

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING

December 7, 2005 - 7:00 P.M.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Mary E. Homan, Trustee

Tim McDonough, Trustee

Juan R. Vigil, Administrator

Annabelle Silvas, Clerk

Terry Nighbert, P&Z Director

Nancy Haines, Treasurer

Sherry Tippett, Attorney

George Dahl, Fire Chief

Absent:

Pablo R. Rael, Trustee (Excused)

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, December 7, 2005 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

A. APPROVAL OF AGENDA

Mayor Abraham requested the following changes to the Agenda: move Item 8.A.- License Agreement between the Village and Water Utility Authority to Item 5.B.; Item 8.D.-Milagro LLC's Proposal to Construct Five 65-Foot Monopoles, will be for discussion only; and Items 6.A. and 6.B.-Request by Dr. Mary Mark and James Glacken for a Zone Map Amendment, the applicants have requested the items be deferred to January 11, 2006.

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

VOTE: The motion carried unanimously 3-0.

B. PRESENTATION OF SAN JUAN CHAMA DRINKING WATER PROJECT BY THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (WUA) – Mark S. Sanchez – Executive Director; John Stomp, III, P.E. – Manager, Water Programs Division; Wayne Welty – Project Manager-Boyle Engineering

John Stomp reported that the drinking water project is the most important water project being built in the history of this metropolitan area and the need for it is the depleting aquifer and the need to transition into renewable supply so that the aquifer can be preserved and protected for future generations. He said the components of the project include a new diversion dam along the river, a pump station and a raw water

transmission line. He said from the water treatment plant the water will be purified and then distributed through 56 miles of transmission lines coming from the water treatment plant and distributed across the east and west side of the river. He said most of the projects are currently under construction. He said the total project time is expected to take 14-16 months and began in October 2005.

Mayor Abraham said he would like them to acknowledge that there are administration agreements with the State of New Mexico Highway Department that exist for most of the property that is between the private property and north of where they are building.

John Stomp responded that it is clearly understood now and it was his need of clarification of those cooperative agreements with the Highway Department. He said they went through the Highway Department to get their permits but the department never alerted them to the agreements.

Bill Chan, 8646 Rio Grande, said he is located at the northeast corner of Rio Grande and Paseo del Norte. He said there is a road that comes across his property line with a private easement and traffic is coming through and using that section of his property. He said he does not have a problem with that as long as the property is returned to him when the contractor is finished. He wanted to know if the road is going to be permanent and if it will be a maintenance road. He said he also wanted to know the actual location of the pipeline.

John Stomp responded that the contractor has taken certain liberties to use pieces of clear property and or use access without notifying the residents. He apologized for the contractor's activity. He said if it is not a public access, the contractor should not be using it. He said they have restricted the contractor's access solely for the purpose of building the project. He said they will be glad to work with property owners to resolve these types of issues.

Mayor Abraham commented that the survey the Village asked the WUA to conduct would make sure all the property is identified.

John Stomp said every property corner has been marked with a survey stake and flag and they also marked the distance from the actual property corner to the 80' corridor. He said they have also established a 24-hour hot line of 242-ROAD for persons to contact if they have a particular construction issue. He said residents may also call him directly at 768-3631 and he will be glad to get back to them immediately.

Trustee McDonough asked where the power for the pumping station was coming from.

John Stomp replied that the power for the pumping station will go underground from the existing substation that is located within the Village. He said all the lines associated with that will be underground and will run in the same trench as the pipeline itself.

Trustee McDonough asked if there will be an ongoing maintenance road for the pipeline. He also asked if re-vegetation was part of the project.

John Stomp replied that in the License Agreement, the Village is asking them to put together a trail and he said he believes that trail would act as a future maintenance road if one is needed. He said as far as re-vegetation, they will be developing a plan and will work with the Village to implement that as part of the project.

Trustee McDonough asked why the drain channel was being lined.

John Stomp replied that the channel is owned by the Middle Rio Grande Conservancy District and in the licensing process they asked that the drain be reconfigured to its original shape and size as in the 1930's. He said they will be using something like a brick paver for the lining. He said they will be building an access road along the east side of the drain that does not exist today and that will be made of gravel.

2. **PUBLIC COMMENT PERIOD**

Mayor Abraham noted that no one had signed up for the public comment period.

3. **CONSENT AGENDA**

A. **MINUTES – REGULAR MEETING – NOVEMBER 9, 2005**

There were no additions or corrections to the Minutes.

B. **DEPARTMENT AND COMMITTEE REPORTS**

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

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

VOTE: The motion carried unanimously 3-0.

4. **REPORTS**

A. **MAYOR'S REPORT**

Mayor Abraham reported that:

- The Guadalupe Art Tour was a great success with 12 stops along Guadalupe Trail and he was impressed with the talented artists in the Village.
- Lorilee did another great job on the December issue of the *Village Vision* and they have decided to go down to 10 issues by combining two months in the Spring and Fall.

- He has set up a meeting with the Albuquerque Board of Realtors® where there will be people from the Legislative Committee, their Legislative liaison, members of several title companies and from the Treasurer's office so that they can discuss the gross receipts issue and what can be done to make sure the Realtors® are recording properties correctly.
- They are forming a Business Directory which is nearly complete and will be done in the same fashion as the *Village Vision*. He said it appears it may be 50 pages long and might have as many as 20 full-page color ads. He hopes it will go to press very early in January.
- All the computers were upgraded at Village Hall including 19" flat-screen monitors. He said the project came in under budget.
- Demolition will begin on Rancho de Villa and it will be rebuilt in the same type of facade as the existing buildings.
- He will be starting a Los Ranchos Economic Development Council which will be the majority of the businesses in the Village. He said our Master Plan calls for this type of council and it will keep people informed about the 4th Street Project and increase communication.
- He said for 50 years Sadie's has used Albuquerque as their address and they are now changing it to Los Ranchos de Albuquerque. He also said he believes the Chamber of Commerce should lead the effort in using Los Ranchos for the address.

B. ADMINISTRATOR'S REPORT

Administrator Vigil reported that he has been working with staff and representatives at DFA to start spending the allocations that were appropriated by the last legislative session. He said they have almost completed the purchase of the animal control vehicle.

He said on the Coop projects, they have issued the purchase orders to Albuquerque Asphalt to do resurfacing on Vineyard and Pueblo Solano which is about \$80,000 worth of paving. He said they had entered into negotiations on a site for the new Fire Station, but it did not work out.

He said the audit was submitted to the State Auditor on a timely basis for their review and when it becomes a public document, they anticipate bringing it before the Board at their February or March meeting. He said the Accountant and staff are working on the mid-year budget review for presentation at the January Board meeting.

He reported that he sat as a representative from the Village on a committee to select a consultant to work with "United We Ride", which is part of the rail system.

He reported that the Albuquerque Tri-Centennial Committee asked if they could use the Village as one of the sites for the sale of luminarias. He said they would be delivering sand to the Village by December 10 and would be working with Ms. Brawley to make sure the sand pick-up does not interfere with the Growers' Market.

He said he, Terry Nighbert and the engineering firm met with all the companies that attended the mandatory pre-bid conference but did not submit bids and they were very good meetings.

He reported that he has been working with Waste Management to have the Greenways Collection from January 23-27, 2006. They will pick up a maximum of 10 bags or bundles during that time.

He said they received the MainStreet contract agreement from the State Department of Economic Development. He said the Village is now formally a Satellite and they will be working to use the money that was appropriated by the State Legislature.

Trustee Lopez said he has received several e-mails from residents affected by the Area K sewer project and they indicated the Village has not informed them about the status. He asked if a short paragraph could be included in the *Village Vision* so that the residents understand what is happening.

Administrator Vigil responded that he would put something in the January *Village Vision* that the bid was awarded.

Mark Sanchez reported that the project has been delayed, but it went out for bid and the bid was awarded recently. He said they will break ground after the first of the year and coordinate some type of ground-breaking ceremony to kick the project off. He said the last hurdle was one small easement that they could not negotiate and they have to go through condemnation, but that will not delay the project.

C. PLANNER'S REPORT

Planner Nighbert reported that the Planning Department has issued 40+ permits and to date has collected over \$1,000 in permit fees. He said the contractors have been the most responsive, but they have had responses from Realtors® and remodelers. He said they continue to process zoning applications, review various requests for information and issue zoning review permits. He said the department is beginning to review the ordinances in the categories discussed at the Board retreat (specifically A-C zone, V-C zone and the Animal Welfare Ordinance) and he said they will be presenting the revisions to the Board in the new year.

He said he has been involved in finalizing the move of the Maddox/Lovato barn to the Hartnett Park site. He said the soils report recommended certain additional soils preparation and strengthening of the foundation. He said Gil Lovato, a structural

engineer, has volunteered pro bono to do the structural design of the footings and the barn could be moved in the next two weeks.

D. LEGAL REPORT

Attorney Tippett reported that the Attorney General's office through Assistant Attorney General Kathyleen Kunkle issued a November 16 letter stating that we had not violated the Open Meetings Act with regard to Gail Haggard. She said this was good news not just because we did not violate the law, but also because the condemnation action which had been filed against Ms. Haggard has been put to rest because she said if the Attorney General's office ruled against her she would drop her objection. She said we have one other condemnation action in the Fourth Street Project which has been filed to clear title.

She also mentioned the issue of implementing the campaign finance ordinance that the Board adopted by resolution. She said the issue was that the ordinance which was in place had some constitutional challenges based on the Supreme Court decision.

Trustee Lopez asked if other communities were faced with this same problem and what action the Trustees need to take.

Attorney Tippett responded that we are the only municipality, other than home rule municipalities in this state. She said she is not willing to put the Village at risk until the Supreme Court makes its decision. She said when the Board repealed the Campaign Finance Law at the last meeting and adopted Resolution 2005-11-1, she had hoped they could take what they needed from State Law, but that does not work because of the dates cited for State-wide elections versus the Municipal Election calendar and forms and reports to be completed that do not fit.

Trustee Lopez said he understands that some action has to be taken tonight because the election is on March 7, 2006.

Village Clerk Silvas said the candidate filing date is January 10 and the candidate filing packets have to go out before then. She said she needs to know what to put in those packets.

Attorney Tippett said the resolution that was adopted does not have the force of law so technically it could be ignored until the next meeting.

Attorney Tippett said she is reviewing ordinances with Planner Nighbert and they are making revisions as necessary to the land use code and the Animal Welfare Ordinance and she has a few contracts.

E. FIRE DEPT. REPORT

Chief Dahl reported that in November 2005 they responded to 56 calls for service. He said they had EMS training where the Medical Director came and provided them with issues of the day. He said they also had training on the use of extrication equipment. He

said they had one firefighter's resignation and they posted one paramedic vacancy that should be open until filled. He also reported that the ladder truck has been repaired.

He also said he would like to publicly thank Mark Sanchez and his staff because the six new fire hydrants allocated by the State of New Mexico have been installed. He said they are still maintaining their hydrant painting procedures.

5. FINANCIAL BUSINESS

A. CASH REPORT – NOVEMBER

Treasurer Haines reported that the ending cash balance as of November 30 was \$2,416,720 and for November the excess expenditures over revenues were \$7,474. She said there is a year-to-date deficit of \$106,691 and that was primarily due to the additional \$93,400 paid out for the Fourth Street right of ways.

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

VOTE: The motion carried unanimously 3-0.

B. DISCUSSION AND APPROVAL OF A LICENSE AGREEMENT BETWEEN THE VILLAGE OF LOS RANCHOS AND ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY – RELATED TO THE CONSTRUCTION OPERATION AND MAINTENANCE OF THE DRINKING WATER PROJECT RAW WATER TRANSMISSION LINE.

Administrator Vigil noted that Mark Sanchez and John Stomp from the Water Utility Authority were present to answer any questions. He said he and the Mayor had driven along where the pipe was being laid. He said they also met with several contractors, including Boyle and their subcontractors. He said they later met with John Stomp and members of Boyle Engineering to look at the issue of the two crossings of Rio Grande Blvd. and 4th Street. He said they have been working with the State of New Mexico for almost a year to try to get better clarification of what the Village's responsibility was for administering the properties that are under a cooperative agreement with the New Mexico Department of Transportation. He said in the License Agreement the Village is authorizing the Water Authority to construct the project through its right of way. He said in addition to those issues, they wanted to be sure what the metes and bounds are. He said there is a clause in the agreement for a survey, which has been completed. He said they also looked at re-vegetation and in the agreement the Water Authority will be meeting with the Mayor or his representatives to look at a re-vegetation plan. He said the walkers and equestrian people wanted to have some sort of trail. Mr. Stomp has already addressed that issue by having a trail that is non-paved and will be basically for horseback riding, mountain biking, jogging, etc. He said one of the things they need to work with the contractors on and have cooperation from the Water Authority is to insure that all the construction costs that are incurred within the Village are filed under CRS 02-200.

Trustee McDonough said he had a question about the landscaping at the pump station that was not in compliance and he wanted to know if that had been resolved.

Administrator Vigil responded that regarding the pump station on Rio Grande and Montaña, they have worked closely with Mr. Mangano. He said they met the minimum specifications that were in the agreement, but he wanted some extra type of vegetation. He said there were some issues with cleaning and the group that maintains the open space trails cleaned out the abandoned park and they are doing regular maintenance there. He said the lighting issue was resolved by turning down the lighting and he said he believes the vegetation is a matter of growth and time.

MOTION: Trustee McDonough moved approval of the agreement with the Albuquerque Bernalillo County Water Utility Authority. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 3-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY DR. MARY MARK AND JAMES GLACKEN FOR A ZONE MAP AMENDMENT FROM C-1 COMMERCIAL TO R-2 RESIDENTIAL. THE PROPERTY IS LOCATED AT 423 BLEDSOE AND IS LEGALLY KNOWN AS LOT NO. THIRTY ONE (31) PUEBLO SOLANO, A SUBDIVISION OF A TRACT OF LAND IN SCHOOL DISTRICT NO. 4, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JUNE 20, 1941, IN MAP BOOK D, FOLIO 8. THE PARCEL CONTAINS APPROXIMATELY .784 ACRES. DEFERRED FROM THE NOVEMBER 9, 2005 MEETING.

Mayor Abraham noted that the applicants had requested deferral to the January 11, 2006 Board of Trustees meeting.

B. A REQUEST BY DR. MARY MARK AND JAMES GLACKEN FOR A ZONE MAP AMENDMENT FROM C-1 COMMERCIAL TO R-2 RESIDENTIAL. THE PROPERTY IS LOCATED AT 427 BLEDSOE AND IS LEGALLY KNOWN AS ALL OF THAT PORTION OF LOT NUMBERED THIRTY TWO (32) WHICH LIES EAST OF THE STRUCTURE OF THE M.R.C.C.D., KNOWN AS THE RICE LATERAL OF PUEBLO SOLANO, A SUBDIVISION OF A TRACT OF LAND IN SCHOOL DISTRICT NO.4, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN MAP BOOK D, FOLIO 8. THIS PARCEL CONTAINS APPROXIMATELY .345 ACRES. DEFERRED FROM THE NOVEMBER 9, 2005 MEETING.

Mayor Abraham noted that the applicants had requested deferral to the January 11, 2006 Board of Trustees meeting.

C. A REQUEST BY THOMAS CREGO FOR A SITE DEVELOPMENT PLAN FOR FACILITY EXPANSION OVER 20% BY CINGULAR WIRELESS. THE PROPERTY IS LOCATED AT 8601 4TH STREET NW. THIS PROPERTY IS LEGALLY KNOWN AS LOT NUMBERED 1-A IN BLOCK NUMBERED 1 OF LANDMARK ESTATE, BEING A REPLAT OF LOTS 1 AND 2, BLOCK 1, OF LANDMARK ESTATES, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MAY 10, 1984 IN PLAT BOOK B20, FOLIO 164. THE PROPERTY CONTAINS APPROXIMATELY .63 ACRES. DEFERRED FROM THE NOVEMBER 9, 2005 MEETING.

Planner Nighbert stated that there was no new Planning Report and he then swore in those desiring to testify on Item 6.C.

Kim Wood, agent for Cingular Wireless, said they have added propagation maps to the Board's packets and she has asked Mr. Robert Ware from Cingular Wireless to speak about those maps.

Mayor Abraham said the Board's biggest concern was that they were hoping to get more coverage to the north and the south and not straight up and down Paseo del Norte and he would like Mr. Weir to address that issue.

Robert Weir, Senior RF Engineer with Cingular Wireless, 41 Vista Verde, Edgewood, NM, stated that with the collocation site the only available radiation center is 42 feet and therefore he cannot propagate very far up and down 4th Street. He said he does get some additional coverage there but it is just incidental. He said he told Ms. Wood that for this particular site he wanted something to cover Paseo del Norte to Rio Grande and approximately 2nd Street and he said that is what was accomplished.

Mayor Abraham asked who owned the other three cell sites shown on the map.

Robert Weir responded that those sites were his.

Mayor Abraham said it appears that Cingular's coverage is basically throughout the entire Village, other than along Rio Grande.

Robert Weir said he would like to explain the colors on the map: green is for indoor coverage, blue is for outdoor (in vehicle or street) coverage. He said on the map for the Village, blue is the predominate color. He said the coverage isn't very good in the Village because there is a lot of foliage and it is difficult to propagate through that.

Mayor Abraham said the new map would have helped because when they were looking at the other map it only showed north-south coverage and it would have helped to know that they had considerable coverage to the south. He asked if they had any plans to give

coverage on Rio Grande and whether they were looking at other cell sites, or if they were only looking at collocating on the cell site in the park.

Robert Weir stated that they were going to go with Rene Budagher's proposal. He said that would be excellent for them. He said they need the site in the park to get the coverage on Rio Grande.

Fire Chief Dahl said that one of their problems in the Fire Department is that when an enhanced 911 call is made, the County emergency dispatch system dispatches their calls from the County site at Eubank and Paseo del Norte. He said this means when a call is made from a house phone, it shows up on the E-911 system and they are directed to that call. He said the problem comes in when a cell phone is being used for a 911 call. He asked Mr. Weir if under his system these calls within the Village area would be directed to the County site or to City communications on 9-Mile Hill.

Robert Weir responded that his direction on that is to the City site.

Fire Chief Dahl said they have a serious problem with that because they sometimes do not get that call for 5, 10 or 15 minutes. He said the City may dispatch, however, if their closest unit is not available, then the residents of the Village may not get emergency assistance for 10 minutes. He asked if there was any way to work around this situation.

Robert Weir said his direction for 911 routing is dictated by Art Rios who is the State wireless 911 coordinator. He said he researched the question and learned that the Village does not have a public service access point.

Fire Chief Dahl said we should because we are part of the Bernalillo County system. He said the Department is stationed in Bernalillo County and we are an accredited fire department in the State of New Mexico. He said all they do is contract with the County to do the dispatching. He said his question is, if a 911 call at Alameda and 2nd Street goes to the dispatch center, why can't the cell calls that are near the Village go to the same dispatch center so the Village Fire Department can get the calls?

Robert Weir said they could work that out with Art Rios and he has to follow what Mr. Rios tells him on where the sites should be routing.

MOTION: Trustee Homan moved that the site development plan be approved with the conditions and recommendations made by the Planning and Zoning Commission, that the grading and drainage plan be submitted and approved, as well as off-street parking being required for visitors and technicians working on the equipment tower. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously 3-0.

D. AN APPEAL TO THE BOARD OF TRUSTEES OF ACTION TO DENY APPLICATION Z-05-09 BY PLANNING AND ZONING COMMISSION ON NOVEMBER 8, 2005, AGENDA ITEM A, FOR A ZONE MAP AMENDMENT

FROM A-1 AGRICULTURAL-RESIDENTIAL ZONE TO R-2 RESIDENTIAL IN THE GUADALUPE TRAIL CHARACTER AREA BY AMY LANDAU, PROPERTY OWNER. THE PROPERTY IS LOCATED AT 8221 4TH STREET NW AND IS LEGALLY KNOWN AS PLAT OF LANDS OF CAPO WITHIN SECTIONS 16 8 17, TMN., R.3 E. N.M.P.M. BEING TR. 184 B A PORTION OF TRACT 161 M.R.G.C.D. MAP NO. 24 BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS APPROXIMATELY 1.6115 ACRES.

Mayor Abraham explained that there will be one presentation for 6.D., 6.E. and 6.F. He said there will have to be three separate votes on the matter and anyone present to speak in favor or against 6.D., 6.E. and 6.F. needed to be sworn in.

Planner Nighbert swore in those desiring to testify on Items 6.D., 6.E. and 6.F.

Attorney Tippett said she is requesting that any parties who speak on either side of these issues disclose any communication that they have had with Commissioners or Governing Body members.

Planner Nighbert read his Planning Report (PZ-05-104) which indicated the Planning and Zoning Commission recommended denial for the Zone Change and Zone Map amendment. He said the question of whether or not the zone change is appropriate is the key to hearing the other two cases. He said if the Board finds that the zone change is not appropriate, then the other two cases go away. He said if the Board finds that it is appropriate, then they would move to the preliminary plat for a subdivision and a variance.

Trustee Lopez noted that there were a lot of people in the audience who came to speak on this issue, but because the P&Z did not provide findings, he thought that this item should possibly be remanded to Planning & Zoning and request that they provide the Board with findings so that the Board can understand what the basis of P&Z's decision was.

Planner Nighbert responded that that would be one of the appropriate actions that could be taken by the Board.

Amy Landau, 8221 Fourth Street, stated that she has not spoken to the Mayor or any of the Trustees regarding this action. She said she is a licensed New Mexico architect and she is also a licensed New Mexico attorney. She said she bought the property because she wanted to design and build her own house. She said she was not aware of any rule in the Village of Los Ranchos that says you cannot subdivide your property if you have not lived here for a certain length of time. She said she is not a Realtor® and she wants to keep all the lots after they have been subdivided. She said the critical piece of information is that the property is only accessible from 4th Street, the Chamisal ditch or El Pueblo along the Chamisal ditch. She said she does not have to go across anyone else's property to access her three lots. She said her proposed lots would be a little over .5 acres each as required under R-2 zoning. She said if the Board sends her back to the Planning & Zoning Commission for findings of fact, she will not be able to

build or do anything on her property until November 15, 2006 because PNM is requiring a minimum of 90 days advance notice to do any work under the ditch. She said she will be damaged by the Board sending it back for findings. She said she would just request that the Board find in her favor and put on the record that her zone change application for a 3 lot subdivision does not impact any A-1 properties adjacent to and or to the west of Tract B because it does not require any access from Guadalupe Trail and or any access near by and or through any A-1 properties to the west and or adjacent to Track B.

Proponents Testimony:

Planner Nighbert swore in Marybeth Hopkins.

Marybeth Hopkins, 8240 Guadalupe Trail, NW, said she is not concerned about the zoning being changed for this property because she agrees with Ms. Landau that this will not cause any drastic change, it will fit right in. She also reported that she has not had any conversations with the Mayor or members of the Board.

Opponents Testimony:

Ruth Montoya, 8424 Second Street, NW, said she owns property with her husband, Tom Montoya, that is west of the subject property. She said she has not had any contact with the Mayor or Trustees. She said she believes that the existing A-1 zone is appropriate and she believes if it was changed to R-2 it would increase density. She said she thinks the goal is to retain a lower density in the Village of Los Ranchos and maintain the rural feel. She said she is concerned that if there is a zone change that there will be other land owners who would want to do the same thing. Her other concern was the ditch and using the Chamisal lateral canal as a private access to the subdivision. In addition, she was concerned about who would be responsible for maintaining the roads. She said that regarding the variance, she believes it should be denied because it is not a hardship, it is an economic gain.

David Montoya said he owns property immediately west of Ms. Landau. His concern is that most of the property near her is zoned A-1. He said he understands some of the problems with caring for property but he believes everyone knows what they have in the Village and wants to keep it that way. He said he has not had any conversations with the Mayor or the Board on this particular issue.

Tom Montoya, P. O. Box 66064, 87193, stated he has not had any discussions with the Mayor or Trustees about this matter. He said he was not sure if the entire configuration for the access was depicted on any of the maps that were presented. He said he brought a map that showed where the access would be off of Fourth Street going along the Chamisal Lateral for about 168 feet to the entrance. He said on the Master Plan it says that the Village will enforce zoning densities and the objective is to preserve the existing low density residential uses in the Rio Grande and Guadalupe Trail corridors.

Rebuttal:

Amy Landau said she could not hear what Ruth Montoya said about the variance, but it was done because her property is only about 75 feet wide, north to south and she is under a hardship and that it does not impact Ruth Montoya and her land, it only impacts Taylor Middle School. She said the ½ acre lots she is proposing are far more in keeping with the rural nature of the Village than anything that has been granted at Mary's Lane, Ramsey Way and directly north of her. She said that she wanted to correct the statement by Mr. Montoya that all of the property adjacent to her is zoned A-1. She said that she also has a Track C, but it is not part of her subdivision request because she is not requesting anything be done with Track C. She said Track C fronts on 4th Street and if there is a need of dedication of 7 feet of that easement, she said she would be happy as part of her application and a requirement, to dedicate that 7 feet to the Village. She said it is her intention to build a house that is in conformance with the rural nature of the Village.

Public Comment Closed – Board Deliberations:

Trustee Lopez said it sounds like the issue has been debated by the staff and the P&Z Commission, but he still has a serious issue with the Planning & Zoning Commission not providing findings. He said if there was a possibility that Ms. Landau could come back to the staff and work out the very fine points of whether it is on 4th Street, whether a dedication is needed, whether it fits under the Master Plan, he would invite that type of approach, but he said he could not recommend approval without findings from the P&Z. He said his recommendation would be that the item be remanded to the P&Z to provide the Board with findings.

Trustee Homan asked if it was remanded to P&Z, when would it be on their agenda for action.

Planner Nighbert responded that it would be January 10, 2006.

Trustee Homan asked Ms. Landau who she talked to at PNM that gave her the 90-day stipulation.

Amy Landau said she had the name of the person she spoke to at PNM in her office. However, she said that she is requesting that the Trustees make a determination because she needs to proceed to court or otherwise, she said she must go forward financially. She said there is a specific person at the Construction Division of PNM who handles all the Village's work at PNM.

MOTION: Trustee Lopez moved that the item be remanded to the Planning & Zoning Commission for their meeting on January 10, 2006 to provide the Board of Trustees with findings. Trustee McDonough seconded the motion.

Attorney Tippett said that remanding to the Planning & Zoning Commission is one of the options for this item. She said it is a requirement to have findings on zoning issues.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes.

VOTE: The motion carried unanimously 3-0.

E. AN APPEAL TO THE BOARD OF TRUSTEES OF ACTION TO DENY APPLICATION S-05-07 BY PLANNING AND ZONING COMMISSION ON NOVEMBER 8, 2005, AGENDA ITEM B, FOR A PRELIMINARY PLAT FOR A MAJOR (3 LOT) SUBDIVISION IN THE A-1 AGRICULTURAL-RESIDENTIAL ZONE BY AMY LANDAU, PROPERTY OWNER. THE PROPERTY IS LOCATED AT 8221 4TH STREET NW AND IS LEGALLY KNOWN AS PLAT OF LANDS OF CAPO WITHIN SECTIONS 16 8 17, TMN., R.3 E. N.M.P.M. BEING TR. 184 B A PORTION OF TRACT 161 M.R.G.C.D. MAP NO. 24 BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS APPROXIMATELY 1.6115 ACRES.

MOTION: Trustee Lopez moved that Items 6.E. and 6.F. be deferred. Trustee Homan seconded the motion.

Planner Nighbert suggested that the entire package should be remanded because it was heard as a package and should be presented back to the Board with findings as a package.

Trustee Lopez WITHDREW his motion.

F. A REQUEST BY AMY LANDAU, PROPERTY OWNER, FOR A VARIANCE TO ALLOW 7.5 FEET REAR LOT SETBACK ON LOTS B-1, B-2 AND B-3 WHERE 15 FEET IS REQUIRED IN THE R-2 ZONE OF THE GUADALUPE TRAIL CHARACTER AREA. THE PROPERTY IS LOCATED AT 8221 4TH STREET NW AND IS LEGALLY KNOWN AS PLAT OF LANDS OF CAPO WITHIN SECTIONS 16 8 17, TMN., R.3 E. N.M.P.M. BEING TR. 184 B A PORTION OF TRACT 161 M.R.G.C.D. MAP NO. 24 BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS APPROXIMATELY 1.6115 ACRES.

MOTION: Trustee Lopez moved that Items 6.E. and 6.F. be remanded to the Planning & Zoning Commission for their meeting on January 10, 2006 to provide the Board of Trustees with findings. Trustee Homan seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes.

VOTE: The motion carried unanimously 3-0.

Mayor Abraham recessed the meeting at 9:10 p.m. and reconvened at 9:16 p.m.

G. A REQUEST BY JAMES SHIVELEY FOR APPROVAL OF FINAL PLAT FOR A MAJOR SUBDIVISION IN THE A-1 ZONE. THE PROPERTY IS LOCATED AT 6425 GUADALUPE TRAIL NW AND LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED WITHIN SECTION 29, TOWNSHIP 11 NORTH, RANGE 3 EAST. N.M.P.M. VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO AND BEING IDENTIFIED AS LOT NO. EIGHT (8) AND LOT NO. NINE (9) OF THE RE-AMENDED PLAT OF ROADRUNNER ESTATES FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON APRIL 20, 1987 IN VOLUME C33, FOLIO 100. THIS PROPERTY CONTAINS 6.1052 ACRES MORE OR LESS.

Terry Nighbert swore in those persons desiring to testify on Item 6.G.

Planner Nighbert read his Planning Report (No. PZ-05-107) and discussed each of the 11 conditions.

Dr. Shiveley noted that Engineer Scott McGee was distributing a corrected Final Plat. He said most of the changes were clerical with some notes to the different easements to address Trustee McDonough's concerns. He said they changed the width of the easement between Lots 12 and 13 to 10 feet. He said Notes 8 and 9 refer to the maintenance of the roads and Note 7 on the front refers to the 100 foot buffer zone. He said when he talked to Jeremy Hoover at the City, he said he was not going to approve the plan and the reason was that the fire hydrant located at the entrance to the new road did not have adequate P.S.I. for the homes that are in that area. He said Mr. Hoover told him that everything to the south of that is presently in violation, but by including the loop line in the plot plan, that ties into the El Paraiso, it then doubled the P.S.I. and put everything into compliance. He said this caused them to dedicate a 20 foot utility easement through that area and this caused some note changes as well. He reported that PNM said they would supply the electricity overhead because it is already there on Lots 10, 11 and 14. He said the gas would be in the street.

Proponents Testimony:

None

Opponents Testimony:

Jane Burns, 828 Mullen Road, said she is very concerned about the growth in the Village and the way Planning & Zoning issues have been circumvented. She said Dr. Shiveley built Roadrunner Estates and put 7 lots on two acres more or less about 14 years ago and then there was a lawsuit and he was supposed to leave most of his property as open space and the settlement allowed him to pay some legal fees and then develop at a later date. She said she believes Dr. Shiveley's development goes against what the Master Plan says. She said she is also concerned that if a wall is created along Mullen Road, she wants to be sure that the 25 foot setback happens.

Planner Nighbert responded that the wall must be set back 25 feet from the property line. He said it is in the Zoning Code and it is also a condition of the approval of this subdivision.

Attorney Tippett said she has reviewed the settlement agreement and it is met. She said this action is not in any way contrary to the agreement.

MOTION: Trustee Lopez moved approval of the final plat as presented, subject to all conditions that are needed to enforce it. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 3-0.

Mayor Abraham requested that Item 8.D. be discussed at this time.

8. D. DISCUSSION OF MILAGRO LLC'S PROPOSAL TO CONSTRUCT FIVE 65 FOOT MONOPOLES AT HARTNETT PARK TO BRING THE VILLAGE INTO COMPLIANCE WITH ITS COMMITMENT THAT EMERGENCY 911 VILLAGE CALLS FROM CELLULAR TELEPHONES BE DISPATCHED TO THE VILLAGE FIRE DEPARTMENT AND SHERIFF'S DEPUTIES SERVING THE VILLAGE AND TO PROVIDE CELLULAR COVERAGE IN THIS AREA.

Administrator Vigil reported that there is a critical area along Rio Grande Blvd. and westward where cellular phone calls are not being dispatched by the 911 emergency center to the appropriate party. He said Chief Dahl had earlier asked questions of Cingular's Engineer McGee regarding the process of dispatching calls. He said one of the Village's concerns was making better cellular coverage available to this area. He said under the current ordinance, wireless towers are restricted to VC zone, C-1 zone or municipal property and currently the only available areas are on municipal property. He said they have met with a variety of providers and Milagro was the one who responded by providing a draft contract and several options. He noted that this item is only for discussion at this time because it requires a conditional use permit to be issued. He said what they would like from the Board is a review of the various options. He said Ms. Budagher had distributed updated handouts with various types of configurations of towers. He said the most critical issue is the emergency 911 calls.

Trustee McDonough said it is not clear to him if the problem is a notification communication issue or a dispatch communication coordination issue or if it is a cell tower issue. He said this is a significant issue in the Village and he wants to be really clear on what it is they are trying to solve and whether it is the only solution to the problem.

Mayor Abraham said we need the cell sites and that the Board of Trustees only can have jurisdiction over the appearance of the cell sites, not whether they come into the Village. He said they cannot prevent a cellular company that wants a cell site in the Village from having one. He said this has not been a cell site friendly Village but today wireless is where technology is going and we must catch up.

Rene Budagher, Milagro Partners, said she is proposing five 65-foot monopoles for the cell towers and that the five towers would cover all the carriers. She said by law, according to the Telecommunications Act, you cannot discriminate and only go with one carrier. She said you must provide ample opportunity to the majority of the carriers. She said the switch equipment per carrier would be 10 x 15 feet. She said the five carriers are Alltel, Cingular, Sprint, T-Mobile and Verizon. She said they will follow all the FAA, FCC and environmental requirements. She said they will go through PNM for power and it will not affect the Village's power at all. She said they will have a Qwest landline that will not affect the service of the Village. Ms. Budagher distributed maps that showed the five carriers' coverage with and without the towers and in all cases the coverage was enhanced with the towers. She said that the carriers have also agreed to have generator pads installed to make this a disaster recovery site so that in the event of a disaster, this would be one of the sites they would bring up first.

Trustee McDonough asked who would be responsible for the cost of the towers and the annual maintenance of the towers.

Rene Budagher replied that the cost would be determined between the carriers and Milagro and that the Village would not be responsible for any of those costs. She said the Board just needs to decide what they will look like and how much money the Village will be paid for allowing the towers to be installed.

Trustee Homan asked about taxation issues.

Rene Budagher replied that Milagro would be paying property tax.

Trustee McDonough asked if the Village could be forced to put cell towers on publicly owned property.

Attorney Tippett replied that in May 2006 the New Mexico Supreme Court came down with a case out of Santa Fe County regarding what local governments can and cannot do in regulating cell towers under the Telecommunications Act. She said we cannot ban them for health and safety reasons, such as possible brain tumors, etc. She said the other thing was that local governments cannot ban cell towers if the location is going to increase cell phone usage.

Rene Budagher said the Telecommunications Act also states that municipalities, city and state governments cannot prohibit the building of cell phone towers.

Trustee McDonough asked if the Act says they are required to provide the land to put the cell towers on.

Rene Budagher said that the Act does not state that the municipality is required to provide the land; however, there was a lawsuit in Santa Fe where the tower was to be placed on state property and the city sued Milagro. She said she won the case in both courts.

Trustee McDonough said he did not think the Village would be sued if they did not provide the park for cell towers.

Rene Budagher said the only way the Village could be sued is if there is no other commercial property and according to the Village ordinance, the towers cannot be placed on residential property so the only alternative is the park. She said she is not a lawyer but technically the Village would be prohibiting in an indirect manner.

Trustee McDonough said it sounds like it could be an arguable point in court.

Rene Budagher said the alternative was to accommodate those residents who want cell phone coverage and to make it as attractive as possible to give them reason to agree with you. She said she is a big proponent of 911 and she believes our rescue personnel should get to where they are needed as quickly as possible. She said it could be a dispatch problem because they are not dispatching to the correct place at the correct time, but she said the human error could be eliminated by having the coverage in the Village and the calls would go to the correct place. She then discussed some of the alternatives, such as tree cell towers, a bell tower memorial with trees, or bell towers. She said the walled-in area would house the equipment and the outside could have plaques for veterans.

Trustee Homan asked how large the walled-in area would have to be.

Rene Budagher responded that she was originally thinking of a triangle and it would be 50x50x50 feet because each carrier needs a minimum of 10x15 feet which is the smallest cabinet that she has installed with a pad for generators.

Trustee Homan asked if PNM would be bringing in overhead lines or if Milagro would pay for underground lines.

Rene Budagher said if it is possible to bury the lines they would. She said it depends on where the towers are ultimately located; however, Milagro would be responsible for the expense of having the lines underground or above ground.

Trustee McDonough said the point he would like to make is that based on the Act, if the Village tried to prevent a cell tower being built on a site where they have permission and they are ready to build, then the Village could get sued. He said he believes that is a long way from the Village having to provide a site for cell towers or it will get sued. He said he wanted to separate those two issues.

Mayor Abraham said he believes the Board of Trustees has a moral responsibility to provide that service to the residents.

Trustee McDonough said part of the problem is putting the towers in the only Village park and he said that was probably the issue when they previously talked about putting

in the towers. He said people do not like the towers, but they want the service. He said that is why he is asking if there are other alternatives to putting them in the park.

Administrator Vigil said the purpose of this item is to get direction so they can get a conditional use application, post a notice and give the public an idea of what they can expect the towers to look like.

Chief Dahl asked if the Fire Department would be guaranteed that the calls that go to this cell tower will go to the Bernalillo County dispatch center.

Rene Budagher responded that she would personally work with the RF engineer, the state people and the Village Fire Department to accomplish that.

Trustee Homan said she agrees with Trustee McDonough that a public input period would be very helpful, especially on the design, to get the collaboration from the public so they feel they have had a voice in it. She said she was also concerned about where it would be placed.

Mayor Abraham suggested three or four pictures in the next *Village Vision* saying vote on which way you think the cell towers should look: a palm tree, a flag pole, etc. and they would be placed somewhere in Hartnett Park. He said people could e-mail the Village with their comments.

Rene Budagher said her company will do environmental studies to ascertain the location of any archeological sites.

Administrator Vigil noted that if he does not have direction now, he cannot get the conditional use permit before the Board in January 2006.

Trustee McDonough said he was okay with the idea of an article in the *Village Vision* but he believes there should be a meeting dedicated to discussing this item and not put it on a Board Agenda as another item. He said he believes it will take time and discussion.

Administrator Vigil said there was public notice of this item in the *Albuquerque Journal*, the Village website and on the bulletin boards.

Trustee Homan asked if they would need to know the exact location and design of the towers in order to get the conditional use permit.

Planner Nighbert responded that most conditional use permits do have at least a site development plan and the flagpoles are one thing, but all the 10x15 foot buildings taking up space are another so he said he believes there needs to be a layout of those items for a conditional use permit to be put through correctly.

Trustee McDonough suggested putting the article in the Newsletter and he likes the bell tower and he thinks you could also say that you can go see the bells at the

Nazarene Church on Paseo and that would give people a sense of the magnitude. He said as far as the flags, he would ask that it all be to scale.

Rene Budagher said what she is understanding is that the Board would like some renderings of some ideas: bells, flagpoles or trees in a couple of locations, like the parking lot.

Howard Higgins, 1004 Ortega, NW, said that he is not excited about 65 foot towers in the park, but he has assisted the Village with archeological issues and wanted to offer his professional observation that this might be construed as having a visual impact and an adverse impact on the archeological sites in the area. He said he would urge the Mayor and staff to consult with SHPO in Santa Fe before putting anything in the *Village Vision*.

7. **OLD BUSINESS**

8. **NEW BUSINESS**

A.. DISCUSSION AND APPROVAL OF A LICENSE AGREEMENT BETWEEN THE VILLAGE OF LOS RANCHOS AND ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY – RELATED TO THE CONSTRUCTION OPERATION AND MAINTENANCE OF THE DRINKING WATER PROJECT RAW WATER TRANSMISSION LINE.

This item was moved to Item 5.B. and discussed on page 7.

B. DISCUSSION AND APPROVAL TO AWARD RFB 2005-09-01 (4TH STREET IMPROVEMENT PROJECT CN 3475) TO STAR PAVING COMPANY, THE LOWEST RESPONSIVE BIDDER AND AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT NEGOTIATIONS WITH STAR PAVING

Administrator Vigil said that they have gone through the design process, right of way approvals, the certifications from the New Mexico Department of Transportation and the Federal Highway Administration on the project. He said they issued the request for bid and held a mandatory pre-bid conference. He said that he, Dave Owsley and Terry Nighbert met with the people who attended the mandatory pre-bid conference to find out if there were options, reasons, or a basis for looking at a re-bid of this project. He said they indicated there were several issues including current workload was too heavy, a couple attended in order to keep their options open since it was mandatory and a couple told him that if we went to re-bid we probably would not get any better price than what we had. He said Dave Owsley from Larkin did the tabulations to ensure that Star Paving was responsive in all categories and that all other bid requirements were met. He said a major concern is that the Village does not have the federal or state money available to meet the minimum bid. He said they are trying to secure funding from MRCOG and the legislative resolution includes a request for funding from the federal government. He said the only funding source that is currently available is to take a loan from our reserves

to award the bid.

David Owsley, Larkin Group, said he had called four of the references that Star Paving gave him because they were the projects that had both grading and storm drainage on them. He said other than a few normal start-up problems, they were basically good reports.

Trustee McDonough asked what taking a loan would do to the Village's reserves since we are already into this project for \$1.4 million. He said we had cash and reserves of \$2.4 million. He said he believes this project has been a long time coming.

Treasurer Haines said that based on the shortages and the amount that the Village is committed to for its percentage, less what has already been paid, she calculates about \$1.7 million that would have to be taken out of the reserves. She said there are other issues that could cause it to be more than that.

MOTION: Trustee Lopez moved approval to Award RFB 2005-09-01 to Star Paving Company and authorize the Mayor to enter into contract negotiations with Star Paving. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 3-0.

C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2005-12-1- ESTABLISHING THE VILLAGE LEGISLATIVE PRIORITIES FOR THE 47TH LEGISLATURE 2ND SESSION

Administrator Vigil reported that the Village is seeking support for the following projects:

- Secure funding for open space acquisition - \$3 million
- Funding to acquire land, plan, design and construct a fire station - \$1.2 million
- Funding to make up a shortfall in funding 4th St. Project - \$1.5 million
- Funding to resurface 4th Street between Schulte and Paseo del Norte, El Pueblo between Rio Grande and Village limits and El Pueblo between Rio Grande and the Village limits and an appropriation to design a separated walking, jogging and bike path on right of way adjacent to Rio Grande from Paseo to Montaña - \$975,000
- Design and right of way acquisition for a drainage project on 4th Street from Schulte to Paseo del Norte - \$500,000
- Support the Unser Racing Museum/Children's Discovery Center request to complete and expand the project - \$2 million
- Road safety improvements - \$100,000
- Equipment and vehicle replacements for road projects - \$55,000
- Economic Development - \$30,000

MOTION: Trustee McDonough moved approval of Resolution No. 2005-12-1 establishing the Village legislative priorities. Trustee Homan seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes.

VOTE: The motion carried unanimously 3-0.

D. DISCUSSION OF MILAGRO LLC'S PROPOSAL TO CONSTRUCT FIVE 65 FOOT MONOPOLES AT HARTNETT PARK TO BRING THE VILLAGE INTO COMPLIANCE WITH ITS COMMITMENT THAT EMERGENCY 911 VILLAGE CALLS FROM CELLULAR TELEPHONES BE DISPATCHED TO THE VILLAGE FIRE DEPARTMENT AND SHERIFF'S DEPUTIES SERVING THE VILLAGE AND TO PROVIDE CELLULAR COVERAGE IN THIS AREA.

This item was discussed after Item 6.G. on page 16.

E. DISCUSSION AND REVIEW OF PROPOSED LOS RANCHOS OPEN SPACE SURVEY QUESTIONNAIRE TO BE CONDUCTED BY RESEARCH AND POLLING IN COOPERATION WITH THE TRUST FOR PUBLIC LAND

Administrator Vigil reported that since the Village was looking at purchasing open space and possibly doing a bond issue in the near future, they have been working with The Trust for Public Land on an assessment of what the Village could do with the funding options that are available. He said in looking at a survey form, The Trust for Public Land solicited bids and one of the better bids was from Research & Polling because it is local and the other two were out of state. He said The Trust for Public Land is willing to contribute over \$4,000 and the Village will pay the balance of about \$5,000 to develop a survey for public opinion. He said items on the survey would include questions on open space, what things and conditions they like or dislike about living in the Village, land use such as preserving local farmland, wild life habitat, etc. He said there will also be questions on taxation, such as are the current taxes okay, would they support more taxes, would they support a bond issue? He said the next step is to finalize the questionnaire which they would like to send out in the next couple of weeks and have results in late February or early March.

F. DISCUSSION AND APPROVAL TO DESTROY PUBLIC RECORDS THAT ARE ELIGIBLE FOR DESTRUCTION ACCORDING TO THE RECORDS RETENTION AND DISPOSITION SCHEDULES

MOTION: Trustee Lopez moved approval of the Records Destruction List. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously 3-0.

G. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2005-12-2 – CALLING THE MARCH 7, 2006 REGULAR MUNICIPAL ELECTION

Trustee Lopez asked Attorney Tippett if it would be appropriate to add to the motion that we hold in abeyance the November 9th approval until the Supreme Court makes a final determination.

Attorney Tippett responded that it would be appropriate to do that. She said they could actually repeal that resolution by amending this resolution today, but she said she thought it would be a more cautious and prudent approach to just add language that it will be held in abeyance until the Supreme Court rules.

Trustee Homan asked what the down side would be if they waited on the Supreme Court to do some kind of motion or come out with a ruling.

Attorney Tippett responded that the Board has a Resolution that was adopted at the last meeting that is not workable for the Village Clerk.

Mayor Abraham said it appears that the Board can either put the Resolution in abeyance tonight or have a special meeting and repeal it next week.

MOTION: Trustee Lopez moved that Resolution No. 2005-12-2 be amended to include Section I which states that Resolution No. 2005-11-1 is to be held in abeyance pending a decision by the United States Supreme Court. Trustee Homan seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes.

VOTE: The motion carried unanimously 3-0.

9. TRUSTEES INFORMAL DISCUSSION

Lorilee McDowell, 7201 Guadalupe Trail, said she understands the Board would like some pictures of the proposed designs for the cell towers to go in the Village Vision. She said if she could use the Fire Department ladder truck on Monday, then she could take some pictures. She said that Rene Budagher from Milagro could then create a mock-up. She said she could include an assortment of pictures using the trees, bell towers and flags.

Administrator Vigil said the Annual Municipal Day will occur on February 3 and asked if any of the Trustees were planning to attend. He acknowledged that Trustees Lopez and Homan said they planned to attend. He also noted that there was a vacancy on the New Mexico Self-Insurance Fund Board if anyone wanted to apply.

Trustee McDonough said he noticed when the witnesses were being sworn in for one of the hearings, one of the people pointedly did not say a word.

Attorney Tippett responded that the person was probably an attorney since they do not have to be sworn in because when they take their oath, they swear to tell the truth at all times.

Mayor Abraham reminded the Board that the holiday reception was being held on Wednesday, December 14 at 6:30 p.m. at Village Hall.

10. ADJOURNMENT

MOTION: Trustee Lopez moved to adjourn the meeting at 11:20 p.m. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously 3-0.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2006.

ATTEST:

Annabelle Silvas,
Village Clerk