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

F. DISCUSSION AND APPROVAL TO AUTHORIZE PERMISSION TO APPLY FOR MEMBERSHIP WITH KEEP AMERICA BEAUTIFUL, INC. AND TO SUBMIT THE \$125.00 ONE-TIME MEMBERSHIP FEE

MOTION: Trustee Homan moved approval to authorize permission to apply for membership with Keep America Beautiful. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

G. DISCUSSION AND APPROVAL OF THE AWARD OF TWO REQUEST FOR PROPOSALS FOR THE VILLAGE VISION MAGAZINE, PAGE AND GRAPHIC DESIGN TO ONE STOP BUSINESS SHOP AND PRINTING AND DISTRIBUTION TO STARLINE PRINTING AND AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH ONE STOP BUSINESS SHOP AND STARLINE PRINTING

Mayor Abraham noted that they are going to full color for the next issue and will be saving \$2,000 a month. He said he would like to put full color maps of the Village in the centerfold of the magazine.

MOTION: Trustee Lopez moved approval to award the RFP's to One Stop Business Shop and Starline Printing. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

H. DISCUSSION AND AUTHORIZATION FOR THE MAYOR TO NEGOTIATE AND ENTER INTO A DEVELOPMENT AGREEMENT WITH PETERSON-LOS RANCHOS, LLC.

MOTION: Trustee Lopez moved to remove this item. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Rael asked about the progress on the plaque that Leo Bartolucci requested to honor former elected officials.

Trustee Homan asked for an update on the 50th Anniversary – she asked if there is a committee, are there any plans going on?

10. ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

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

ATTEST:

Annabelle Silvas,
Village Clerk