

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
APRIL 11, 2007 -7:00 p.m.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Tim McDonough, Trustee

Pablo R. Rael, Trustee

Mary Homan, Trustee

Annabelle Silvas, Clerk

Juan Vigil, Administrator

Terry Nighbert, P&Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, April 11, 2007 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

A. APPROVAL OF AGENDA

Mayor Abraham announced that Troop 9 made 6 picnic tables for use at the barn. He said the barn will be open on May 5 during the first Growers' Market so that everyone can see the inside.

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

VOTE: The motion carried unanimously, 4-0.

B. PROCLAMATION PROCLAIMING APRIL 20, 2007 AS *TRIBUTE TO TEACHER EXCELLENCE DAY*

Mayor Abraham read the proclamation which proclaimed April 20, 2007 as "Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day".

2. PUBLIC COMMENT PERIOD

None

3. CONSENT AGENDA

A. MINUTES –REGULAR MEETING–MARCH 14, 2007

There were no additions or changes to the Minutes.

B. DEPARTMENT AND COMMITTEE REPORTS

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

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

VOTE: The motion carried unanimously, 4-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported that:

- The Village purchased two motorcycles that will be manned 5 days a week by two Sheriff's officers. They are equipped with state-of-the-art radar and traffic enforcement equipment. The project was accomplished with the cooperation of Sheriff Darren White and Bernalillo County. The front cover of the May issue of the *Village Vision* will feature the motorcycles and officers. The motorcycles' radar can "see" in four different directions at the same time which should be a great deterrent to speeders. The motorcycles went into service on Monday, April 9.
- The motorcycles will be featured at the first Growers' Market on May 5th. This is also the 15th anniversary of the Growers' Market which is a credit to all the volunteers.
- The Village received a little over \$7 million from the legislature this year. There was \$2.4 million for the Blanchard open space, \$525,000 for open space for Anderson Field, \$500,000 for the Fire Station, \$175,000 for a bike path along Rio Grande Blvd., \$75,000 for roads, \$55,000 for park maintenance, \$25,000 for Main Street, \$605,000 for the Unser Racing Museum, and \$2.7 million in GRIP II funds to resurface 4th Street.
- MRGCD elections are coming up on June 5th. Village residents are urged to vote.
- 85 Afghan pine trees have been planted in the park and they should totally shield the east side of the park. In addition, several trees were also planted in front of the barn.
- Work has begun on the guidelines for use of the barn. It will be brought before the Board for approval as promised to the neighbors in Caballero Norte.
- *Local Flavor Albuquerque Magazine* has an article on Kelly Jo's Ceramics and mentions Moses Health Foods, Vernon's Hidden Valley Steaks, Calico Café, and Los Ranchos Liquors. One of the tennis newspapers mentioned the tennis courts in Los Ranchos. It is nice to see the Village receiving some recognition.
- In conjunction with the cell tower, they are working on the possibility of wireless internet for the entire Village. They are also looking at wireless security cameras that could monitor traffic in and out of neighborhoods.

B. ADMINISTRATOR'S REPORT

Administrator Vigil reported that:

- One of the successes during the last legislative session was the Ditches with Trails legislation sponsored by Senator Feldman. The Ditches with Trails Committee is having a clean-up on April 21 on the trail between Green Valley Road and El Pueblo. They are hoping for a lot of volunteer participation.
- A grant was submitted for the Law Enforcement Protection Fund for a new vehicle and it also included the officers. A staff member is on her way to Hobbs to defend our request for the grant on Garduño Road flooding.
- Staff is working on the bike trail issue and submitted a grant for that as well as on the trails appropriations. In addition, they are working on legislative funding to see if the trail can be established along Rio Grande between Paseo del Norte and Montaña Road at the same time they are constructing the sewer system between El Pueblo and Chavez, which is Areas I and J.
- The Governor signed the eminent domain bill and staff is currently reviewing how it relates to the Village Center issues.
- Regarding the funding received for the Municipal Arterial Program, 3 bids have been received on the project for repaving El Pueblo.
- Staff has been performing a lot of local work monitoring the trails on Paseo del Norte and installing horse crossings.
- The final inspection was performed on the 4th Street project and there are approximately 50+ items to work on.
- Staff is working with Larkin on the intersection of Osuna and 4th Street. Some of the signal lights are not turned out because when the semi-trucks turn they run up on the curb and hit the light. They are looking at modifications to the light standards.
- They are also working on the installation of lights during early June at the intersection of Los Ranchos and 4th Street.
- They are nearing a contract with Mr. Brown to perform the traffic study for the Village Center Zone.

Trustee Lopez said he frequently drives down 4th Street in the evening and the striping is almost nonexistent in the area south of the 4th Street project. He asked if there was any way to amend the contract with the contractor to have him re-stripe it.

Administrator Vigil said they have money from the GRIP II for resurfacing so they could look at that.

Trustee Homan said there had been requests for a turn signal at Ranchitos and she asked if that was being given any consideration.

Administrator Vigil responded that with the new GRIP II funding it includes funding for paving improvements, signalization and intersection improvements. He said they will look at Ranchitos.

C. PLANNER'S REPORT

Planner Nighbert reported that:

- The Planning Department continues to refine the Village Center Zone Ordinance. The moratorium on accepting building and planning reports within the VC Zone ends on June 30.

- The Metropolitan Redevelopment Area (MRA) declaration for the project area within the VC Zone was approved last month by the Board. The MRA has some rigid schedules to meet in the redevelopment of the property including the Request for Proposal to be issued by the Village to proceed with selection of a development firm.
- Staff is looking at text amendments to the Sign Ordinance in order to clarify some contradictory language. They hope to have a presentation for the Planning Commission at the May or June meeting.
- Due to the press of other business, they have not been able to address the two-story building moratorium on residential homes in the Guadalupe Trail Character Area. They hope to have something to the Planning Commission in May so that it can be brought to the Board in June.
- The Planning Department has received 10 applications for subdivisions since the 1st of January. They are not all large subdivisions, but they are two-lot subdivisions and also replatting of a three-lot MRGCD tract. They will be updating their land utilization report and presenting it to the Planning Commission and the Board.
- The Village NPDES application was submitted on April 1, but they had an exception which was the endangered species for the Rio Grande area. They have asked for an extension.
- There will be a final inspection of the Taft recreation area on Friday, April 13, with APS.
- They have hired Marcy Bissell as the new Administrative Assistant.

D. LEGAL REPORT

Attorney King reported that:

- They still have continuing litigation on Landau 1 and Landau 2 and are also working on litigation in the Gasman case. They are negotiating terms with T-Mobile and also for the Unser Agreement that was approved by the Board last month.
- They researched matters related to the SPO letter and the next steps in the Metropolitan Redevelopment Act.
- They also researched items related to the bike trail.

E. FIRE DEPT. REPORT

Fire Chief Perez reported that:

- The call volume has increased from last year to this year and he believes it is attributable to the growth of the Village.
- By next week there will be 13 firefighters who are swift water certified. They will travel to the San Juan River for training on Tuesday through Thursday in the Class 3 rapids. They will subsequently have an agreement with the Albuquerque Police Department to assist them with any swift water rescues.
- They are prepared for the wildland fire season.
- Engine 12 was part of a funeral procession for Andy Fox who was a member of the Bernalillo County Fire Dept.

Mayor Abraham thanked the Fire Department for their help with the Easter Egg Hunt. He said the Easter Bunny arrived on horseback which was a new twist. He also said he would like to thank Chief Perez for researching and installing the new microphones and public address system. He said the Village is moving further along technology-wise and soon the public will be able to go to the website, click on an item in the agenda and hear the actual recording of the discussion on that item.

Chief Perez said *The Weekly Alibi* noted that the Village Growers' Market was rated No. 1 for growers' markets in the area.

5. FINANCIAL BUSINESS

A. CASH REPORT – MARCH

Treasurer Haines reported that the cash report as of March 31, 2007 shows a cash balance of \$1,909,975.93. For the month of March the revenues exceeded expenditures by \$45,293.13; the year-to-date expenditures exceed revenues by \$728,921.15. The Village received an additional \$20,000 on the small cities assistance grant.

Trustee Lopez said on the 4th Street Improvement Project on Page 6 of 6, it shows \$309,167.93 as the balance to finish. He asked if that included a retainage or if that was still what was owed to the contractor.

Treasurer Haines responded that the amount reflected is the final amount owed to Star Paving unless something comes up subsequent to this.

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

VOTE: The motion carried unanimously, 4-0.

B. INTRODUCTION OF 2007/08 FISCAL YEAR BUDGET

Administrator Vigil said he, the Accountant and the Treasurer met and reviewed the budget before they took it to the departments. He said he has presented a summary of the 07 after mid-year budget review compared to the proposed budget of 07/08. He then went through the various line items and discussed the comparative increases or decreases. He said the total revenue changes are from \$2,670,662 in 06/07 after mid-year adjustments and the proposed budget is \$2,766,821. He said overall for the expenditure level, they are going from \$2,185,543 to \$2,299,901 which is an increase of about 5.2%. He said the proposed budget does have a cost of living increase of about 5.1% based on what the State and others are doing. He said the other increases are for health coverage, adding the contract attorney, a possible audit cost increase if the State Auditor performs our audit, and a contingency of \$100,000 to handle any unanticipated expenditures. He said all of the other funds are based on agreement with a State agency and these expenditures are controlled by contract and or as specified by a legislative appropriation. He said it is appropriate that if any member of the public wants to comment on the budget that they have that opportunity at this meeting.

Trustee Lopez said he noticed that the ending cash balance for 2008 would be \$1,981,178 which is about \$250,000 more than what they are ending at this year. He said he believes that would be a very good significant increase.

Mayor Abraham complimented Accountant Saavedra on his accounting techniques and his diligence in paying all the bills on time.

Trustee Homan said she attended the District Municipal League meeting in Los Lunas where they have wireless technology. She said they have small monitor screens at each Council member's station where everything is electronic as well as several screens around the room so the public can see exactly what the Board is seeing as far as materials being presented.

Mayor Abraham said he would like everyone to know that Los Lunas has 5 people in their IT Department and the Village does not even have an IT Department.

Mayor Abraham invited anyone from the public who had comments on the budget to come forward.

There were no comments from the public.

6. PUBLIC HEARINGS AND APPLICATIONS

A. AN APPEAL BY ALLISON AND FISHER, ATTORNEYS FOR DENNIS NEFF, TO THE BOARD OF TRUSTEES OF ACTION TO DENY APPLICATION V-07-01 BY PLANNING AND ZONING COMMISSION ON JANUARY 9, 2007, AGENDA ITEM 5A, FOR A VARIANCE FROM THE TWO HUNDRED EIGHTY FEET (280') SETBACK IN THE NORTH RIO GRANDE CHARACTER AREA A TO ALLOW FOR ONE HUNDRED FIFTY FEET (150'). THE PROPERTY IS LOCATED AT 6847 RIO GRANDE BLVD. AND IS LEGALLY KNOWN AS TRACT NO. TWO (2) OF THE LANDS OF AL UNSER, JR. (BEING A REPLAT OF TRACTS A-1 AND A-2, LANDS OF WAYNE LOVELADY), VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO AS THE SAME IS SHOWN AND DESIGNATED IN THE PLAT THEREOF ON FEBRUARY 21, 1997, V. 97C, FOLIO 57. THE PROPERTY CONTAINS 1.6353 ACRES MORE OR LESS. THIS ITEM WAS DEFERRED FROM THE MARCH 14, PUBLIC HEARING

Attorney King swore in those who wished to speak under Items 6.A., 6.B. and 6.C.

Planner Nighbert discussed Planning Report No. PZ-07-27 which was an appeal of the Planning & Zoning Commission's denial of a variance from the 280 foot setback on the North Rio Grande Character Area in order to remodel and enlarge the existing house on the property. He said this is Tract 2 of the Lands of Unser and is not included in the Prado Subdivision proper, but is included within the Covenants of the Prado Subdivision. He said there is a supplemental report to the Board and the Planning staff has met twice with the Applicant to discuss alternatives to the configuration. He said it is an L-shaped variance request. He said the configuration proposes a variance from the 280 foot setback to 190 feet from Rio Grande Blvd. He said since the property is zoned A-1, the standard lot coverage would be 21,780 square feet

and this was the standard allowed in the variance granted to Lionel Ortega in 2006, Case V-06-15. He said even though the Ortega tract was 2.0 acres in size, the development standard was set based on the language in Chapter 31, Section 3, General Regulations, concerning preserving the open space and vista presented in the ordinance. He said the CCR's for the Prado Subdivision would be applied which restrict the lot coverage to 33% for structures and the applicant's proposed area was calculated at 38%. Therefore, he said the proposed area is greater than the allowable lot coverage by 2,161 square feet. He said for this particular tract, the location of the rear lot and side yard setbacks are important. He said given the two conditions: 1) the variance configuration by the applicant has changed from what the Planning & Zoning Commission heard and 2) further details studied by the Planning staff on the exact CCR's of the Prado Subdivision, the Department recommends that the appeal of the Planning & Zoning Commission be remanded back to the Planning & Zoning Commission due to the applicant's revision of the original request for variance and because the front property line is required to be on Cottonwood Drive rather than on Rio Grande Blvd. He said he and Chuck Cala of Jeff Mortensen & Associates have discussed this several times and Mr. Cala may want to add further comments.

Mayor Abraham asked if Mr. Allison or Mr. Cala had any comments.

Michael Allison, 300 Central Avenue, SE, Albuquerque, said they have tried to look at some options and as a result the application has varied. He said the Supplemental Report sets forth the discussions and he believes progress has been made. He said they don't specifically agree with all the facts set forth in the Supplemental Report but they are agreeing with the recommendation for a remand to the Planning & Zoning Commission.

Chuck Cala, 6010-B Midway Park Blvd. NE, Albuquerque, said he is with Jeff Mortenson and Associates who are the consultants for Mr. Neff. He said they do have some concerns about the interpretations and the definitions that are within the CCR's for Prado which were referenced in the report. He said he wants to be sure they can make their case to Planner Nighbert prior to a Planning & Zoning hearing. He said they didn't have that opportunity at the original hearing. He said he is concerned that some of the findings may not be correct. He said as long as he has that opportunity to speak with Planner Nighbert, he has no objection to remanding the item to the Planning & Zoning Commission.

MOTION: Trustee Lopez moved that this appeal be remanded to the Planning & Zoning Commission in accordance with the recommendation by the Village Planning & Zoning Director as presented in the April 11, 2007 Supplemental Planning Report to the Board of Trustees. Trustee Homan seconded the motion.

Trustee McDonough asked if it would be appropriate to have comments from anyone who wanted to speak about the item in case they could not be present at the P&Z meeting.

Mayor Abraham responded that it would not be appropriate because the comments would not become part of the official record.

VOTE: The motion carried unanimously, 4-0.

Mayor Abraham said he would appreciate it if Mr. Allison and his client would try to settle the differences with the wall. He said the wall is an ugly eyesore on Rio Grande and he would like to see it taken care of in short order.

B. AN APPEAL BY RICHARD SCHALK, AGENT FOR CONNIE LOVELADY-RAPPAPORT TO THE BOARD OF TRUSTEES OF ACTION TO DENY APPLICATION V-07-09 BY PLANNING AND ZONING COMMISSION ON MARCH 12, 2007, AGENDA ITEM 5F, FOR A VARIANCE FROM THE TWENTY FIVE FOOT (25') REAR SETBACK TO ALLOW FOR FIFTEEN FEET (15') IN THE A-1 ZONE OF THE CABALLERO CHARACTER AREA. THE PROPERTY IS LOCATED AT 823 EL ALHAMBRA CIRCLE NW AND IS LEGALLY KNOWN AS LOT NUMBER SIXTEEN (16) OF THE AMENDED PLAT OF EL CABALLERO NORTE SUBDIVISION WITHIN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON JULY 31, 1978. THE PROPERTY CONTAINS .9443 ACRES MORE OR LESS.

Planner Nighbert presented his Planning Report No. PZ-07-26. He said the applicant has requested a variance from the rear yard setback requirement of 25 feet to allow for a 15-foot setback in the A-1 Zone to build a single story addition to an existing residence. He gave a little history on the Caballero Norte Subdivision which was approved in March 1972 whereby setbacks were 25 feet in front, 10 feet in the rear yard and 5 feet for side yards. He said the subdivision was approved with a 20-foot riding and utility easement around the entire perimeter of the subdivision which in effect established a 20-foot rear setback for the applicant's property. He said in 1989 the El Caballero Norte Property Owners Assoc. officially vacated and released to the property owners the 20-foot horse riding trail easement. He said this request for a variance involves the construction of a new master bedroom addition to the rear portion of the residence. He said the applicant stated several extenuating circumstances for the Commission to consider as hardships in the variance request. He said the Planning & Zoning Commission denied the application for a variance to allow the 15-foot rear yard setback where a 25 foot setback was required in the A-1 Zone of the Caballero Character Area. Their findings were that the application does not meet the hardship requirements of Section 24 of the Zone Code, specifically Subsection E(a): (1) It is not contrary to the public interest, and (2) owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship. He said the first Planning Department Report also recommended denial of the variance in that the design of the addition could be modified so that the variance would not be needed. He said the applicant is represented by Mr. David Campbell and Mr. Richard Schalk.

Trustee Homan said she would like clarification about PNM's vacating the utility easement.

Planner Nighbert responded that they backed out of 5 feet of the 20-foot easement, but they no longer had use of the rear easement.

David Campbell, 6100 Uptown Blvd., NE, said he loves coming to the Village because it is so unique. He said one of the unique things to the Village is the Character Area designation because he was not familiar with the term. He said what he understands is that you have certain places in the Village that need to have special attention. He said what the Village recognizes as a

municipality is that these places were settled before the Village adopted the Zoning Code. He said when they were settled they got the benefit of certain covenants that may have included design guidelines and setbacks. He said the Village's Zone Code says that zoning decisions, especially requests for waivers, variances, conditional uses and special uses will take into account the neighborhood character and those characteristics that define it. He said they believe the Caballero Character Area has houses that are set back from the front property line by 40 feet. He said the current Zoning Code would require only a 20-foot setback but the 40-foot setback was established long before the Village had zoning. He said the reason they are appealing the decision is because they believe the Village's policy is to recognize that character areas have to be recognized. He explained that the covenants say the property must be set back 40 feet from the front property line and has to be set back 15 feet from the rear property line and 15 feet from each of the side property lines and the addition has been approved by the Architectural Control Committee of the Homeowners Assoc. He said the zoning requirements from the Village would be 25 in the front and 10 on the sides and 25 in the rear. He said that leaves a 10 foot difference between the covenants and the Village zoning. He said they are asking the Board to grant the approval because the Village's policies say that the Character Area will be considered when dealing with variances and special actions. He said they are asking for a very modest variance of 10 feet and given the Village's uniqueness in recognizing character areas that meets the criteria for hardship and should be granted by the Board.

Trustee Lopez said in Planner Nighbert's presentation he talked about a redesign so it would fall within the guidelines. He asked what the Applicant's opinion was of that suggestion.

David Campbell responded that the design that was granted is optimal. He said the particular alignment and views from that area are such that it is the optimal situation.

Trustee Lopez said the reason he asked the question was if the Board agrees with its own department's recommendation, they would approve the denial. He said there is an option to remand this back to the Planning & Zoning Commission to give the applicant further time to make a decision to redesign it so it could be considered.

David Campbell responded that they had already considered those types of options before coming before the Board. He said they would like, on the basis of what they said tonight, to have the Board acknowledge that there is a character area and that there is a hardship and to recognize the variance.

Trustee McDonough said he is not clear on what the hardship is.

David Campbell said the house was built in 1974 and at that time the Village did not have a set of zoning requirements. He said they believe the adoption of a zoning code over already existing property and changing the requirements after the property is already built does constitute that "government action for which no compensation was paid" as cited under hardships. He said it changed the rules on how the property could be developed. He said they are saying that if character areas mean what the Village says they do, then you have to recognize that which was there previously as part of the covenants. He said in this situation they comply fully with the covenants and almost fully with the Zoning Code.

Trustee Homan said she is concerned with this type of logic because that means any property owner could come back and say they bought the property years ago and since then the codes have changed and they want the rules that were in effect back then. She said none of the improvements or planned neighborhoods or controls that are needed for a planned growth in the Village could be controlled under this type of logic.

David Campbell said these are individual quasi-judicial cases having to do with one piece of land. He said some people say this will set a precedent forever, but this is not the case. He said there is no case law, they are approached on an individual case-by-case basis.

Mayor Abraham asked Mr. Campbell if he knew of any other houses that have less than a 25-foot setback near this house. He said if they are truly discussing the character of the area, then they would be changing the character of the area by moving the lot line back. He said he believes someone will come back and quote the results of this hearing when they are trying to justify their position. He said he has never seen a situation where the Board allowed covenants to overrule the Village's ordinances.

David Campbell said that is where he started tonight. He said this is the precise situation where we will make variances to honor the character of the area. He said the character of the area is what the covenants set down in the early 1970's, not what the Village applies for itself overall in the 1980's.

Trustee Rael said he believes this property owner, as well as all the other property owners, have accepted the zoning since 1980 and it has been working well for all the neighbors. He said he doesn't think it is right to change it at this time.

Planner Nighbert said he would like to set the record straight because under Village Ordinance No. 2, it pre-dated Caballero Norte Subdivision. He said under Ordinance No. 2, Caballero Norte Subdivision was accepted by the Village so there was zoning in the Village prior to that time. He said the setbacks under Ordinance No. 2 were 25 feet in front, 10-foot rear yard and 5-foot side yards. He said Caballero Norte's own covenants set the setbacks greater than what was in Ordinance No. 2 at the time in 1972 that Caballero Norte applied for and received subdivision approval by the Village.

Richard Schalk, 7400 Montgomery NE, Suite 39, said the best explanation for the hardship is that the front setback and the side yard setbacks cause them to lose 6,000 square feet of buildable area from the house and they have to move the house back on the lot by covenant. He said the setbacks are the hardship and it forces the development of the property to the back of the property.

Mayor Abraham asked Mr. Schalk if he was aware of the 25-foot setback when he designed the house and knew all along that he would have to come in for a variance or whether he designed the house around the covenants and then realized there was a 25-foot setback.

Richard Schalk said he designed it around the covenants and he was not aware of the 25-foot setback. He said he would normally check with the ordinances of where he was designing a building, but he knew that the whole issue could be appealed and that is why he was attending the meeting.

Trustee Lopez asked Planner Nighbert if the Board approved the denial, how long would it be before they could come back to appeal again? And if they remand it to Planning and Zoning, would the applicant have a month or two to decide something different?

Planner Nighbert said they could redesign it within the setbacks and get a building permit whether the Board denies it or remands it.

Trustee McDonough said we have a Planning & Zoning Commission that has been empowered to look at these issues and to evaluate them. He said he believes, without significant overriding information, that the Board should be supportive of the Planning & Zoning Commission.

MOTION: Trustee McDonough moved to deny the appeal by Richard Schalk. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

C. A REQUEST BY CONSENSUS PLANNING INC, AGENT FOR RICK QUANT, FOR A PRE-ANNEXATION ZONE RECOMMENDATION AND A SKETCH PLAT REVIEW FOR A SPECIAL USE PERMIT-PLANNED RESIDENTIAL DEVELOPMENT. THE PROPERTY IS LOCATED AT 8740 4TH STREET NW AND IS LEGALLY KNOWN AS PARCEL A AND PARCEL B OF A TRACT OF LAND IN SECTION 16, T11N, R3E, EAST OF THE N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, BEING A PORTION OF TRACT 119-A AS THE SAME IS SHOWN AND DESIGNATED ON THE M.R.G.C.D. MAP 24. THE PROPERTY CONTAINS 3.381 ACRES, MORE OR LESS.

Planner Nighbert presented Planning Report PZ-07-25 and said the property is known as Blue Spruce Trailer Park and is just north of Paseo del Norte on 4th Street. He said the applicant is requesting annexation into the Village for 3.381 acres of property with current County zoning of R-1 and C-1 with a special use permit for a trailer court. He said the applicant is proposing to develop the land into a Planned Residential Development with 10 lots with a gross area of .31 acres to .22 acres per lot. He said Planning staff is recommending an R-3 zoning designation in compliance with the Village Master Plan 4.6.2.2 Policies and Actions. He said this plan promotes the change of zoning to allow for higher densities along 4th Street. He said the proposed houses, restricted to one story, would be placed on the north side of the narrow strip of land with a buffering street between them and Paseo del Norte. He said this annexation would continue to square off the Village boundary, especially if Garduño's Restaurant is annexed at some time in the future. He said the annexation would give the jurisdiction of the NMDOT excess right of way to the Village and the Village would propose adding this land to the open space and extend the trail on the north side of Paseo del Norte to Second Street. He said the equestrian and walking path would then extend from the Rio Grande State Park at the river to Second Street which would be a great asset. He said the Planning and Zoning Commission recommends: 1) the Board endorse the request by the applicant to the Bernalillo County Commission to allow the Village to annex the property; 2) the annexation of the property with an R-3 zoning designation is appropriate under the Village Master Plan; 3) the Sketch Plan Review by the Board will serve to provide the applicant with input from the Board in any subsequent applications for Preliminary Plat for a Subdivision; and 4) the two billboards on the property be removed by 2011 per the sunset ordinance for all billboards in the Village. He said the applicant

and his agent, Mr. Jim Strozier, are present to present their case and there are also many residents from Garduño Road who have opinions to state.

Trustee Lopez said if they were to follow through with a recommendation and endorse the request by the applicant for the Bernalillo County Commission to allow the Village to annex the property, does that mean we are approving the subdivision?

Planner Nighbert responded that it does not mean the Board is approving the subdivision because the subdivision still has to go through the preliminary plat and final plat site development plan for a special use permit for a planned residential development. He said the public and neighbors will have at least three more opportunities to comment and provide input.

Jim Strozier, Principal of Consensus Planning, 302 8th Street, NW, said they have been asked why the owners have decided to look at the land use and the potential for this property. He said the reason is that there is a requirement that this property be hooked up to the sewer and the owner felt that was a decision point. He said he could retrofit the existing trailer court with 32 existing spaces and put in the sewer and spend a significant amount of money and continue with the present use. The other alternative was to look at the use of the property and decide if this was the best use of the property. They decided they could look at a new subdivision, significantly reduce the number of units from 32 to 10, and see how a subdivision could be laid out. He said the Village had approached Mr. Quant and asked if he wanted to come into the Village. He said it came to light that where they were with the proposal, it was consistent with the Master Plan and policies and it was an opportunity for the Village to gain jurisdiction and control over the open space along Paseo del Norte. He said it became obvious that this was a win-win situation for both parties. He said they have stopped the process with Bernalillo County who are aware of the discussions with the Village. He then explained the plan they have designed with a large setback off of 4th Street that allows them to deal with some safety issues concerning the entry to the property. He said they also want to be sure they are providing pedestrian trail connections through the project. He said the only street lights will be at the entry off of 4th Street. He said the homes will be restricted to single story. He said in their discussions with the neighbors he believes they have addressed the majority of their concerns. However, he said one item they have not come to agreement on is the location of the roadway. The neighbors had requested that they flip the road to the north side of the property and have the lots on the south side of the property. He said Paseo del Norte was along that edge and they felt any additional buffer they could get from locating the roadway on the south would be worthwhile. He said it also made sense from a drainage consideration. He said they have lowered the density and restricted the homes to one story which was a major concern of the neighbors. He said the other area of disagreement is the billboards. He said they would like a longer period of time than 2011. He said they would like to relocate the existing billboard to property along 4th Street but they need more time to amortize the billboards. He said they will continue to work with the neighbors.

Trustee Rael asked what the price range of the homes would be.

Jim Strozier responded that they were looking at \$500,000 to \$600,000.

Trustee Rael said that didn't sound like affordable housing to him. He asked what would happen to the residents of the trailer park and whether there were presently 32 residents living there.

Jim Strozier responded that they will work with them directly to assist them in relocation. He said there are notice requirements on the books. He said there are 32 residents living there currently.

Trustee Homan asked if Mr. Strozier's client was interested in being annexed into the Village regardless of the redevelopment or if it ~~is~~ was just conditional upon this development approval.

Jim Strozier said in order for them to proceed with annexation with the Village, they would be looking at having an annexation agreement as part of the annexation of the property that ties the redevelopment to that annexation. He said they want that to be a commitment on their part in terms of changing the use of the property in terms of the Village's zoning and in site planning. He said they would then like a commitment from the Village that something along the lines of the proposed redevelopment plan would be a part of the agreement.

Trustee McDonough said with the annexation he assumes they would be requesting zoning of R-3.

Planner Nighbert said if the County Commission approves the property for annexation, then staff would be bringing forward an R-3 recommendation for zoning. He said the applicant could then apply for a special use permit or a PRD in that zone with the appropriate site development plan.

Jim Strozier said they are in agreement with Planner Nighbert's recommendation.

Trustee McDonough asked if there was any indication from Bernalillo County on their willingness to allow the Village to annex the property.

Jim Strozier said they have not had that discussion.

Trustee McDonough asked if the road would be private and if all the landscaping would be maintained by a homeowners association.

Jim Strozier responded that that was correct.

Trustee Lopez said it seems that every subdivision has a high price. He said his recommendation would be that if the property is annexed that there are no strings attached.

Jim Strozier asked if Trustee Lopez was saying that if the existing current conditions in terms of the trailer court would be grandfathered in?

Planner Nighbert said it is true that the Village now has trailer parks but they are non-conforming. He said as soon as they reach their economic limits, they cannot improve those trailer parks so they would go away at the end of their economic life.

Trustee Lopez asked if the Village were to annex the property, but not necessarily endorse this development, what would happen to the trailer park?

Planner Nighbert said if we were to annex it as a trailer park, you would be going against the grain of the Master Plan and Zone Code. He said that is why they are recommending bringing the property in as an R-3 Zone. He said the Village doesn't have an annexation ordinance per se and what he was trying to do was establish a regulation. He said the County Commission is the one who votes to allow their jurisdiction to be annexed.

Trustee McDonough said if he understood correctly, what they are acting on today is to request permission to annex this property and in doing so with County action allowing that to occur, we would have committed to annex and zone this property at R-3.

Planner Nighbert said we are communicating to the County our intentions of how the property will be zoned if it is brought into the Village and how the County's master plan is also met.

Jim Strozier said based on the previous discussion, the answer to Trustee Lopez' question is that no they would not be comfortable with annexation with no strings attached and he doesn't think the County would be comfortable with that either. He said he thinks the commitment he made when talking to County staff, the neighbors and the County Planning Commission was to be clear to them that this plan or some refinement of this plan is what they are planning to pursue whether it is the Village or Bernalillo County.

Jerry Folsom, 201 Garduño, said he has been working with the County and is for the development of Blue Spruce but would like it developed with the neighbors in mind. He said many of the homes that are to the north of the development are 5 feet off the back line. He said when they were built they were compliant but they always asked for the road to be on the north side of the development. He said he believes the reason the developer wants it on the south side is monetary because the two giant billboards are anchored on the south side of the property. He said they are happy the development went from 13 to 10 homes and they are happy there are not going to be any 2-story homes. They want it developed and the catalyst for this was the lack of compliance with the city sewer by Blue Spruce. He said he would like to see this completed with the County but it has now been deferred for another 90 days. He said he would like to see some conclusion with the County before they jump in between the Village and the County.

John Johnstone, 6821 Rio Grande Blvd., said the developer and owner were very courteous, honest and open when they talked to him. He said he agrees with the development into housing at whatever price range. He said there are public safety issues in that area especially with mobile home fires and also the issue of access on 4th Street.

Alonso Chavez, 226 Garduño Road NW, said he has lived there for 44 years. He said he loves Los Ranchos and his comments are that the property narrows where he lives with gravel roads, and the road is on the north side in his back yard and they have had no problems. He said they have requested that the road be on the north side and that it be paved. He said they could enjoy their backyard again. He said he is requesting that the annexation be denied. He said they were told by the developer that there would be a 6-foot wall on the north side, then the road and a turnaround on the east side close to 2nd Street instead of in the middle. He said they requested the turnaround at the end for emergency vehicles. He said they didn't know it was going to be expensive homes, they thought it would be like theirs. He said he doesn't like the billboards. He said the community also does not like the gate in front. He said they would like to keep the area open and rural.

Victoria Chavez Holson, 201 Garduño, said she purchased an acre so she could raise her kids on Garduño as she was raised. She said they want to keep it rural and she likes being in the County. She said she understands that the Village wants to square off its boundaries and that eventually Garduño would be annexed in. She said she is concerned about the people in the trailer park whom she has known for years. She said she is concerned about those people and how they are going to be relocated. She said she believes if they just move the houses over to the south end it will give the residents on Garduño a little more space.

Carol Clinger, 320 Garduño Drive NW, said she feels Consensus Planning made a significant compromise to what the neighbors asked for. She said she is not against annexation to the Village. She said regarding the road on the north side, if she lived in those houses she would prefer to have her back door sheltered from Paseo.

Questions and Comments from Trustees

Trustee Lopez said he had a question for Planner Nighbert that if the Board moved pre-approval of the annexation and zoning classification, how would that ensure that this development goes forward?

Planner Nighbert responded that the only assurance is that when you zone it, it will be R-3. He said you can annex it as R-3. He said the annexation is still up to the Board, even if the County Commission endorses it, that doesn't mean the Board has to approve the annexation.

Jim Strozier said as stated earlier, they are in agreement with staff's recommendation in terms of zoning and the requirement that a special use permit be prepared. He said if they come back in the future with the request to actually annex and zone the property, it would be appropriate at that time to have an annexation agreement or development agreement that actually sets parameters in terms of their intent for redevelopment of the property. He said that still requires him to come through with a site plan of 10 houses, single story, and the lighting. He said he believes the issue is whether the road is on the north or south side of the narrow strip. He said that is the area they agreed to disagree on.

Administrator Vigil said from his experience at the County, the issue they are looking at is when the annexation occurs they have some reasonable assurance that the proposed use will be consistent with their zoning and master planning and that it will not adversely affect them in the future. He said this is just the initial part of the process and the County will take into consideration not only the Village's views, but also the community's views in terms of annexation.

Trustee Lopez said his concern is the Commission's recommendation number 3 where it says: "The sketch plat review by the Board will serve to provide the applicant with input from the Board in any subsequent applications for preliminary plat for a subdivision special use permit for a planned residential development in the R-3 Zone of the 4th Street commercial corridor." He said it appears to be tying the Board's hands.

Planner Nighbert explained that there is no action on the sketch plat. He said the sketch plat was just to offer some direction to the applicant without actually having a vote. He said they would then come back through the process in which the Board would outline its conditions.

Trustee Rael asked if it was correct that if they were to approve this and annex it as R-3, the sign removal by 2011 would go away.

Planner Nighbert said that would not go away, but what does happen is that the County Commission then takes the Board's endorsement as an annexation at an R-3 Zone and when the applicant comes back for the annexation and agreement, that would be a time to look at the billboard issue and whether you would extend it. He said staff will need to discuss with our attorney what an annexation agreement might do to the timeframe for the billboards.

Mayor Abraham pointed out that all the Board will be voting on is for the applicant to go in front of the Bernalillo County Commission and asked to be annexed into the Village and get permission. He said they are not voting on billboards or development, but they will come in as R-3.

Administrator Vigil said the Board is doing a little more because you are telling the County Commission that you are supporting the request for annexation and that if they allow it, that you will annex the property under these conditions.

Mayor Abraham said these conditions are R-3, possibly 10 units, and connection to the water and sewer. He said it appears that the development is going to happen whether it is annexed to the Village or stays with Bernalillo County. He said he believes the community would be better supported by the Village.

Trustee Lopez said he doesn't see anything wrong with Commission Recommendations 1 and 2. He said he believes that sends enough of a signal to the County Commission that they can make their decision.

MOTION: Trustee Lopez moved approval of County Commission Recommendation 1 and County Commission Recommendation 2. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

The Mayor announced a 5-minute break at 9:32 p.m.

The meeting resumed at 9:38 p.m.

7. **OLD BUSINESS**

A. TEFRA PUBLIC HEARING RE: INTENT TO ADOPT ORDINANCE RELATED TO ISSUANCE OF IRB'S – SANDIA PREPARATORY SCHOOL -DECLARE THAT A COMBINED PUBLIC HEARING PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OPEN TO ALL RESIDENTS OF THE VILLAGE, COUNTY OF BERNALILLO AND CITY OF ALBUQUERQUE, ACCEPT BOTH WRITTEN AND ORAL COMMENT ON THE NATURE AND LOCATION OF THE PROJECT OR THE PROPOSED ISSUANCE OF BONDS AND AFTER ALL COMMENTS HAVE BE HEARD CLOSE THE PUBLIC HEARING

Mayor Abraham read the formal announcement of a joint public hearing required by U.S. Treasury Regulations for the issuance of 501(c)3 bonds under the Internal Revenue Code of Sandia Preparatory School to provide funds to refund the outstanding industrial revenue bonds for Sandia Prep School and to construct and equip buildings and furnishings to be used by the school. He also stated that the aggregate face amount of the bonds will not exceed \$10 million and the initial owner and operator of the project will be Sandia Preparatory School. He said the location of the project is on the campus of the school at 532 Osuna NE in the City of Albuquerque. He said all residents of the Village, the City of Albuquerque, Bernalillo County or other places in the State of New Mexico in the audience were invited to address the issuance of the bonds.

Duane Brown, Modrall Sperling Law Firm, said he is representing Sandia Prep School as their bond counselor. He said at this time, according to federal treasury regulations and guidelines governing public hearings, the Board is to take any public input from any member of the public who may want to speak either for or against the bonds. He said if no one wishes to speak, then the Board may close the hearing. He said they will then prepare a report of the hearing to go to the City of Albuquerque.

Mayor Abraham asked if there was anyone in the audience who wished to speak for or against the bond issue.

Administrator Vigil stated that the law firm also provided the Village with a copy of the notice that was published in the *Albuquerque Journal* on Tuesday, March 27, 2007 so noting that the public hearing was taking place. He said therefore appropriate notice was given not only to the residents of the Village, but also to the residents of the City of Albuquerque, Bernalillo County and anyone else who had an interest in this in the State of New Mexico.

Mayor Abraham noted that since there were no questions from the Board or comments from the public, he then considered the Hearing closed.

B. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF VILLAGE OF LOS RANCHOS INDUSTRIAL BONDS (SANDIA PREPARATORY SCHOOL PROJECT) SERIES 2007 IN THE PRINCIPAL AMOUNT OF UP TO \$10,000,000; AUTHORIZE THE MAYOR TO EXECUTE THE INDENTURE TRUST, BOND PURCHASE AGREEMENT AND THE INSTALLMENT PURCHASE AGREEMENT.

Duane Brown said with regard to this particular matter, it is a consideration of the ordinance that would authorize the issuance of the bonds. He said it is a follow through on the inducement resolution that the Board considered in January. He said because this is a bond issue that is issued by the Village of Los Ranchos for a project located in the boundaries of the City of Albuquerque, they must comply with two items that slow the process. He said the first thing they had to do was hold the joint public hearing and the second thing was to comply with a Memorandum of Understanding signed in 1998 between the Village and the City of Albuquerque which states that the Village will not issue Industrial Revenue Bonds for a project located in Albuquerque without their consent and likewise the City of Albuquerque will not issue Industrial Revenue Bonds for a project located in the Village of Los Ranchos without the Village's

consent. He said now that the public hearing has been held, they will report the results to the Economic Development Department and ask them to prepare an administrative report to Mayor Chavez saying the MOU has been satisfied, the IRS Regulations have been satisfied, please give the approval. He said they don't want to get too far ahead of the City of Albuquerque by adopting an ordinance that would do something potentially outside the letter of the MOU. Therefore, he said they are going to ask this Board to delay the adoption of the ordinance until the May Board meeting.

Trustee McDonough said since this is an ordinance, don't they have to advertise it and then adopt it in a 30-day cycle?

Duane Brown said the answer was "yes", but regarding action to advertise the ordinance, it was included in the inducement resolution. He said when they did the notice of intent to have the public hearing, they included the notice of intent without the ordinance. He said just as a matter of safety, they will publish again notice of intent without the ordinance.

Trustee McDonough said the last time they discussed this there was a consideration of timing given the bonds for open space and the bonds for the school. He asked if they could describe that again.

Tommy Hughes, Hughes & Strumor, 2221 Rio Grande NW, said when you have tax exempt bonds, which is what the Village will be issuing, if you are a financial institution you can't get the advantage of the tax exempt interest on the bonds unless they are called bank qualified and he said that is if there is only \$10 million worth of bonds issued in a year but there will be more than that issued. He said what that means for the school is that the bank is buying the bonds and will not get the full benefit of the tax exempt bonds. He said what it means to the Village is that the Village can't offer its bonds for sale with the bank qualification. He said it may sometimes cause an increase in the tax rate. He said what they will do with the Village's bonds is offer them through an interactive auction over the internet.

MOTION: Trustee Homan moved to defer Item 7.B., Ordinance Authorizing the Issuance and Sale of the Village of Los Ranchos Industrial Revenue Bonds, until the Board of Trustees May 9, 2007 Meeting. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

C. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE AMENDING THE COMPREHENSIVE ZONE CODE, CHAPTER 31, ZONING AND ZONE MAP, CHANGING SECTION 2, DEFINITIONS, SECTION 4 ESTABLISHMENT AND INTERPRETATION OF ZONES AND CHARACTER AREA, AND SECTION 11, VILLAGE CENTER ZONE TO CHANGE THE ZONING REGULATIONS AND REDEFINE THE BOUNDARIES OF THE VILLAGE CENTER.

Planner Nighbert stated that at the March 14, 2007 meeting of the Board of Trustees, the Board directed the staff to: add service stations as a conditional use, restaurants with drive-up facilities as a conditional use, auto sales and service centers as a conditional use, to resolve the question of zoning on the Chavez property, to re-advertise and correct the language under the open space preservation as described, and to correct other grammatical and language errors as were noted in

the discussion. He said staff has completed the above within the context of the ordinance and the changes were reflected in red and they were specifically stated in his Planning Report No. PZ-07-29. He said he also included a letter that was hand-delivered to the Chavez's with a table attached which gave them a reasonable explanation for their expectations of what will happen to their land for the proposed VC Zone. He said he would defer to whoever was going to speak for the Chavez family to see if the table helped them to decide if they want to be in the zone. He said the table he sent to the Chavez's shows the difference between the current VC, the proposed VC and the C-1 properties that are in the VC Zone and what would happen to them under different conditions. He said once the ordinance is passed, it should go hand-in-hand with the MRA requirements and the RFP that will be issued for a firm to come in and develop the land that is at the southeast corner of Osuna and 4th Street.

Administrator Vigil said they met with the Chavez family for an hour and a half at the time and place the family had designated, which was Village Hall. He said Georgia Chavez, Robert Chavez, Ron Chavez and two other members of the family attended. He said they went through the entire process and the Chavez's requested that a letter be prepared with the comparisons. He said based on that, they said they would come forward at tonight's meeting with their decision on whether they continued to hold the position that they wished to be excluded from the VC Zone. He said if that was then the wish of the Board, Planner Nighbert had prepared an amendment to the boundaries that would exclude them.

Mayor Abraham asked if the Board needs the answer from the Chavez family before they can vote on this item.

Administrator Vigil responded that the Chavez's were given clear notice that this was the night when they would be adopting the ordinance and that they should be present at tonight's meeting. He said they were given very clear information that this was for adoption, that it had been published numerous times and this was their opportunity to come forward with their position on whether to amend the boundaries or to go forward as proposed.

Trustee Lopez asked if they were to take the Chavez's non-attendance as acquiescing to the proposal.

Administrator Vigil said the letter was hand-delivered to Mr. Ron Chavez and he accepted the letter on behalf of the family. He said they received it in time to read it and prepare for tonight's meeting. He said he presumes that considering all that has been discussed with them, if they had an issue then they would be in attendance this evening.

Trustee McDonough said without assuming anything, the fact is they were aware it was going to be acted on this evening and they were fully informed. He said he understands that everything has been published and the Board is ready to take action to adopt the ordinance.

Administrator Vigil said this is the fourth public hearing on this issue and it has been published in its current form with the changes proposed from the last meeting and is therefore ready for adoption.

Mayor Abraham asked if there was anyone from the public or the Chavez family who wished to speak on this item.

(No one came forward to speak on this item.)

MOTION: Trustee Homan moved approval of the text amendments and the boundary changes in the VC Zone Ordinance No. 208, as amended. Trustee Lopez seconded the motion.

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

D. REPORT BY FLOOR AREA ADVISORY COMMITTEE

Duane Brown, 1110 El Alhambra Circle NW, said he is a member of the FAR Committee. He said they have had some diverse opinions expressed about what the right approach should be. He said the committee is searching for a compromise to have something larger than a 15% floor area ratio as originally proposed, but also to get some simple design guidelines to address setback issues. He said they are continuing to work forward but they have not come to any absolute conclusions at this point. He said something else they are considering is to have this apply not only to A-1 Zoning but throughout the Village.

Mayor Abraham said he would like the Board to hear the two ranges of opinions.

P&Z Commissioner McDowell said they came up with a majority opinion that the floor area ratio should be 25%, not 15% like the earlier variety. He said that was in support of one of the legal members of the committee who said if it wasn't as much as 25%, then they ran some legal risks. He said there are a number of people who build homes on the committee so the 25% was more to their liking. He said knowing that 25,000 sq. ft. is a large number, they came up with some other ideas on how to restrict the size of the building. He said they could restrict it depending on shape and size of the land. He said they wanted more open view so they suggested the setback limits on the side yards be 15 feet, not 10 feet. He said the setbacks in front and back would be 25 feet. He said they also felt that the first story of the house should not be taller than 17 feet; a second story should not be more than 60% of the first floor and it should be stepped back. He said they thought the agricultural buildings should not be included in that square footage. He said they suggested that no wall should extend more than 15% of the perimeter of the building. He said it is still a big number and for a ½ acre lot, 5,500 square feet is large.

Planner Nighbert said he would point out that the 26 foot height still applies so that if you are going to build a 26-foot high building, the 45 degree angle comes into play.

Bonnie Kelly said that not everyone is in agreement with the 25% floor area but also it is still a work in progress. She said she would like to see the committee address the idea of the Character Areas in the Master Plan more than they have. She said she believes they still have work to do.

Mayor Abraham said he understands there will be one more meeting and then the Planning & Zoning Commission is having a special meeting on April 30th at which time the committee will present its proposal and then Planning & Zoning will make their recommendations to the Board

for the May 9th Board meeting. He said he encourages dissenting opinions and maybe a recommendation that the committee stay intact to discuss Character Areas and possibly incorporate that into the plan.

E. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE AMENDING TEXT TO THE COMPREHENSIVE ZONE CODE, CHAPTER 31, ZONING AND ZONE MAP, TO IMPOSE A MORE RESTRICTIVE FLOOR AREA RATIO FOR ALL A-1 PROPERTY WITHIN THE VILLAGE OF LOS RANCHOS [THIS ITEM WAS DEFERRED TO THE APRIL 11TH BOARD MEETING]. REQUEST FOR AN ADDITIONAL 30 DAY DEFERRAL.

MOTION: Trustee Lopez moved to approve an additional 30-day deferral of Item 7.E. to the May 9, 2007 Board of Trustees Meeting. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE AND VILLAGE OF LOS RANCHOS-EMPLOYEE BENEFITS PROGRAM, INCLUDING HEALTH CARE, DENTAL, LIFE INSURANCE AND VOLUNTARY BENEFITS

Administrator Vigil said the Village has been fortunate to be able to participate in the health insurance program with a larger pool because it brings the advantage of a lower rate for participants. He said this is a routine matter and he recommends approval.

Trustee Homan said one of the things that bothers her about this is that in the first paragraph the City of Albuquerque is recognized as a municipal corporation; however, the Village is minimized as just a political subdivision and not recognized as an equal to Albuquerque as a municipal corporation.

Trustee Lopez said the Village of Los Ranchos is a political subdivision.

Administrator Vigil said staff would look into this for next year.

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

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL TO APPOINT FIVE REGULAR AND TWO ALTERNATE MEMBERS TO THE FIRE DEPARTMENT BOARD OF APPEALS PER THE INTERNATIONAL FIRE CODE 2003 APPENDIX A

Chief Perez said a Board of Appeals needs to be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of the International Fire

Code. He said the board shall be authorized to hear evidence from appellants and the fire code official pertaining to the application and intent of the code for the purpose of issuing orders pursuant to those provisions. He said the membership of the board needs to consist of five voting members. He said the members shall be nominated by the Fire Code official or chief administrative officer of the jurisdiction subject to a majority vote by the governing body. He said he has a list of members he would like to nominate and each member has been contacted and has agreed to serve on the appeals board. He said the list is as follows: Glen Fellows, an architect and Village resident; Don Kaufman, representing the fire protection side of the code; Ernest Pohl, representing the fire engineering side and is currently the Fire Marshal for the City of Rio Rancho; Jose Jaramillo, Fire In Inc., who is a Village resident and former Fire Chief; and Ed Paschich, who is moving into the Village and is the owner of Ed Paschich Homes Inc. He said the two alternates are: Henry Gabaldon, who is a Fire Marshal with Bernalillo County and a contractor; and Jose Salaz who is a retired AFD Chief.

Trustee Homan said she is concerned if there would be a conflict of interest regarding Don Kaufman based on the potential of economic gain.

Chief Perez said he would have to defer to Legal since he was following the Code and it said there had to be a fire sprinkler professional on the Appeals Board.

Attorney King said there would be a conflict of interest if Mr. Kaufman were bidding on that particular project. She said since the Fire Code requires it, they did not feel it was that close of a conflict of interest to call it.

Chief Perez quoted from Fire Code Section A.101.2.2 where it states that one member of the Appeals Board shall be a qualified engineer technologist, technician or safety professional trained in fire protection engineering, fire science or fire technology and qualified candidates in this category would include fire protection contractors and certified technicians engaged in fire protection system devices and design.

Trustee McDonough asked how many companies were involved in installing sprinkler systems.

Chief Perez responded that there are probably 5 or 6 in the city today and for Don Kaufman that is not one of his bigger areas of business. He said he does more in the fire alarms, fire extinguishers monitoring systems.

Administrator Vigil said they would have to adopt rules of procedures much like Planning & Zoning did in terms of conflicts of interest. He said that is why they are recommending alternates, so that if there is a conflict, they will still have a full body for the hearing.

MOTION: Trustee Lopez moved approval of the appointments to the Fire Department Board of Appeals. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

C. DISCUSSION AND MOTION TO ADOPT RESOLUTION NO 2007-4-1 REQUESTING REPLACEMENT AND ADDITIONS TO THE VILLAGE'S ROAD MAINTENANCE EQUIPMENT.

Administrator Vigil said in October 2006 staff came before the Board and said they wanted to participate in the NMDOT's surplus equipment process and were authorized to send a letter to Mr. Tom Trujillo, Highway Equipment Manager, for NMDOT. He said since then they sent a letter saying the Village needed to submit a list and justification for equipment. He said the equipment the Village is requesting replacement of is as follows: 1998 Dodge 1-ton dump truck, 1970 tractor, 1992 Dodge ¾ ton CB, and 1990 Ford 545c front-end loader. He said they would also like to request additions to the road equipment inventory of: 1-ton dump truck with a snow plow, road grader, Bobcat with skid steer loader, water truck and a truck with bucket so they can replace bulbs in the intersection signal lights and also for tree trimming. He said Mr. Trujillo's letter requests that the Board approve a resolution supporting the Village's request. He said he recommends approval.

MOTION: Trustee Rael moved approval of Resolution No. 2007-4-1 establishing the Village's justification for road equipment. Trustee Homan seconded the motion.

Trustee McDonough asked if there was any priority assigned to the equipment.

Administrator Vigil said prioritization depends on what they have available. He said he has tried to get more information from them about what is available in their inventory, but they will not release any of that information.

Trustee McDonough asked if we had public roads that were not paved.

Administrator Vigil responded that we do have unpaved public roads. He said the road grader would also help to maintain the right of way. He said the Village does not maintain private dirt roads.

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

D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2007-4-2 –PROVIDING FOR THE PROCESS FOR APPEALS TO THE BOARD OF TRUSTEES

Attorney King said this is to formalize the rules of appeals that are already adhered to. She said it sets forth how the appeals will work and be clear on who talks when, etc. She said it is just formalizing the procedure.

MOTION: Trustee Homan moved approval of Resolution No. 2007-4-2. Trustee Rael seconded the motion.

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

9. TRUSTEES INFORMAL DISCUSSION

Trustee Rael said he was asked by James Brown to bring up for discussion the dog park in the Village. He said he told him that the Village doesn't have any plans for a dog park.

Mayor Abraham said his concern is that we don't have a leash law and it would require an ordinance change. He said the area Mr. Brown was looking at was between the Purcell's, Caballero Norte and the Chavez's at the south end of the park. He said his concern would be that they need to talk to the neighborhood residents and he believes they might have things to say about it. He said if we got their permission, then we could look at that location or look for another location.

Trustee Rael said Mr. Brown is the only person that he knows of who has requested this.

Trustee Homan said at the next Board of Trustees' meeting she would like to recognize the Growers' Market personnel for their 15th anniversary and that they have been doing a wonderful job.

Trustees Homan, Lopez and McDonough all said they would not be able to attend the June 13th Board Meeting.

Trustee Homan said she would like to see a schedule come out whereby the Trustees could be guest chefs at the Growers' Market.

Trustee Homan said a former Village resident, Dr. Herb Beatty, who grew up in the Guadalupe/Chavez area provided an aerial photo of that area taken in the late 1930's. She said she would like the Village to have it framed.

Trustee McDonough asked if we had a copy of the Eminent Domain bill that the Governor signed.

Administrator Vigil said he would e-mail it to the Trustees.

Trustee Rael reminded everyone about the ditch clean-up on April 21st at 9 a.m. He said he has volunteered 2 trucks.

Trustee McDonough said he would like to move slowly on the concept of wireless cameras recording traffic into and out of subdivisions. He said he would be very uncomfortable with government being involved in a camera security system out in the public. He said if it is in our park or parking lot that would be alright.

Administrator Vigil said they just had a meeting this week about some people wanting to put gates at the entrance to Los Poblanos and that area.

Mayor Abraham said he would rather see them have a couple cameras than gate their community. He said right now they have 3 subdivisions wanting to gate their community on private roads and he said he doesn't know if the Village can stop them.

Lorilee McDowell said on June 16th, the Saturday before Fathers' Day, the Fire Department will be serving pancakes as a fundraiser.

10. ADJOURNMENT

Mayor Abraham adjourned the meeting at 10:50 p.m.

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

ATTEST:

Annabelle Silvas
Village Clerk