

# MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD N.W.  
**BOARD OF TRUSTEES REGULAR MEETING**  
**JANUARY 12, 2011 - 7:00 p.m.**

**Present:**

Larry P. Abraham, Mayor  
Don Lopez, Trustee / Mayor Pro Tem  
Mary Homan, Trustee  
Tim McDonough, Trustee  
Pablo R. Rael, Trustee

Kelly S. Ward, Administrator  
Annabelle Silvas, Clerk  
Bill Chappell, Attorney  
Nancy Haines, Treasurer  
Fred Radosevich, Public Safety  
Linda Seebach, P & Z Director

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**1. CALL TO ORDER**

**A. APPROVAL OF AGENDA**

**MOTION:** Trustee Lopez moved approval of the Agenda. Trustee Homan seconded the motion.

**VOTE:** The motion carried unanimously 4-0.

**B. CNM BOND ELECTION BRIEFING**

**Samantha Bousliman and Alexis Kerchner** gave a brief presentation. **Samantha** stated that CNM is having a local Bond Election on February 1<sup>st</sup>, which will be a question on the same ballot as the APS School Board Election. Voters will be asked to approve a seventy million bond that would provide CNM the opportunity to continue the current mill rate. They are not asking for a tax rate increase. CNM currently has a .55 mill rate specifically to fund capital projects at CNM. They are committed to renovation of the current facilities and have several facilities in desperate need.

**2. PUBLIC COMMENT PERIOD**

**Frank Mangano**, thanked Kelly Ward and Fred Radosevich for taking the lead in helping the neighborhood solve vending and vandalism issues south of Montaño. He said having a public safety officer was a good idea and both should be commended.

**3. CONSENT AGENDA**

- A. MINUTES – December 8, 2010–Regular Meeting
- B. DEPARTMENT AND COMMITTEE REPORTS
1. ANIMAL CONTROL

**MOTION:** Trustee Rael moved approval of the Consent Agenda. Trustee

**McDonough** seconded the motion.

**VOTE:** The motion carried unanimously 4-0.

**4.           REPORTS**

**A.       MAYOR'S REPORT**

**Mayor Abraham** reported on the following:

- Closed on the Anderson 4 acre property and now have a total of 23 acres
- Mayors Caucus will be held tomorrow at the 66 Diner
- Annabelle's 25<sup>th</sup> anniversary is tomorrow and will have a celebration gathering on January 21<sup>st</sup> at the Agri-Nature Center beginning at 3:00
- Pablo Rael asked why the Lavender in Fest is not on the agenda

**B.       ADMINISTRATOR'S REPORT**

**Administrator Ward** reported on the following:

- Did receive approval letter from the State auditor and will be on the February agenda, but the financials are available.
- The fire station is up and going as far as construction, the plumbing is going in this week and the foundation the following week, and is progressing at a regular pace with an approximate completion date of June 7th. The Village lost a balance of about 200,000 in one of our grants and still short about 198,000. He did talk to Representative Bill O'Neill and Senator John Ryan for some capital outlay for the Village.
- The lavender committee made a presentation in December and informed the board they will not continue with the Lavender Fest. He has had several meetings internally and with experts on events. Given the growing period for lavender we certainly did not think the village can grow lavender in 6 months. The advice from outside was if the event was in a transition, your better off taking a year off and don't produce a substandard event. Thought that no lavender would be a substandard offering for the public we decided not take this on for 2011.
- There were several concerns amongst the Board of Trustees to continue the lavender fest, planting of lavender, and budget. It was decided that this become an Agenda item for the next meeting.

**C.       PLANNER'S REPORT**

**Planner Seebach** reported on the following:

- The 2010 Planning and Zoning Annual Report was included in the packets. Keen Heintzman was called out of town because his grandmother passed, so his report is not included.
- She and Trustee McDonough attended the EPA Rio Grande Watershed Permit session in December. The most important thing which was said all day was that the implementation, the Best Management Practices, for the permit would be based on Low Impact Development/Green Infrastructure principals.
- I am going through the Zone Code for the codification.
- As part of the codification, from 1984 until 2003, the Village approved, as one of its official zones, the Special Use Zone SU-1. We did not have a comprehensive Zone Code until 2003 when 183 was adopted and there was no official Zone Format until then. I have reformatted all the SU-1 Zones into Zone Format comparable to the other zones in the Village to standardize all the zones.

- Final notices were sent out to all residents who have not connected to sanitary sewer.

#### **D. LEGAL REPORT**

**Attorney Chappell** reported on the following:

- It was a quiet month with no new litigation
- Closed on the Anderson property
- Worked on drafting various ordinances including the codification
- On Friday he will experience his first case of mediation

#### **E. PUBLIC SAFETY REPORT**

**Public Safety Director Radosevich** reported on the following:

- We have a new Sheriff and Captain and look forward to working with them
- In December, the Bernalillo County Sheriff's Office handled 246 calls in the Village
- The Bernalillo County Fire Department had 43 EMS calls and 13 fire calls
- Still working on speed board issues and analyzing data
- Been working with Keen on a residence on Nara Visa
- Working on issues with firewood vendors on the South end of Rio Grande
- Working on fire inspections with Bernalillo County
- Worked on code enforcement helping Keen out

### **5. FINANCIAL BUSINESS**

#### **A. CASH REPORT – DECEMBER**

**Treasurer Haines** presented the cash report. She said the cash balance decreased by \$612,539.45 however that was primarily due to the closing of the open space, which the Village paid \$1,247,161.00, but the Village also received reimbursements totaling \$481,000 on capital projects. The Village's ending cash balance is \$4,339,321.15. The year-to-date excess of revenues over expenditures is \$575,541.53.

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

**VOTE:** The motion carried unanimously 4-0.

#### **B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2011-1-1 - MID YEAR BUDGET**

**Administrator Ward** referred to page 1 of 44. He said the Village is increasing the estimate of revenue in, primarily in municipal and state shared gross receipts tax, by 63.9 and 79.5 thousand. There is also a little jump because the Village sold the ladder truck for \$35,000. The Village is decreasing on the building permits side of the budget too. The two increases reflect year-to-date collections. The Village is keeping the next 6-months at the earlier estimate. He said there is not a lot of construction activity present and the Village has identified where the increases were. He said the Los Poblanos Inn and Cultural Center's construction was completed and a smaller construction project also happened where the Village could see a direct-tie. The Village is not anticipating those same

increases in the back-half of the year. The Village is keeping the back-half the same, recognizing the increases in the front-half of the year. The total increase of revenue is \$210,480.00.

**Administrator Ward** referred to page 6 of 44 which is the general administration on the expenses side. Transportation had budgeted \$2,400, but that will be moved to the parks budget. The Village is also increasing the attorney's fees by \$16,000. When the Village first drew up the budget, the codification project was not being worked on, but the monies will be applied here due to this project. Money has also been added in there for professional services for appraisals to restart the Fourth Street and Osuna Road development project.

**Trustee McDonough** asked why the Village would be appraising those properties.

**Administrator Ward** said the Village would try to assess the current market value for Village properties and others that are related so there is an understanding of what the market price is. When an RFP is developed, the Village can understand what is being looked at when a bid comes back.

**Administrator Ward** referred to page 7 of 44 in the general administration budget. The printing/publishing/advertising number of \$18,000 is for the New Mexico Vacation Guide ad. This category will be increased by \$47,307.00.

**Administrator Ward** referred to page 9 of 44 in the Parks/Animal Control/Streets budget. The transportation expense of \$2400 was moved into parks. The \$91,000 is primarily the amount of money the Village has put into the Agri-Nature Center to-date. The \$23,000 grounds maintenance monies was from the installation of a few gates, re-graded Alondra Lane, laser-leveled the Osuna fields, and cleaning out the Fourth Street sewer system. An additional \$2600 for Animal Control is for the charges from the City of Albuquerque for animal delivery to their shelters. In all, the Village is proposing a total increase by \$41,793.00.

**Administrator Ward** referred to page 11 of 44 in the summary page. Overall, in total fund expenditures, the Village is increasing the operational budget by \$82,475.00.

**Trustee McDonough** asked about the \$30,000 for capital machinery and equipment.

**Administrator Ward** said that Village maintenance staff suggested a street sweeper be purchased to keep Village streets cleaner. Currently, it costs the Village about \$4,000 every time the road is swept.

**Trustee Lopez** said the Village does not want to end the year with a budget deficiency.

**Trustee McDonough** referred to page 14 of IGA Fire Protection and EMS Services. He asked about the additional \$76,000.

**Administrator Ward** said the Village does not spend that money. It is money that comes in through the Fire Protection fund and then the Village sends it straight to Bernalillo County.

**Trustee McDonough** referred to page 17 and asked about a fire department vehicle purchase.

**Administrator Ward** said the Village does not plan to purchase any vehicles; rather this money was wild land fire money from a couple years ago when the Village received a wildfire reimbursement after firemen went to an out-of-state fire. This money was transferred to the general fund.

**Trustee McDonough** referred to the Garduño Road Storm Drainage. He asked if this project was going to happen.

**Administrator Ward** said the Village is waiting on AMAFCA and what they need from the Village.

**Trustee Lopez** said John Kelly retired about one month ago and he said Mayor Abraham and Tim Eichenberg need to have a discussion before things proceed.

**Mayor Abraham** said AMAFCA wants the Village open space for their drainage. They want enough land for 100-acre feet, which is 20-acres, 5-feet deep. More discussions need to take place.

**Trustee McDonough** asked if the money for gateways were recalled.

**Administrator Ward** said the Village has two appropriations and still has \$54,000. One appropriation expired, but the other is still active until June 30, 2011.

**MOTION: Trustee McDonough** moved approval of Reso. No. 2011-1-1. **Trustee Lopez** seconded the motion.

**VOTE:** The motion carried unanimously 4-0.

**ROLL CALL VOTE:** Trustee McDonough-Aye; Trustee Homan-aye; Trustee Lopez-aye; Trustee Rael-aye.

**6. PUBLIC HEARINGS AND APPLICATIONS**

None

**7. OLD BUSINESS**

**A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE REPEALING ORDINANCE NO. 183, SECTION 16 SPECIAL USE PERMIT, (B) (15) FAMILY TRANSFER OF SUBDIVISION**

**Planner Seebach** said the repeal of the Family Transfer Subdivision is from the task force. The task force spent a lot of time looking at it from every angle and concluded that they could not write an ordinance that targeted the people because it would be discriminatory and probably would not stand up in court. In order to protect the Village, the task force decided to repeal it. Their recommendation is to adopt it.

**MOTION: Trustee Lopez** moved to adopt Ordinance No. 183, Section 16 Special Use Permit (B) (15) Family Transfer Subdivision. **Trustee Rael** seconded the motion.

**VOTE:** The motion carried unanimously 4-0.

**ROLL CALL VOTE:** Trustee McDonough-aye; Trustee Homan-aye; Trustee Lopez-aye; Trustee Rael-aye.

## **8. NEW BUSINESS**

### **A. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN ORDINANCE AMENDING ORDINANCE 183, SECTION 2 DEFINITIONS AND SECTION 6 (B) PERMISSIVE USES, ADDING (11) AND SECTION 10 (B) (q) PROVIDING FOR AN IN-HOME CARE GIVING PERMIT, ALLOWING AN ANCILLARY KITCHEN IN A SINGLE FAMILY RESIDENCE FOR A DETERMINED PERIOD OF TIME AND PURPOSE**

**Planner Seebach** said the Family Transfer Subdivision established a certain amount of goals to fulfill. They turned their attention to in-home care giving because one of their first goals set by the task force was to find ways to enable children to take care of their parents. They looked at different alternative situations like trailers, guest houses, dual-houses, etc. and came to the conclusion that the best way to address the needs of an in-home caregiver is to allow for a second ancillary kitchen during the duration of the time the in-home caregiver needs. The Family Transfer Subdivision Committee recommends adopting this.

**MOTION: Trustee Homan** moved approval to advertise the proposed ordinance amending ordinance 183, section 2, definitions and section 6 (B) permissive uses, adding (11) and section 10 (B) (q) providing for an in-home care giving permit, allowing ancillary kitchen in a single family residence for a determined period of time and purpose. **Trustee Lopez** seconded the motion.

**Planner Seebach** said there was a recommendation to change the title.

**Trustee Homan** amended her motion to change the title.

**Trustee McDonough** said he did not have any issues with the agenda, but asked if a second kitchen would be necessary if a person is in a home where that person cannot take care of themselves.

**Trustee Lopez** said it was a privacy issue.

**Planner Seebach** said there were several different scenarios where a second ancillary kitchen would make it easier for the caregiver. She said, for instance, if there is a home with a second story, then the caregiver is perpetually going up and down the stairs for the caregiver and having this secondary kitchen would be helpful and less disruptive.

**Trustee McDonough** asked if this was something that could not be handled as a variance based on a hardship and asked if an ordinance was necessary.

**Planner Seebach** said land use cannot be changed via variance.

**Trustee McDonough** referred to item “C” where is states, “the ancillary kitchen may contain an oven or microwave oven, refrigerator, coffee pot or similar appliance and sink. Full ovens or burner tops are allowable when a statement from a licensed medical professional specifically requires an oven for dietary purposes.” He asked if that was referring to the person being cared for or the caregiver.

**Planner Seebach** said it is for the person needing the care.

**Trustee Rael** said he recalled, from a previous meeting, that the children’s family was coming in to take care of the father.

**Attorney Chappell** said he was trying to understand the logistics of it and what role the kitchen played. The way it is worded, means that a burner cannot be present. His concern is if there was a full kitchen component, then someone could rent the room out. He recommended that the language include something about the limitations for the purpose of the kitchen.

**Attorney Chappell** asked that the board give some direction to the matter.

**Trustee McDonough** said the Village cannot control it based on a doctor’s recommendation. He said the only control the Village has is the time period which may require physical inspection of the property. This asked if it could be handled as a variance instead.

**Attorney Chappell** said the problem is that this would not meet the criteria for a variance.

**Planner Seebach** said there has been several conditional use permits solely for caregivers over the last several years. The way this ordinance was written was the minimal public exposure for a family needing care giving where a variance would require a public hearing.

There was a discussion amongst the trustees on how an “ancillary kitchen” is defined. It was decided to defer this item until the February 9<sup>th</sup> meeting.

**Trustee Homan** withdrew her motion and moved to defer this item.

**Trustee Lopez** seconded Trustee Homan’s motion to defer.

**VOTE:** The motion carried unanimously 4-0.

**B. DISCUSSION AND APPROVAL TO AWARD THE REQUEST FOR BID FOR LEGAL SERVICES TO THE CHAPPELL LAW FIRM AND AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH THE CHAPPELL LAW FIRM**

**Mayor Abraham** requested that Attorney Chappell leave the room temporarily so this section of the agenda can be discussed candidly.

**Administrator Ward** said the current contract with the Chappell Law Firm will expire in February 13, 2011. An RFP was issued with the Mayor's approval and the Village received bids based on the RFP that were due on January 4, 2011. There were categories in which points were awarded based on what was in their bid documents. Each responder was given ratings as well.

**The Robles Firm and the Chappell Firm each scored 90 points.** The Rennick Firm bid was deemed non-responsive due to a certificate of insurance not being provided in their bid document. Based on a couple of items, the Village feels that the Chappell firm should be selected over the Robles Firm due to Mr. Chappell's experience and the ongoing nature of a couple current projects the Village has with the firm.

**Trustee Lopez** said he would agree with the recommendation to select the Chappell Law Firm.

**Trustee Homan** said she would agree with the recommendation to select the Chappell Law Firm.

**Trustee Rael** said he would agree with the recommendation to select the Chappell Law Firm.

**MOTION: Trustee McDonough** moved approval to award the RFP to the Chappell Law Firm. **Trustee Homan** seconded the motion.

**VOTE:** The motion carried unanimously 4-0.

## **C. REVIEW AND DISCUSSION OF THE VILLAGE OF LOS RANCHOS 2020 MASTER PLAN**

**Administrator Ward** explained the procedure and powers of the Planning and Zoning Commission for approval of the Master Plan.

**Trustee McDonough** asked if the 2020 Master Plan can be given more than a 15-day notice. He also added that he would like to see the low impact development restructured. The document proposes it as a new approach, but perhaps it can be written to reflect that it is not a new concept.

## **9. TRUSTEES INFORMAL DISCUSSION**

- **Trustee Lopez** stated that he saw a coyote racing through his yard and had some concerns on how coyote issues were being handled by the Village.
- **Mayor Abraham** stated that we handle this by bringing in USDA if we feel there is a problem and they monitor the situation and he takes care of the coyote that he feels is a problem.
- **Mayor Abraham** mentioned that another problem is raccoons with distemper going around in the Valley. These are picked up by the Village

- **Administrator Ward** stated that the Village has had seven incidents of sick raccoons
- **Trustee Rael** stated that the Water Board is going to start using iPads for meeting packets, and would like to suggest that once they try it, the Village try these in order to save paper.
- **Trustee Homan** announced that Municipal Day is coming up and encouraged the Board to attend this and meet with our Legislators.

**10. ADJOURNMENT**

The meeting was adjourned at 9:00 p.m.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**ATTEST:**

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Annabelle Silvas, Village Clerk