

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
February 9, 2005 - 7:00 P.M.

Present:

Larry Abraham, Mayor

Don Lopez, Trustee/Mayor pro tem

Pablo Rael, Trustee

Mary Homan, Trustee

Tim McDonough, Trustee

Annabelle Silvas, Clerk

Juan Vigil, Administrator

Terry Nighbert, P&Z Director

Gil Saavedra, Accountant

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, February 9, 2005 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried unanimously 4-0.

2. PUBLIC COMMENT PERIOD

Sergeant Weller said that he is the new sergeant for the Village. He said there are three deputies assigned to the Village. The Sheriff's department has replaced a deputy who is on deployment with the military with Deputy White. Deputy Meeks is on day shift and Deputy Pepin is on swing shift. He said they are currently working with Keith Bradley, Code Enforcement Officer to resolve the issues with Horizon Charter School and to get the speed boards in place, as well as monitoring the traffic down Rio Grande.

Trustee Lopez said that he has noticed an increase in the presence of deputies on Rio Grande and would like to commend Sergeant Weller.

Sergeant Weller said that his main goal is for the Village to get the services they are requesting.

3. CONSENT AGENDA

A. MINUTES - REGULAR MEETING – January 12, 2005

Trustee Rael said in reviewing the minutes, on page 5, line 29 it should be El Pariso and

on page 11, line 35 the motion should state “.....for delivery parking”.

B. DEPARTMENT AND COMMITTEE REPORTS

1. Law Enforcement/BCSD
2. Fire
2. Animal Control

MOTION: Trustee Rael moved approval of the Consent Agenda with the amendments to the minutes as noted. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously 4-0.

4. REPORTS

A. MAYOR’S REPORT

Mayor Abraham said that he, Administrator Vigil, John Sparks and Pat Brandan representing the 4th Street Coalition along with Councilor O’Malley and Congresswoman Wilson to bring her up to date on what is happening regarding Mayor Chavez’s restriping of Montañño and to enlist her support in helping to get the U.S. Army Corps of Engineers and to give a clarification on the 404 Permit. This will give a timetable on what can be done to retain the two lane crossing. He said that the City Council has approved a \$150,000 study, but even with this study there are other issues that need to be addressed.

Trustee Lopez said that he has worked on many projects with Jean ~~Manjour~~ Manger who manages the 404 program.

Mayor Abraham said that we have a \$130,000 grant of which will be used to refurbish the tennis courts. He said they would like for the Village to be the general contractor and to piggyback off of a Bernalillo County contract. He said they have solicited bids to do the resurfacing. He said the cost will be \$160,000 - \$165,000, which will run over the grant by about \$35,000. The Village has \$100,000 excess revenue over expenses, plus an additional \$65,000 in fire equipment budget that can be applied toward the projects. He said they would like to increase it to 8 tennis courts with one being used as a singles basketball court.

Mayor Abraham said that we have three positions posted until filled; Planning and Zoning Director, Planning and Zoning Assistant and Attorney. Terry Nighbert is contracting as the Planning and Zoning Director. He said they accepted David Mathew’s resignation and that the Village lost the motion objecting to the amended complaint to include civil rights and discrimination in the John Aragon case. The Municipal League will intervene and will pick up the defense on civil rights.

Mayor Abraham said that they have interviewed three attorneys for representation in the Heartland Farms case. He said they have a letter of engagement from Bill Chappell. He said that John is the attorney in the 280 foot setback case.

Mayor Abraham said that we should be getting the speed boards in the next week or two. There will be four on Rio Grande; one coming in on each side of the Village on Rio

Grande, one in front of the Village Hall parking area and one in front of John Johnstone's property.

Mayor Abraham said that he has appointed George Dahl as the Fire Chief and Greg Perez as the Deputy Chief.

Don Trustee Lopez said that on the 27th of January, he, the Mayor, Administrator Vigil and the consulting engineers of Larkin Group made a presentation to the AMAFCA Board of Directors. He said that they were asking that the Board of Directors of AMAFCA enter into negotiations with the Village to provide \$500,000 towards the cost of drainage work on the North 4th Street project. He said the AMAFCA Board approved the \$500,000 to be used for a multiuse facility at Taft Middle School.

Mayor Abraham said that they have accepted Karl Koenig's resignation for the Planning and Zoning Commission and have 5 or 6 applicants to serve on the P & Z Commission.

B. ADMINISTRATOR'S REPORT

Administrator Vigil said a booklet on the Capital Outlay Requests has been prepared for the legislators. He said he would like to thank the Fire Department for collecting the call volume data for the last calendar year. He said they included the Taft Multipurpose Field information and the ponding area, as well as the open space acquisition. He said they have spoken with legislators and that our lobbyist is working on all of the issues including the animal control vehicle, money to continue support of traffic enforcement and the improvement of our roadways.

Administrator Vigil said that we are preparing for the 2006 budget. He said in a memorandum from the DFA we need to have the budget in to the State by June 1st or before. He said the goal is to get the budget to the Board by April and hopefully adopt it in May so we can get it to the State on time. Included is a letter from the State auditor informing the Board of Trustees that the audit for 2003/2004 has been reviewed and accepted and within 10 days of February 7th the audit will be available for public distribution. The audit report will be on the March agenda.

Administrator Vigil said that he received a letter from the D.O.T. and that it is time to submit our projects for the Local Government Road Coop program. He said this will be brought to the B.O.T. meeting in March requesting their prioritization on this particular project. He said we received a grant of \$20,000 last year for a law enforcement vehicle from the Law Enforcement Protection Grant and that the Crown Victorias the County of Bernalillo is ordering are running \$22,000, and we will need another \$3,000 for law enforcement related equipment.

Administrator Vigil said that he and the Mayor have met with six appraising firms regarding the right-of-way on 4th Street and that many of them do not have the capability, at this point, to deal with the number of appraisals that are necessary for the 4th Street Project. He said that Travis Engelage has agreed that he can meet our deadline to get the appraisals. He said they will be meeting with Travis Engelage and the engineer to go over the project to make sure that the engineer and the right-of-way appraiser understand what is necessary to proceed with the appraisals of the property for acquisition. He said

they will then meet with the D.O.T. Right-of-Way Bureau to make sure that the whole team is coordinating this project and that the State will be ready to make the purchase offers. He said they feel that many of these can be handled under the \$10,000 limit waiver and that there are two or three that may be difficult if we need to do a taking.

D. PLANNER'S REPORT

Planner Nighbert said he came on board the 20th of January and has been reviewing the subdivision and zoning ordinances, as well as learning the Village processes.

Trustee Lopez said in the past one of the main complaints he heard about the Planning and Zoning Department is that the Planning and Zoning person either was not available, would not call back right away or make the time to explain the processes.

E. FIRE DEPT. REPORT

Chief Dahl introduced himself as well as the new Deputy Chief, Greg Perez. He said that for the month of January they had 75 calls; 22 fire calls, 41 EMS calls and 12 motor vehicle accidents. He said they had one serious house fire in which his crew knocked the fire down in less than 3 minutes with a minimum amount of water damage and the fire did not extend to the structure of the house. He said both he and Deputy Chief Perez have come up with programs to enhance the volunteer program and to have bike programs along the trails and bosque equipped with paramedics and EMT's while utilizing volunteers on weekends and heavy usage periods. He said they are working on plans for a new fire station and intend to modernize their equipment by the use of Homeland Security funding.

5. FINANCIAL BUSINESS

A. CASH REPORT- JANUARY

Accountant Saavedra reported that the franchise taxes for the month were higher than budgeted, as well as the gross receipts for both our Municipal and State share. He said the expenditures for each department look good. He said that the financial administration is at 68% when it should be at 58%, as well as others because of upfront costs. He said there are three grants under Recreational; a \$100,000 grant for the renovation of the tennis courts plus another \$10,000 grant for the renovation of the tennis courts, and then another \$20,000. He said most of these grants will terminate June 2008 or June 2009.

Trustee Lopez said if we should we have any questions regarding these grants that the Local Government Division tracks all of these grants very carefully.

Accountant Saavedra said that we spent \$26,484 of grant money on speed boards and \$138,100 on engineering fees for the 4th Street Project, as well as \$376,000 last year leaving us with a total of \$514,000 spent. He said that we spent \$69,600 on the repaving of 4th Street and our match is \$17,400. He said we received a reimbursement of \$52,200 from D.O.T. He said the Severance Tax Projects are monies that were used for improvement of streets and restripping and that we have spent \$57,783 of the \$130,000. He said we have a negative \$15,000 in excess deficiency of revenues, over expenditures and transfers and that considering we had preexpenditures of almost \$287,000 that still needed to be reimbursed, plus the \$20,000 advance, we have a positive \$252,000 in cash flow.

Trustee Lopez said that a year ago we were about \$180,000 in the hole.

Trustee McDonough asked why the business registration fees are lagging behind.

Mayor Abraham said that they are due at the end of March and have already been sent out.

Accountant Saavedra said that the liquor license fees come in late in the fiscal year. He said we are current with the payables, but is looking into some missed payments to Presbyterian Health Insurance.

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

VOTE: The motion carried unanimously 4-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY JOHN MACKENZIE, OF MARK GOODWIN AND ASSOCIATES, PA (AGENT), FOR AL UNSER, JR. (PROPERTY OWNER) FOR A FINAL PLAT FOR A MAJOR SUBDIVISION AND SITE DEVELOPMENT PLAN, IN THE RIO GRANDE CORRIDOR, AND IN THE A-1 ZONE. THE PROPERTY IS LOCATED AT 6847 RIO GRANDE BOULEVARD NW AND LEGALLY KNOWN AS TRACTS NUMBERED ONE (1) AND THREE (3), OF THE LANDS OF AL UNSER, JR., (BEING A REPLAT OF TRACTS A-1 & A-2, LANDS OF WAYNE LOVELADY), VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED IN THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON FEBRUARY 21, 1997, IN VOLUME 97C, FOLIO 57, THESE PARCELS CONTAIN APPROXIMATELY 25 ACRES. THE BOARD OF TRUSTEES APPROVED THE PRELIMINARY PLAT WITH CONDITIONS AT THEIR REGULAR MEETING OF DECEMBER 8, 2004.

Oath administered to all who wished to speak on the issue.

Planner Nighbert said he read the conditions on which the preliminary plat was approved and that he has been working with John McKenzie and Anne Brown, Attorney to ensure that everything is in place for approval of the final plat and site development plan, as well as the restrictive covenants that we are recommending to be filed with the final plat and the subdivision improvement agreement. He said all the conditions have been met in either the restrictive covenants or the site plan.

He said his recommendation to the Board is that they approve the final plat with the following conditions:

1. A subdivision improvement agreement be approved and signed prior to the recording of the final plat. The agreement will have financial guarantees for the

construction of the dry lines for the sewer and for assurance that connections will be made within six months of the date of availability.

2. The developer provides a copy of the water and sewer systems agreement for the subdivision with the Albuquerque Bernalillo County Water Utility Authority.
3. The developer provides these sewer dry pipe plans and estimates of cost to the Village for its engineer to review and to verify the costs. These costs are to be included in the improvement agreement.
4. The Plat should contain a note that reads: *“The properties described in this Plat shall have convenient access to those irrigation ditches, gates, levies and other mechanisms within the designated private irrigation easements as may be needed to maintain the ditch for the purpose of providing irrigation water.”*
5. That the Board extend the time for final plat recording from the 30 days in the ordinance to 60 days in order that all items can be worked out prior to final plat recording.

He said things that need to be worked out are contained in the supplemental conditions for final plat and site development plan for the Unser Subdivision.

Trustee Lopez said that the word “levies” is misspelled and should be changed to “levees”, and on page 3 of 4 it should be “2005”.

Planner Nighbert said it would be best for the Board to take action on the final plat in two motions; one on the final plat and the other on the site development plan. The recommendations are as follows:

1. The site development plan meet or exceed all requirements of the Village of Los Ranchos Subdivision and Zoning Ordinances, and those specific conditions for this subdivision approved by the Board of Trustees at their regular meeting of December 8, 2004.
2. The developer continue working with the Village and Resource Technologies, Inc., as the Village designated engineer on this project, to satisfy the conditions as stated in the subdivision improvement agreement.
3. The building pad locations be indicated on all lots in the subdivision on the site development plan

He said that Mr. McKenzie has new language to place on the plat to supplement recommendation #3 to provide a raised building pad so that the ponding area will hold the water. He said that he is also recommending approval of the site development plan.

Trustee Lopez asked if any of this property is in a flood zone.

Planner Nighbert said that it is in flood zone X.

John Myers, STV Investments, Developer of the Unser Properties said they are here with the final plat which is consistent with the preliminary plat and with the conditions that the Trustees imposed upon the preliminary plat approval, as well as the site development plan. He said they find

acceptable all of the conditions that have been recommended to the Board. He said there has been some concern raised about "Spoleto" not being an appropriate name for the subdivision and the developer suggests that they come up with some alternative names and present these to the staff. He said on the plat there is an irrigation ditch that straddles property to the north creating a joint maintenance obligation with respect to that ditch and therefore the Village engineer is requiring that the property owners to the north join in on this plat. He said he is concerned that this may create a problem if the property owner to the north does not want to sign the plat. He is asking that it be clarified by the Trustees that this will be presented to the adjoining property owner, and if he does not want to agree to the maintenance responsibility or does not want to sign the plat for any reason, that he would not be obligated to do so and would therefore be the responsibility of this property. He said that on the plat it says that the access easement to the bosque will be a private easement, but that the Trustees conditioned the preliminary plat approval on public access as available. He said this will have to be clarified and changed on the plat; that the public will have non-vehicular access from Rio Grande on the trail that will be constructed through the subdivision and to the bosque. He said that proposed covenants have been submitted to Terry Nighbert for his review. They are asking that the final plat recording be extended to 90 days instead of 60 just in case they have any issues that come up, particularly with working out the details of the sanitary sewer service with the water authority.

Trustee Lopez asked if he is offering some other shape or variation of the building pad.

John Myers said that a building pad is shown basically for purposes of the drainage plan. He said they have asked for flexibility on where the building can occur, but there is a cap on the amount of area that buildings can occupy unless they create additional area for storage of storm waters. He said that the building pad can move in a variety of directions subject to the setback requirements.

Trustee Lopez asked how high the pad is going to be.

John Myers responded 1.25 feet above the existing yard grade.

Trustee Lopez said that he would strongly recommend over excavating, recompacting and rebuilding the pad back up to prevent differential settlement.

John Robb, 7200 Rio Grande Blvd NW, representing the Los Ranchos Neighborhood Association said they would like to ask for a postponement of action on this plat until the start of the sewer construction. He said according to their calculations it would be a minimum of 3 ½ years before this project is completed. He said this should be postponed until the problems with the right-of-way, possibility of condemnation; problems with engineering or reengineering are ironed out. He said in order to meet the 3 ½ year projection all the pieces would have to fall perfectly in place. He said the contingencies that often occur in a complex project like this are over-budget and that public projects are notorious for coming in over budget. There are the possibilities of lawsuits and likely the delay for archeological studies because the sewer line will be going through one of the riches archeological areas. He said with the approval of this we will be looking at years of sewage pollution. There are no allowances for delays in construction. He said in the future they hope the Village will promptly develop some criteria for site development plans for future developers and that the conditions that the Board has imposed will be monitored for compliance.

Trustee McDonough said he wanted clarification about the plat comments received by RTI listing a number of items they wanted addressed.

John McKenzie said this is the first he has seen of it and believes that this is a written follow-up to a conference call he had with the Village engineer and Terry Nighbert. He said they have concluded that these are items that can be work out and will present a plan that will address all of these issues.

Trustee McDonough said they are asking that all the trees be moved back.

Terry Nighbert said it was recommended that the trees be moved back further into the 30 foot landscape area so it would facilitate watering and less likely that roots grow into the asphalt pavement. He said he felt this would be more advantageous to them because irrigation plans to water these trees would be the responsibility of the individual lot owners.

John McKenzie said they concur with this recommendation.

Mayor Abraham asked, what is the timeframe for the development?

Tim McNaney said they should probably be looking at a ground breaking in May or June. He said the infrastructure construction shouldn't take more than 75 days with an additional 60 days for landscaping. He said from a construction standpoint it should be completed in September/October.

Mayor Abraham asked what the timeframe would be for building on the first lot?

Tim McNaney said that there probably will be 2-3 people coming in for permits sometime this summer, 2005.

Mayor Abraham asked, if he has had any requests for combining one or two lots?

Tim McNaney said that he has had a couple of people that are looking at acquiring a couple of lots next to each other, but no one has said that they want to buy two and erase the lot line and make it a two acre lot. He asked if this would be an administrative amendment or a public hearing.

Planner Nighbert said that it would be an administrative approval, but they would have to take careful consideration because the berms that go down the lot lines are sacrosanct as far as the drainage plan for the whole subdivision.

Tim McNaney said that the name "Spoleto" was supposed to be based on the Spoleto Music Festival, and they have a firm working on a new name.

Trustee Lopez asked if there is some innovative way to handle the sewage during the Area I & J sewer system construction.

Tim McNaney said they have thought of different ways to approach this but there are State Environmental Health Department codes and other things that have to be met.

Mayor Abraham asked if a closed system is possible.

Tim McNaney said it would be possible but they have never pursued that.

Trustee Lopez asked if they have ever run across this before in Bernalillo County.

Planner Nighbert said that there is a stir tank system (a water reuse program) but it requires more than one acre. He said he does not know if it has been adopted here.

Trustee Lopez said that the NMED rules and regulations control and that by approving this, the residents will have to hook up to the sewer system in six months.

Terry Nighbert said that this is what the subdivision improvement agreement contains and the developer will file a bond or a letter of credit with us to assure that the dry pipe system is in and that the residents will hook up in six months from the availability date.

Tim McNaney said that this was a voluntary action on their part.

Trustee McDonough asked who will certify the on-site systems.

Administrator Vigil said that the septic would be validated through the New Mexico Environmental Health Department. He said there is a lot of speculation on what will happen, but that he and the Mayor were invited to the Engineers and Bernalillo County staff's kick-off meeting on their study and a lot of the issues brought up were discussed. He said the County is very committed to get the project on line on time.

Trustee McDonough asked if we need to address the site plan first?

Planner Nighbert said that the site plan needs to be approved first, then the final plat.

Trustee McDonough asked if there are additional conditions that are relevant to the site development plan?

Planner Nighbert responded there are none for the site development.

MOTION: Trustee McDonough moved approval of the site development plan for the Unser development. Trustee Rael 2nd the motion.

MOTION: Trustee McDonough moved approval of the final plat for the Unser property with the conditions listed in the planning report with the recommendation that we extend the requirement from 30 to 90 days. Trustee Lopez 2nd the motion.

VOTE: The motion carried unanimously 4-0.

7. **OLD BUSINESS**

None.

8. **NEW BUSINESS**

A. APPROVAL OF MAYOR'S RECOMMENDATION TO APPOINT NANCY K. HAINES AS TREASURER OF THE VILLAGE.

Trustee Lopez said that he has worked with Nancy K. Haines in one of his previous stints as a Trustee and would welcome her back to the Village of Los Ranchos.

MOTION: Trustee Lopez moved approval of the Mayor's recommendation to appoint Nancy Haines as Treasurer. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 4-0.

B. DISCUSSION AND APPROVAL OF PLANNING AND ZONING DIRECTOR CONTRACT WITH TERENCE NIGHBERT.

MOTION: Trustee McDonough moved approval of Planning and Zoning Director Contract. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 4-0.

C. DISCUSSION AND APPROVAL OF COOPERATIVE PROJECT AGREEMENT BETWEEN THE New Mexico DEPARTMENT OF TRANSPORTATION, TPU-CAQ-TPE-5089(2)05, AND THE VILLAGE OF LOS RANCHOS FOR THE FOURTH STREET IMPROVEMENTS PROJECT, \$4,464,016.

Administrator Vigil said that this is the funding that comes from Federal TPU administered by the State of New Mexico for the 4th Street Project. He said the Surface Transportation Funds are in the amount of \$3,742,000 and the Village's matching share is \$722,016. He said this agreement does not include the 2006/2007 funding that the MRCOG has in their project file. He said when this agreement is approved it will then solidify the funding for the 4th Street project in the amount of \$4,464,016 and it does not include the funding from the AMAFCA project for the ponding area. He said they have reviewed the agreement and they feel that the Village can comply with all of the requirements stipulated in the agreement. He said they met with the Village Engineer and with the approval of the drainage pond site they are about ready to bring the final design to the Board of Trustees for adoption and then we will be able to go to bid for construction.

Trustee Lopez asked if we are still on the hook for the 25% as stated in Resolution No. 98-12-2.

Administrator Vigil said we are not on the hook for the whole 25%, one is at 14% match, and the other is at 25% of the STP fund.

Trustee Lopez asked if any of the money we get from AMAFCA or from the legislature reduces our percentage.

Administrator Vigil said it is local match.

MOTION: Trustee Homan moved approval of the Cooperative Project Agreement. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 4-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Homan asked if there will be a retreat.

Trustee Lopez said he will call everyone and try to set up a date.

Trustee McDonough said that the mail they receive from the Municipal League is address as “Village of Los Ranchos in Albuquerque, New Mexico”.

Mayor Abraham said not to pay their dues until they change the address.

Trustee McDonough said he would like to thank Chief Dahl and the firefighters. He said they were one of the responses on the list this month for very quick reaction time and very quick service. He said they went out of their way to say how well Bernalillo County and the Village work together responding to calls.

Trustee Homan said she would like to encourage everyone to attend Municipal League Day. She said she and four other businesses have not been receiving the newsletter for the past two months. She said on page 17, line 16 of the minutes it appears to say that Village Hall was sold and it should say that it was removed from being sold.

Trustee Homan said that there is a Chamber of Commerce Meeting tomorrow morning @ 7:15 at Indulgence.

Trustee Rael said that he would like to get an update on what is happening at 4th and Osuna regarding the trailer sign and the Los Ranchos Fence Company sign.

Administrator Vigil said that he and Keith Bradley, Code Enforcement Officer met with the owner of the Money Store about the trailer. He has committed to repaint the trailer and only put a 2 sq. ft. sign. He said he should have done this already and they will meet with him again. The owner of the Fence Company is moving and should be out within the next two months.

Trustee Homan asked if our ordinance prohibits offsite signs for a business.

Trustee Lopez said it does unless it is an A-Frame type.

Trustee Homan said that in her opinion this is an insult to the business community that has worked very hard to comply with the current sign ordinance.

Administrator Vigil said they agree but the ordinance states that a 2’ sign is allowed in addition to all of the other signage he currently has.

Trustee Homan suggested that if our current ordinance is lacking, that we put it back before the P&Z immediately to make corrections, then bring it to the B.O.T. to be adopted.

Trustee Rael asked Accountant Saavedra if he had a chance to look at the stipend.

Accountant Saavedra responded, yes.

10. ADJOURNMENT

MOTION: Trustee McDonough moved to adjourn the meeting at 8:45 p.m.
Trustee Rael seconded the motion.

VOTE: The motion carried 4-0.

APPROVED by the Board of Trustees of the Village of Los Ranchos de
Albuquerque this _____ day of _____, 2004.

ATTEST:

Annabelle Silvas, CMC
Village Clerk