

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
AUGUST 11, 2010 - 7:00 p.m.

Present:

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

Kelly S. Ward, Administrator
Annabelle Silvas, Clerk
Bill Chappell, Attorney
Nancy Haines, Treasurer
Fred Radosevich, Public Safety

Absent: Linda Seebach, P & Z Director

1. CALL TO ORDER

Mayor Abraham called the meeting to order at 7:00 p.m.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried unanimously 4-0.

2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT] - (PLEASE SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER PUBLIC COMMENT ON AN ITEM THAT IS NOT ALREADY ON THIS AGENDA)

There were no public comments.

3. CONSENT AGENDA

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 – JULY 14, 2010 – Regular Meeting

B. DEPARTMENT AND COMMITTEE REPORTS

1. ANIMAL CONTROL

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

VOTE: The motion carried unanimously 4-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- The Growers Market is doing unbelievably well. This Saturday Jennifer James will be the Guest Chef.
- He is planning along with Lori Barrett the Los Ranchos Art Studio show that will be held at the Anderson Winery on November 6th and 7th, and will be well promoted.
- Tomorrow he will be turning over the gavel to Mayor Swisstack as the Middle Rio Grande Council of Governments chairman.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- The Village is about \$23,000 short of our budgeted amount for Gross Receipts Tax revenue in July and should get another distribution on Monday.
- The Village did receive \$1.24 million dollars from the Bernalillo County Open Space to fund and purchase the additional 4 acres to purchase the additional Anderson property. The closing is set for November 1st.
- The Village is also working on the Anderson property doing roof patching, patch inside, painting, and cleaning the floors, getting the sprinklers working, and general upkeep. The Village has \$30,000 in the budget called Anderson contingency which is for Anderson upkeep. The word contingency needs to be removed because it is not a contingency item.
- The Village has a persistent sewer smell on Chavez Road around the Los Ranchos Villa Shopping Center. The Albuquerque Bernalillo County Water Utility Authority (ABCWUA) has been on-site, flushed the lines, but the smell is still present. Keen Heinzelman, the Village's Code Enforcement Officer, has been working with the ABCWUA to correct the problem.
- The Village submitted the minimum site assessment report for the Schulte property. The last page of the assessment report is the Village's recommendation to the State of New Mexico for what needs to happen which includes capping the monitoring well and removing the 200 cubic yards of contaminated soil, backfill the clean soil, and then close it out. The environment department spoke with him yesterday and said they were in concurrence with this. Souder, Miller is preparing an estimate for that work. The estimate will be sent to the State of New Mexico, will request they sign off on the proposed cost, then the work will be done and then it will be turned back over to ESA Constructors to build the fire station.
- The Rio Grande bike lane project is done. There are a few small items that need to be done, but it is substantially complete.

C. PLANNER'S REPORT

Administrator Ward reported on the following:

- The Village is working on the issue with Compound Don Diego Homeowners Association with ABCWUA and back charges that were applied. The homeowners association came to an understanding with ABCWUA. They had sufficient proof that when it was a City of Albuquerque operation, they had provided notice; they had improved the infrastructure, and accepted it. All the back charges at that point went away. Apparently, they had agreed to pay 4-years of back charges on individual accounts.
- Trustee McDonough has been attending the EPA Rio Grande water shed meetings.
- The Village's Planning Department is continuing to monitor the sewer hookups.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- Worked on a couple of sewer hookups this month. One of them is the Stebleton matter which was already discussed. That case has either been filed or is still out with the courier for filing and service. That case is proceeding to litigation.
- His office has one person who has requested information on how to appeal the provision that says he has to hookup to the sewer. However, there is no appeal process under that ordinance. The only thing stated in the ordinance, besides the penalties under the code, is injunctive relief in court. A decision will need to be made on whether or not to proceed.
- He also dealt with the sound ordinance and is working with Administrator Ward doing some redrafting on it.
- Has been working on the ordinance codification.
- A replat on the Bailey's Crossing on El Pueblo and Rio Grande was done administratively several years ago by Terry Neighbert. There were four MRGCD tracks that were quite small and they replatted them into four platted lots and all four of them are substantially still under an acre.
- There was another issue on Los Terrones on what can be built in a special use zone.
- His office has worked on some miscellaneous things too.

Trustee McDonough said since the Village is getting down to the last people left to connect to sewer that may become problematic, he asked if the Village needs to look at the sewer ordinance and provide an appeal process.

Attorney Chappell said he thought a procedure should be adopted in which the decision was made, which is currently now done at an administrative level and with the New Mexico Environmental Department. If litigation is going to be pursued, then there should

be a procedure adopted on how those types of decisions are going to be made.

E. PUBLIC SAFETY REPORT

Public Safety Director Radosevich reported on the following:

- He will continue meeting with Lieutenant Weller from the Bernalillo County Sheriff's Office and Greg Perez, the Bernalillo County Fire Department Staffing Commander, on a weekly basis.
- He met with Roger Tinnin from Bernalillo County Emergency Management.
- He and Mayor Abraham are setting up a meeting with Tom Swisstack, the new Interim Deputy County Manager for Public Safety with Bernalillo County Sheriff's Office.
- He has been meeting with the different businesses on Fourth Street, doing some public outreach and discussing their concerns or problems they may be experiencing in the area like traffic volumes, slowing down traffic in order to get them into the area businesses, crosswalks, and pedestrian safety.
- He set-up and conducted a neighborhood watch community meeting with the Tinnin Farms neighborhood after receiving several calls about burglaries in the neighborhood. Over 50 residents attended.
- The Bernalillo County Sheriff's Office activity report: Responded to 325 calls within the Village for the month of July. These calls included 43 alarm calls, 29 welfare checks, 36 disturbances, 10 auto burglaries – with the majority of the auto burglaries at the apartment complex at 291 El Pueblo.
- The Bernalillo County Fire Department activity report: Responded to 82 calls. Of those 82 calls, 22 calls were fire related calls and 60 were EMS calls. They also did 3 station tours, 3 parades for the Fourth of July, and current crews are going through a rotation of training for vehicle extraction.
- Citizen concerns include several residents he has met with on the 7000 block of Guadalupe Trail regarding trash and noise. There was also a concern from a resident about a down power line during one of the rain storms.
- He has been working on locating and inventorying equipment that was bought by Bernalillo County Emergency Management over the years.
- He reviewed a draft of the noise ordinance with Administrator Ward.
- He has been working with the Bernalillo County Sheriff's Office and Albuquerque Public Schools (APS) on back to school activities with respect to school zones and traffic.

Trustee Lopez said he was at the Los Ranchos Villa Shopping Center and saw approximately four Sheriff's patrol cars around 3:00 p.m. looking for a white truck. He said that he later found out that the Arizona escapees dropped the truck off at the Los

Ranchos Villa Shopping Center. Then, at 6:00 p.m. that evening, someone took out the controls in front of Los Ranchos Elementary School and four more Sheriff's patrol cars were on-site. In the last week, he has noticed more Sheriff's patrol cars in the Village than he has in the last several months.

Public Safety Director Radosevich said the Bernalillo County Sheriff's Office was assisting New Mexico State Police who were involved with the homicide and the escapees. Initial reports came out that said the incident occurred at Edith and Osuna, then Second and Osuna, then Mayor Abraham recognized the area actually being at Fourth and Osuna. There was some disconnect and miscommunication on the actual location of where the incident took place, but it was State Police that was the active agency on the call.

Trustee Rael said there were break-ins at Papa Burgers and Curves. The owners of Papa Burgers told Trustee Rael they felt that nothing was done to find the offenders. They said they did not attempt to do finger printing.

Public Safety Director Radosevich said he talked to the owners of Papa Burgers and the Bernalillo County Sheriff's Department did have a field investigator photograph and process the scene. Unfortunately, if they do not have a lot of leads or suspect information with the amount of call volume and reports they take; it goes into a stack unless they get new information on the case. He talked to the owners about putting up surveillance cameras because video footage is often the most helpful with cases like these.

Trustee Homan said the control panel and lights at Fourth Street and Los Ranchos are not working. She asked if they will be working before school begins on August 18.

Administrator Ward said the Village just received the final quote and the approval from the insurance company to let them repair it. Work should begin in the morning, but it will take a few days because of the electrical wiring, box controls, and testing phases before it is turned on live. It is expected to be completed by next Monday or Tuesday.

5. FINANCIAL BUSINESS

A. CASH REPORT – JULY

Treasurer Haines presented the cash report. FY with a decrease of \$49,440.05 in the Village's cash balance. As of July 31, 2010, \$3,714,339.57. As Administrator Ward mentioned earlier, there was about \$30,000 less than expected in gross receipts as well as the other items that are listed in the report. However, this particular month, the Village paid the annual insurance premium of \$42,000 with a workers comp insurance premium of \$13,000 for just the month of July. The Village also paid the first quarter fire department amount of \$110,000. The year-to-date deficit is \$49,440.05.

MOTION: Trustee Homan moved approval of the Cash report. **Trustee McDonough** seconded the motion.

VOTE: The motion carried unanimously 4-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. A request by Martin Grummer, Agent for Morrow Jones LLC for Final Site Development Plan approval for an internal remodel, a modification of an existing

commercial structure by 20% or more, as required by Ordinance 183 as amended, Section 24(1) in the Village Center (VC) Zone of the 4th Street Commercial Character Area. The property is located at 6666 4th Street and is legally known as the westerly 250 feet of the southerly 107.20 feet of property designated as Tract 29 B 2, M.R.G.C.D. Map 29, Bernalillo County, New Mexico. The property contains .61 acres more or less.

Attorney Chappel swore in those who would be speaking.

Administrator Ward said Morrow Jones is a behavioral therapy group currently in Corrales and the applicant is in the process of purchasing the property for the new clinic. Professional offices for physicians, physical therapists and counselors or similar professions are a permitted use in the V/C zone. The project is an internal remodel of an existing commercial building of 3665 square feet which exceeds 20% of the existing building internal space. This property was formerly the Gas Pipe, then Hydro Heaven. It requires a site development plan, which is why it is being presented at tonight's meeting.

He said the internal remodel consists of providing office space, play therapy, conference, testing room and kitchen. A front exterior remodel is also proposed incorporating the existing building architectural elements reminiscent of the 60's era Route 66 theme. The property is in the Village Center Zone and all the requirements for the VC zone have been met. Neighbors who have contacted the Village are very favorable to the project. The Planning and Zoning Commission unanimously voted to forward to the Board of Trustees a recommendation of approval of the Final Site Development Plan for an internal remodel, a modification of an existing commercial structure by 20% or more, as required by Ordinance 183 as amended, Section 24(1) in the Village Center (VC) Zone of the Fourth Street Commercial Character Area.

He said the following conditions have been set: 1) Zone review and building permits be obtained as required; 2) Sign permits required per Ordinance 183 as amended, Section 21.; 3) Business license as required per Ordinance 206. With findings.

Martin Grummer, 331 Wellesley Pl NE, presented a model and explained the project.

Trustee Lopez asked how long this property has been vacant.

Ann Morrow, 3800 Corrales Road, said it has been vacant for approximately 3 years.

Trustee Lopez asked Ann Morrow if this building is going to be her business.

Ann Morrow said yes.

Trustee Lopez asked if they expect to operate as soon as things are ready and if their client list was already established.

Ann Morrow said she plans on getting started immediately and they are over capacity. She said she has 16 clinicians that work in the office that specialize in autism and brain injury.

MOTION: Trustee Lopez moved approval of the final site development plan for an internal remodel, a modification of an existing commercial structure by 20% or more, as

required by Ordinance 183 as amended, Section 24(1) in the Village Venter (VC) Zone of the Fourth Street Commercial Character Area with the following conditions: 1) Zone review and building permits be obtained as required; 2) Sign permits required per Ordinance 183 as amended, Section 21.; 3) Business license as required per Ordinance 206. Findings: 1) The Site Development Plan meets requirements of Ordinance 183 as amended, Section 24 (E)(1). 2) The Site Development Plan meets Master Plan 4.7.2 Commerce Goal: The goal is to revitalize the 4th Street area as the Village's major commercial and mixed use corridor through both public and private efforts. 3) The Site Development Plan meets Master Plan 4.7.2.2 Policies and Actions Policy A: The Village strongly supports the business community and will use various economic incentives to strengthen local businesses as well as attract new ones. 4) The Site Development Plan meets Master Plan 4.7.2.1 Objectives a) Create a business climate in which businesses flourish; b) Improve the quality of life; c) Buffer adjoining residential uses from light, noise, and visual impact; d) Focus Village commercial activities along the Fourth Street Corridor; e) Beautify 4th Street. 5) The Site Development Plan meets the requirements of Ordinance 208 Village Center Zone. 6) The Site Development Plan meets the requirements of Ordinance 183 as amended, Section 24 §(E)(1) Site Development Plan: The site is surrounded completely by Village Center zoned property, Ordinance 183 Section 24(E)(1)(c) grading and drainage is existing with sufficient ponding area provided, Ordinance 183 Section 24E(1)(h) sewer and water is existing on site, Ordinance 183 Section 17 Off-street Parking Regulations is met, Ordinance 183 Section 18 Landscaping Regulations is met, Ordinance 183 Section 19 Dark Skies is met, Ordinance 183 Section 20 Design Regulations is met, and Ordinance 183 Section 21 Signs is met.

Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 4-0.

7. **OLD BUSINESS**

None

8. **NEW BUSINESS**

None

9. **TRUSTEES INFORMAL DISCUSSION**

Trustee McDonough reported on the EPA Rio Grande water shed meetings he has been attending. The Village has applied for, as required, for a permit for storm water drainage. It is included as an MS4 based to small municipality in an urbanized area. EPA requires them to get a storm water permit which requires them to do certain things. EPA has also decided to take a new approach to storm water management that is water shed based storm water permitting. They intend to look at the entire water shed and to pull in all of the entities within the water shed into a single permit which includes Albuquerque, AMAFCA, UNM, Department of Transportation (DOT), Kirtland Air Force Base, Los Ranchos, Rio Ranchos, Sandoval County, Bernalillo, Corrales, and everyone within the urbanized area. EPA has chosen the ~~Village of Los Ranchos~~ Albuquerque Metropolitan area for a pilot project. EPA is committed to doing this and the Village will be part of the water shed permit.

Trustee Lopez said the City of Albuquerque was blasted by EPA about their storm water 2009 plan, and asked if the Village of Los Ranchos is going to have the same thing happen.

Trustee McDonough said that is feared by a lot of the smaller municipalities. He said the Phase I group – Albuquerque, AMAFCA, DOT, and UNM – spends \$600,000 per year sampling a test. There are four items of concern in the middle Rio Grande. The main one is the E-Coli. There are concerns of dissolved oxygen, PCB's, and temperature. It's trying to be managed where those are the only four things that get into the water shed permit. The problem is that the source of the ~~chloroform~~ coliform is the birds. That will be difficult to manage. They categorically exclude agricultural areas, rangelands, and non-point source areas.

Trustee Lopez said he was driving by Chavez Road and the big ditch on the road that goes to the elementary school. There was some big equipment there. He asked if the equipment is going to be blocking traffic when school starts.

Administrator Ward said they are finished and the road is open. Crews were working on an older portion of the system where a pipe failed and had to be replaced.

Trustee Lopez said one of the awnings on the community barn looks like it has been ripped by wind and needs to be replaced.

Trustee Homan said she is running for vice president for the New Mexico Municipal League and is requesting the support of the Village. The entire board of trustees said the Village has her support.

10. ADJOURNMENT

The meeting was adjourned at 8:02 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this ____ day of _____, 2010.

ATTEST:

Annabelle Silvas, Village Clerk