

# MINUTES

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

Nancy Haines, Treasurer

Gil Saavedra, Accountant

## **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, March 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 Homan seconded the motion.

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

### **B. PROCLAMATION PROCLAIMING APRIL 8, 2005 AS "TRIBUTE TO TEACHERS DAY"**

Mayor Abraham read the proclamation and proclaimed April 8, 2005 as "Tribute to Teachers Day".

## **2. PUBLIC COMMENT PERIOD**

**Frank Mangano**, 4300 Rio Grande Blvd, spoke on behalf of the Rio Grande Boulevard Neighborhood Association and many of his neighbors. He asked that the Board of Trustees hold the City to their original agreements when applying for a Special Use Permit regarding the Area K pump station. According to Mr. Mangano the agreement thus far has not been met regarding motion sensitive lighting and landscaping.

**Trustee Lopez** asked who at the City informed them that they would have to wait a year for landscaping.

**Frank Mangano** said this statement was made by Tom Shoemaker, Albuquerque Bernalillo County Water Utility Authority to Administrator Juan Vigil.

**Trustee Homan** said that Tom Shoemaker made some promises regarding the lighting at a recent meeting and that the Village should act to enforce these promises.

**Trustee Lopez** said that we may have to go beyond mid City management to accomplish this.

### **3. CONSENT AGENDA**

#### **A. MINUTES - REGULAR MEETING – February 9, 2005**

#### **B. DEPARTMENT AND COMMITTEE REPORTS**

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

**Trustee Lopez** stated that on page 2, line 26 of the minutes it should be Jean “Manger”, on page 3, lines 9 & 10 change to “Trustee” Lopez, add a comma after January, and change engineer to “engineers”.

**Trustee Rael** said in reviewing the minutes, on page 5, line 29 it should read “El Paraiso” and on page 11, line 35 the motion should state “.....for delivery parking”.

**MOTION:** Trustee Homan moved approval of the Consent Agenda with the corrections to the minutes. Trustee Lopez seconded the motion.

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

### **4. REPORTS**

#### **A. MAYOR’S REPORT**

**Mayor Abraham** said the Tennis Court project is going very well. He said the paving should be completed by the end of next week and that there will be a three week holding period while the asphalt is being cured. A firm to apply acrylic is being submitted to the Board for their approval.

**Trustee Lopez** asked if the DOT temperature specifications are being followed.

**Mayor Abraham** responded, yes. He said the total cost will be around \$165,000.

**Mayor Abraham** said that 3 out of 4 of the speed boards are up on Rio Grande. He said they are having some challenges with situating the boards correctly to pick up traffic readings. The Village has heard good comments and it appears they are calming the traffic. He said there is a Chamber of Commerce meeting at 7:15 a.m. at Indulgence Cafe with Al Unser, Sr. and Sue Unser as the guest speakers.

## **B. ADMINISTRATOR'S REPORT**

**Administrator Vigil** said the Area "K" Project will have to be re-bid because the current bidder has been rejected due to issues with their insurance coverage and the second lowest bidder withdrew its bid.

**Administrator Vigil** said they received a letter from the City of Albuquerque informing the Village that they will no longer accept animals from outside jurisdictions at subsidized costs and that their subsidy was probably in the range of 40 to 50%. He said this will have to be considered in next year's budget.

**Administrator Vigil** said that he and Mayor met with representatives from the City of Albuquerque wishing to extend a nonpotable water line to be used for irrigation purposes for watering the County soccer fields and the Raymond G. Sanchez Community Center fields. He said they asked the City of Albuquerque to consider allowing the Village to have access to the water along the Paseo del Norte Open Space.

**Administrator Vigil** said that he and the Mayor met with and briefed the attorney the New Mexico Municipal League assigned to handle the civil rights claim on the Aragon case.

**Administrator Vigil** said that nine infiltrators have been installed on Enchanted Valley, Roehl Road, 4<sup>th</sup> and Los Ranchos, 4<sup>th</sup> and Ranchitos, and Bledsoe but that final inspection has not occurred.

**Trustee Homan** asked if we use the City of Albuquerque's facility to hold stray animals wouldn't the owner of the animal be responsible for the fees with the only impact being on those animals that were not claimed.

**Administrator Vigil** said we are only responsible for animals that require euthanization or for animals that are not adopted. He said that the City of Albuquerque has a policy of holding animals for five days and if they are not adopted within that time the Village is responsible for the holding period.

**Trustee McDonough** asked if there has been any consideration of coming down the Second Street ditch as opposed to coming up 4<sup>th</sup> Street for the reuse line project.

**Administrator Vigil** said that he will ask the City's representatives.

**Administrator Vigil** said that they are in the final stages of interviewing for a Village Attorney.

**Administrator Vigil** said that they are currently working with the owner; CAP II, Inc. of the Osuna/Chavez connection and that they want the Village to accept temporary ownership of the property. He said before doing this he wants to make sure they have completed what is required, plus some additional things that need to be addressed. He said he has contacted one of the contractors to paint the median, the crosswalks and to put turning arrows.

## **D. PLANNER'S REPORT**

**Planner Nighbert** reported that both the Administrative Assistant and Assistant Planner positions have been filled. He said that he would like to start using technical tools through the County and City GIS to offer better information to our residents. He said he should have some information at the next meeting on the things that affect our infield and also our gross receipts tax collections. He said they will soon have a bulletin board up in the planning area that will show which building permits are active.

**Trustee Lopez** asked if we still contact the County for building inspections.

**Planner Nighbert** said he has worked out an arrangement with Toby Perea of the County Building Department where the Village Planning & Zoning Department will issue the Certificate of Occupancy to the owner of the property. He said he would work with Toby and Walt, North Valley Inspector to find out when inspections are taking place. He said they also made an arrangement with the County where they will not issue a Certificate of Occupancy until it is signed off by the Village.

## **E. FIRE DEPARTMENT REPORT**

**Chief Dahl** reported that in February they responded to 76 calls; 50 EMS calls; 11 MVA's, and 15 fire calls. He said the average time for calls is five minutes. He said new uniforms were issued to the firefighters and that they have updated Fire Software Programs. He said that all aspects of the Fire Department will be computerized; hydrant maintenance, vehicle maintenance, etc. He said it was brought to their attention that Albuquerque Ambulance has a limited response time at certain times during the day. He said in response to this they are proposing a trade of two older Village vehicles for an emergency vehicle which will be used as an ambulance only for the purpose of providing emergency transport in the event that Albuquerque Ambulance is not available. He said they are also proposing to change working hours from 24 hour shifts to 48 hour shifts for staffing continuity.

**Trustee Lopez** asked if there will be any physical impact.

**Deputy Chief Perez** said the physical impact is very minimal, (1.44%), an increase of \$3,187 per year.

**Deputy Chief Perez** said that they are still trying to get donations for the Easter Egg Hunt. He said they will have baby ducks, chicks and rabbits for the kids to play with.

## **5. FINANCIAL BUSINESS**

### **A. CASH REPORT- FEBRUARY**

**Treasurer Haines** said that the budget columns have been adjusted to include the approved mid-year budget revisions and the subsequent revisions to Resolution 2005-3-2 (Item 5D). She said the GRT revenues for February totaled \$156,225; this is about 11% higher than the previous month and about 4% higher than the prior years' gross revenues. Other budget revisions being proposed are to remove the \$650,000 from the Fire/EMS Vehicle Grants and Trade-In, as well as the remaining revisions on page 10. She said that the general fund expenditures are pretty much on track. She said there are two Recreation Grants that have a 6/30/05 termination date. The Infrastructure Grant had a severance

project that had been expended in grant monies of \$57,783. She said the Construction on the Village Streets Grant has a termination date of 6/30/05, which needs to be changed to 12/31/05 in order to have more time to expend the \$79,000. She said the total monthly revenue was \$296,963 and that the expenditures and transfers totaled \$175,128 for the month of February with excess revenues over expenditures and transfers of \$121,834. She said there are \$240,000 in addition to the \$106,000 that are reimbursable funds from the street boards, AMAFCA and 4<sup>th</sup> Street improvements that have not been applied.

She said she has gone over all of this information extensively and has met with Gil Saavedra, Accountant and is very pleased to see the improvements made to this report from prior years.

**Trustee Lopez** asked if we will receive our grant money in a timely manner in the upcoming fiscal year in order to pay for our project expenses.

**Administrator Vigil** said that we always have the option of applying for an Infrastructure Bank Loan from the State where they would advance us the money, or work on the turnaround time from the State. He said that the Mayor had a discussion with Secretary Rhonda Faught, NMDOT about the projects and that she is aware of its importance.

**Trustee Homan** asked what we are doing to meet the deadlines for the Bike Trails and Community Center grants?

**Administrator Vigil** said that they are getting cost estimates from a contractor for improving the trail that goes around the park. They are also looking at a possible donation of a barn, (a high quality building) from Al Unser Jr. to get the Community Center Grant money spent before it reverts to the State.

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

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

## **B. DISCUSSION AND APPROVAL TO ACCEPT THE AUDIT REPORT PREPARED BY HINKLE AND LANDERS, PC AND ACCEPTED BY THE STATE AUDITOR**

**Administrator Vigil** said that a letter was received from the State of N.M. Dept. of Finance and Administration informing us that they had received and reviewed our audit and did not observe any conditions that will require a written response.

**Mr. Farley Vener, Hinkle & Landers, PC,** said that the audit has been accepted by the State Auditor's office and can be released to the public. He said the Village had a new financial presentation this year, (GASB Statement No. 34) where all capital assets or fixed assets are placed on a balance sheet with all other assets and liabilities. He said last year there were 17 findings with 15 resolved and two repeated. Repeated findings were: 03-02- approval of extension of contracts, and 03-11- procurement code, sole source purchases. There were four current year findings: 04-01- Tracking of Barricade/Lane Closure Permits (tracking of unpaid barricade/lane closure permits had not been done consistently for the

last four months of the fiscal year); 04-02- Computer Controls-Erasure of hard drives (data from the hard drive of the Mayor's computer appears to have been erased by the prior administration); 04-03- Timely preparation of bank reconciliations; 04-04- Timely submission of budget to DFA, (this is a common finding).

**MOTION:** Trustee Rael moved to accept the audit report. Trustee Homan seconded the motion.

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

**C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2005-3-1- DESIGNATING SIGNATORIES TO EXECUTE FINANCIAL TRANSACTIONS WITH FINANCIAL INSTITUTIONS.**

**MOTION:** Trustee McDonough moved to approve Resolution No. 2005-3-1. Trustee Rael seconded the motion.

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

**D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2005-3-2 – REVISION TO THE 2004/2005 BUDGET GENERAL FUND 101**

**Administrator Vigil** said that this reflects the cleanup of a grant the Village did not receive.

**MOTION:** Trustee McDonough moved to approve Resolution No. 2005-3-2. Trustee Homan seconded the motion.

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

**E. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2005-3-3- TRANSFER OF FUNDS FROM THE WATER IMPROVEMENT FUND TO GENERAL FUND**

**Administrator Vigil** said that since fiscal year 2000, \$6,317.56 has been in the Water Improvement Fund. He said this was a loan for a project and is requesting that this money be reverted to the general fund. He said that the Department of Finance and Administration has reviewed this and is in agreement with this action.

**MOTION:** Trustee Lopez moved to approve Resolution No. 2005-3-3. Trustee Rael seconded the motion.

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

**6. PUBLIC HEARINGS AND APPLICATIONS**

**A. APPEAL BY STEPHEN THOMPSON, PROPERTY OWNER OF THE RESIDENCE AT 1930 AVENIDA LAS CAMPANAS, NW OF THE DENIAL OF A VARIANCE OF THE MAXIMUM ALLOWED SQUARE FOOTAGE OF HEATED AREA IN A GUEST HOUSE IN THE A-1 ZONE. THE PROPERTY IS LOCATED AT 1930 AVENIDA LAS CAMPANAS AND LEGALLY DESCRIBED AS LOT NUMBERED THREE (3) IN BLOCK NUMBERED THREE (3) OF DIETZ ACRES, A SUBDIVISION IN BERNALILLO COUNTY, NEW MEXICO, AS THE SAME SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON JUNE 30, 1964. THIS PARCEL CONTAINS APPROXIMATELY 3/4 ACRE. THIS APPLICATION WAS DENIED BY THE PLANNING AND ZONING COMMISSION AT THEIR REGULAR MEETING HELD ON JANUARY 25, 2005.**

**Mayor Abraham** swore in those wishing to speak under Item 6A; Public Hearings and Applications.

**Planner Nighbert** said that the P & Z Commission heard case (V-04-12) for a variance of the 1,000 sq. ft. guest house at their regular meeting of January 25, 2005. Mr. Thompson presented his request citing that the construction of the guest house would be straw bale materials which is much thicker than the standard construction. The commission approved the variance for the setback but denied the variance for a guesthouse in excess of 1,000 sq. ft. Mr. Thompson is appealing the ruling by the Planning and Zoning Commission based on the fact that he felt there were some mitigating circumstances as far as the 2010 Master Plan is concerned.

**Michael Thompson**, 1930 Avenida Las Campanas said the P & Z Commission issued a Conditional Use Permit, but not a variance. He said they are asking that the Board consider amending the zoning ordinance, allowing 150 extra square feet for the usage of energy efficient building materials (straw bales).

**Trustee Rael** asked if he is asking the Board to defer this until they have reviewed the zoning ordinance and or make changes to accommodate this type of construction, and if so, is he willing to wait until this time?

**Michael Thompson** responded, yes.

**Trustee Rael** said that this is a good idea as this was not considered during the development of the Master Plan.

**Trustee Homan** said she is in favor of this.

**Planner Nighbert** said the Board would grant a variance for the square footage not for the construction.

**Trustee Rael** asked if they could stipulate that the construction be straw bales.

**Planner Nighbert** responded yes, as a condition of the variance.

**Trustee Lopez** said that in his opinion what is being proposed meets the intent of the 1,000 sq. ft.

and does not see this as deviating from the intent of the zoning code and would like to propose that the Board consider granting a variance to allow the 1,146.75 sq. ft. construction building with the stipulation that it has to be straw bales and that the plans have to be approved by the Village Planning and Zoning Director with the proper inspections.

**Trustee Homan** said she would like to add the stipulation that “it cannot be a rental”.

**Trustee McDonough** asked for clarification on what was presented to the P & Z Commission versus what is being presented to the Board of Trustees today.

**Michael Thompson** explained the differences in the first plot plans and the two different building plans that were presented to the P & Z Commission versus what is being presented to the Board of Trustees at this meeting.

**Trustee McDonough** said that he feels that they are not acting on an appeal but rather a new site plan. He said if the footprint is going to be changed it needs to go back to P & Z for them to act on the equivalent 1,000 sq. ft. He said he feels that the zoning code needs to be changed to address this.

**Trustee Homan** asked if this goes back to the P & Z Commission for approval of a smaller footprint will there still be a waiting period of six months if it has already been ruled upon?

**Planner Nighbert** said if something is remanded back he believes that it can be heard at the next scheduled meeting.

**Trustee Rael** said that he is concerned that if this is granted we will have problems in the future with adobe home construction and any type of wider wall construction. He said Mr. Thompson has already agreed to wait so the Board should look at the Master Plan before making a decision.

**Trustee Homan** asked if Mr. Thompson is aware that changing a zoning code can be a very lengthy process.

**Michael Thompson** responded that he was not aware of this lengthy process but would still be willing to wait.

**Trustee Lopez** said that the issue of guest houses has lingered since he has been a Trustee. He said he would be willing to withdraw his motion, but would hate to put Mr. Thompson through six months of delay if he is proposing something very close to the 1,000 sq. feet and as there has not been any opposition from the neighbors regarding this proposal. He said he is not sure whether this is a true appeal or not.

**Trustee Homan** said that she agrees with Trustee Lopez.

**Trustee Lopez** said that if the code is clear then it is an appeal because this is greater than a 1,000 sq. ft. to the outside.

**Administrator Vigil** said that the staff and the Board of Trustees asked the P & Z Commission to review the issue of the definition of guest houses. The issues that were brought to the Board’s attention were the requirement that guest houses must have a kitchen and that the definitions needed to be revised. At the P & Z Commission work study session the issue of size and ratio of a

guest house to lot size was also brought up. He said that Mr. Dolan, Chairman of the P & Z Commission is prepared to bring to the next meeting revisions for recommendation to the Board for adoption of those changes. He said they have already taken into consideration construction size and the appropriateness of 1,000 sq. ft. for a 3 acre single parcel of property. He said the Commissioners are acting on this at the next board meeting with recommendations coming to the Board for zoning changes. He said it takes one hearing publication and then the adoption.

**Trustee Homan** said that the issue of guest houses has been a very hot and passionate topic in the Village and expects there will be a number of comments from the public once this is posted.

**Trustee McDonough** said he would still like this to go through the process.

**Trustee Rael** said he agrees.

**Trustee Lopez** withdrew his motion.

**Administrator Vigil** said that the Board has two options. If it is remanded to the P& Z Commission and granted it will be handled administratively, and if the Board defers action then the matter will be resolved at a future Board of Trustees' meeting.

**Trustee Lopez** said it should be remanded back to the P & Z Commission.

**Trustee Homan** asked if it is remanded and the P & Z Commission once again denies it, can it still be appealed?

**Administrator Vigil** responded, yes.

**Eileen Thompson** said they made the footprint smaller in order to obtain approval and that they plan to use solar heating.

**MOTION:** Trustee Lopez moved to remand this application to the Planning and Zoning Commission. Trustee Rael seconded the motion.

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

7. **OLD BUSINESS**

8. **NEW BUSINESS**

**A. DISCUSSION AND APPROVAL OF AMENDMENT ONE DELETING SECTION 14 OF THE ORIGINAL INTERGOVERNMENTAL AGREEMENT BETWEEN THE BOARD OF EDUCATION OF THE CITY OF ALBUQUERQUE MUNICIPAL SCHOOL DISTRICT NO. 12 AND THE VILLAGE OF LOS RANCHOS FOR THE TAFT MIDDLE SCHOOL MULTI-PURPOSE FIELD AND ADDING A NEW SECTION 14.**

**Administrator Vigil** said the Department of Finance and Administration rejected the indemnity language in the Joint Powers Agreement and recommended a change. He said he discussed this with APS and they have agreed to this change and that this action needs

to be taken so we can obtain the Intergovernmental Agreement for the use of the Taft Middle School Field for the pond.

**MOTION:** Trustee McDonough moved approval of Amendment 1 of the Taft Middle School Multipurpose Field. Trustee Homan seconded the motion.

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

**B. DISCUSSION AND APPROVAL OF AMAFCA COST SHARING AGREEMENT – TAFT MULTIPURPOSE FIELDS - MOTION TO APPROVE THE COST SHARING AGREEMENT BETWEEN THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY AND THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE RELATED TO THE FOURTH STREET IMPROVEMENT PROJECT DRAINAGE AND THE PONDING AREA AT TAFT MIDDLE SCHOOL.**

**Administrator Vigil** said that the AMAFCA board approved the agreement with the amendment that AMAFCA wants to make it clear that they are dealing with the regional storm drainage portion of the construction not the entire project. Recommendation is for the Board to approve this with the amendment. He said the Village will receive \$50,000 dollars immediately to begin the design and \$450,000 with drawdowns based on the construction.

**MOTION:** Trustee Lopez moved approval of the AMAFCA cost sharing agreement with the amendment. Trustee Rael seconded the motion.

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

**C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2005-3-4 – ESTABLISHING THE PROVISIONS OF THE NEW MEXICO OPEN MEETINGS ACT CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE**

**Administrator Vigil** said that this item is required by the New Mexico State Statutes. He said they have reviewed the Attorney General's opinion on Open Meetings and the resolution is in full compliance with their recommendations. He is recommending approval of the resolution adopting the Open Meetings Act.

**Trustee Lopez** asked if we are changing the Board of Trustees meetings to one a month?

**Administrator Vigil** responded, yes.

**Trustee Lopez** said so far the Board has been able to handle all of the business with one meeting, but they will not be as accessible to the residents of the Village. Also if a trustee misses a meeting, then it becomes equivalent to a whole month.

**Trustee Homan** said she agrees. The impact and visibility of the trustees and the local government in such a small community is really important for the residents to be able to know that we are here working for them.

**Trustee Rael** said he disagrees because they are available by phone and e-mail. He said they can also call a special meeting if needed.

**Mayor Abraham** said that we do not have the staff to organize two meetings a month properly that is well documented.

**Trustee Lopez** said he is willing to try this.

**Trustee McDonough** asked if they can have an informal “work session”, where those trustees that want to come in and take no action and be accessible at the second meeting without violation of the Open Meetings Act?

**Mayor Abraham** responded yes, and that a work session with the P & Z Commission could be held as well.

**Trustee Homan** said that her only concern is that the residents will have to be delayed for a month.

**MOTION:** Trustee Rael moved approval of Resolution No. 2005-3-4; Establishing the Provisions of the New Mexico Open Meetings Act. Trustee Lopez seconded the motion.

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

**D. DISCUSSION AND APPROVAL TO ACCEPT THE CPI RATE ADJUSTMENT OF 3.3% TO THE WASTE MANAGEMENT CONTRACT FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES.**

**Administrator Vigil** said under the agreement that has been signed with Waste Management there is a provision for a CPI increase based on the research from the University of New Mexico Bureau of Business Research. He said in talking to Dr. Reynis, PHD she informed him that the 3.3% is based on the U.S. Department of Labor’s December 2004 CPI. He said he discussed the issue of notice with Ms. Feuer and she is prepared to insert a letter in the next billing for all of the Village residents so that they will know that the increase is being put into effect.

**Trustee Homan** said that if the 3.3% is applied to the \$8.15 it only increases to \$8.419.

**Mayor Abraham** said the rates were renegotiated in February 2004.

**MOTION:** Trustee Rael moved approval to accept the CPI Rate Adjustment of 3.3% to the Waste Management Contract. Trustee Homan seconded the motion.

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

**E. DISCUSSION AND APPROVAL TO SUBMIT THE 2005 LAW ENFORCEMENT PROTECTION FUND APPLICATION TO THE STATE**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION FOR \$22,400 TO PURCHASE A POLICE PACKAGE VEHICLE.**

**Administrator Vigil** said that they have been working with the Sheriff's department on this particular grant application. He said the \$2,000 is automatic based on our population and the \$2,400 is based on the deputies paid for by the Village. He said he has discussed this with the Department of Finance and Administration and we are entitled to the \$2,400. He said this application may be modified depending on the outcome from the Sheriff's department. If they do not agree to the \$2,400 for the deputies we will have to get the \$2,400 reduction in the contract or negotiate with another party.

**Mayor Abraham** said that they have a meeting set up with them next week.

**MOTION:** Trustee Lopez moved approval to submit the 2005 Law Enforcement Fund Application. Trustee Rael seconded the motion.

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

**F. DISCUSSION AND APPROVAL OF MEMORANDUM OF AGREEMENT FOR MUTUAL AID BETWEEN THE VILLAGE OF LOS RANCHOS FIRE DEPARTMENT AND THE CITY OF ALBUQUERQUE'S FIRE DEPARTMENT**

**Administrator Vigil** said that the mutual aid agreements need to be updated because of changes in Administration and also because the City requested this change. He said they have reviewed this agreement and the language that was of concern to him in terms of the liability issues is well stated in terms of who is responsible. He said the chain of command issues are well-defined and it does set up a good procedure.

**Trustee McDonough** asked if the 5 year term violates the ordinance for length of agreements.

**Administrator Vigil** said it does not because it is a joint power mutual aid agreement, so there is no exchange of money.

**MOTION:** Trustee Rael moved approval of the Memorandum of Agreement for Mutual Aid between the Village of Los Ranchos Fire Department and the City of Albuquerque's Fire Department. Trustee McDonough seconded the motion.

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

**G. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2005-3-5 AUTHORIZING THE MAYOR TO ACQUIRE RIGHT OF WAY RELATED TO THE FOURTH STREET PROJECT ON BEHALF OF THE VILLAGE**

**Administrator Vigil** said that in order to meet our deadline and have a right of way certification by the department there is not enough time to have all the issues come to the Board. He said that giving the Mayor this authority will make it more efficient in terms of meeting our timeline for this particular project.

**Trustee Lopez** asked if they will be able to see the plans for the 4<sup>th</sup> Street Project any time soon?

**Administrator Vigil** said we should be getting the plans fairly soon. He said with the approval of the drainage program, Larkin is preparing the full plan in order to be ready for bid. He said in speaking to Ray Macy just yesterday they were finalizing what the Mayor indicated earlier, the attempt to minimize takings. He said they are reconfiguring the road in order not to take properties on the west side of 4<sup>th</sup> street.

**Trustee McDonough** said his only concern is hiring an appraiser that has the potential of impacting a business so much that we would have to relocate them.

**Administrator Vigil** said there is only one business with a real potential for relocation, and that is Starlet Dance Studio.

**Mayor Abraham** said we will be taking about 18 feet off of the east side of the road which will eliminate their parking.

**MOTION:** Trustee Lopez moved to approve Resolution No. 2005-3-5, authorizing the Mayor to acquire right of way related to the 4<sup>th</sup> Street project on behalf of the Village. Trustee Rael seconded the motion.

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

#### **H. DISCUSSION AND APPROVAL OF THE TRADE OF TWO VILLAGE OF LOS RANCHOS VEHICLES TO THE PUEBLO OF LAGUNA IN EXCHANGE FOR RESCUE/TRANSPORT UNIT**

**Deputy Chief Perez** said that they entered into a potential agreement with the Pueblo of Laguna to acquire a Rescue unit. He said the focus of the department is on rescue because this is the majority of their calls. He said in the year 2004 they had 801 EMS calls. He said with the current shortages and staffing at Albuquerque Ambulance their response time to the Village could be between 20-30 minutes. He said they are proposing a trade of two vehicles, a 1992 brush truck and a 1998 Crown Victoria (a total value of about \$7,000 combined) for a 1992 E-350 Rescue Unit (valued at about \$8,000) which Laguna Pueblo is willing to trade. He said this would be a clear and free trade, "as is" with no guarantees and that they have thoroughly inspected the vehicle. He said they are asking for approval to trade with the Pueblo of Laguna two Village owned vehicles in exchange for a Rescue Unit to address the emergency needs of the Village residents. He said this is only a temporary solution but is the beginning to becoming a transporting department, fully staffed to the A.L.S. level with paramedics on all three shifts.

**Trustee Homan** asked if we will still attempt to call Albuquerque Ambulance?

**Deputy Chief Perez** said that Albuquerque Ambulance will be the first response. If Albuquerque Ambulance response time is 15 minutes or more they will load the patient and arrange an A.L.S. intercept with Albuquerque Ambulance in route to the nearest medical facility.

**Trustee Homan** asked statistically how many of the calls are 15 or more minutes in response time?

**Chief Dahl** said this is occurring at two peak times of the day, right around 6:00 a.m. during shift change and around 5:00 p.m. because of motor vehicle crashes and rush hour traffic.

**Trustee Homan** asked about additional liability.

**Chief Dahl** said they will only be giving care to the extent of their training and that they have extensive training in the operation of response vehicles and will use all precautions necessary when transporting. He said they do not require certification from the State because they will not be a paid carrier.

**MOTION:** Trustee Homan moved approval for the trade of two Village vehicles to the Pueblo of Laguna in exchange for a Rescue/Transport Unit. Trustee McDonough seconded the motion.

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

**I. DISCUSSION AND APPROVAL OF NEW AND REVISED JOB DESCRIPTIONS FOR THE PLANNING & ZONING DIRECTOR, FIRE CHIEF, DEPUTY FIRE CHIEF, ATTORNEY, ADMINISTRATIVE ASSISTANT AND TO CONCUR WITH THE SELECTION OF THE INCUMBENTS TO THOSE POSITIONS.**

**Administrator Vigil** said the Board of Trustees approved several new positions at the mid-year budget. He said they have revised the job descriptions and that the personnel rules and regulations require that all job descriptions be approved by the Board.

**Trustee Lopez** said the job descriptions are well written and would like to recommend approval.

**Trustee McDonough** asked if the Village Attorney is an appointed position?

**Administrator Vigil** said it is considered an FLSA exempt employee position. It is not an “at will” position.

**Trustee McDonough** asked if it could be made an “at will” position?

**Administrator Vigil** said it was posted as a classified position because recruitment is very difficult when it is classified as an “at will” position and the salary is not that high. It also has a probationary period of a year.

**MOTION:** Trustee Lopez moved approval of the new and revised job descriptions and concurred with the selection of the incumbents to those positions. Trustee Rael seconded the motion.

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

**J. DISCUSSION AND APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE AND THE VILLAGE**

**OF LOS RANCHOS ALLOWING VILLAGE EMPLOYEES TO PARTICIPATE IN THE CITY EMPLOYEE BENEFITS PROGRAM.**

**Administrator Vigil** said that the City Employee Benefits Program is valuable to our employees because it offers benefits that would not be affordable if we solicited bids on our own.

**MOTION:** Trustee McDonough moved approval of the Intergovernmental Agreement. Trustee Homan seconded the motion.

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

**K. DISCUSSION AND APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF LOS RANCHOS FOR REAL ESTATE SERVICES.**

**Administrator Vigil** said that this agreement allows the Department of Transportation Real Estate Bureau to work with the Village and handle the acquisition of the properties.

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

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

**L. DISCUSSION AND APPROVAL OF THE SCOPE OF WORK LETTER FOR RIGHT-OF-WAY APPRAISAL SERVICES WITH TRAVIS D. ENGELAGE, MAI TO PERFORM THE APPRAISALS OF THE PARCELS NECESSARY FOR THE CONSTRUCTION OF THE FOURTH STREET IMPROVEMENT PROJECT**

**Administrator Vigil** said that he, the Mayor and Planner Nighbert met with Travis Engelage, MAI. He said they have agreed to the following fees, Letter of Waivers \$1,000; Takings \$3,500, and if they have to go to a "before and after", \$4,500, and the Comparison Report will be \$10,000. He said that all of these fees as well as the contract have to be approved by the NMDOT. He said that Donald Trujillo and Kathy Archuleta with NMDOT have agreed that these figures are reasonable. He said there will be a fee of \$40,000 if we need to go to court and the liquidated damages is based on a \$100.00/day. They have agreed with our May 15<sup>th</sup> deadline.

**Trustee Homan** asked if these fees include total projects or per occurrence?

**Administrator Vigil** responded, total project by parcel.

**Trustee McDonough** said that he noticed on page 3 of 5 that they are looking at CAP II property.

**Administrator Vigil** said that the CAP II's are not a fee issue because they are not TCP's, they are TWP's (temporary right-of-ways), and are part of the development agreement.

**MOTION:** Trustee Rael moved approval of the Scope of Work Letter for right-of-way appraisal services with Travis D. Engelage, MAI. Trustee Lopez seconded the motion.

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

**M. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2005-3-6-SUPPORTING THE PROJECTS FOR THE 2005/2006 LOCAL GOVERNMENT ROAD FUND CO-OP PROGRAM**

**Administrator Vigil** said this was difficult because of the Area I, J & K projects. He said in terms of the last road inventory, the status of the roads, and input from David Herrera regarding drainage, they have prioritized areas in terms of storm, drainage and the installation of mechanisms to deal with the ponding on Garduño, Tyler, Green Valley, Calle de Pajarito and some areas along 4<sup>th</sup> Street. He said that recommendation is for a resolution supporting these projects.

**Trustee McDonough** asked if Garduño is a public right-of-way west of 4<sup>th</sup> Street.

**Administrator Vigil** responded, yes and that they consulted Albuquerque Asphalt specifically for this area. He said they will have to put the drains close to the right-of-way on the outside of the paved road with the mechanism for containing the water toward the center. This is the most expensive at about \$176,000 because of the right-of-way and utility issues.

**MOTION:** Trustee Lopez moved to approve Resolution No. 2005-3-6. Trustee Homan seconded the motion.

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

**N. DISCUSSION AND APPROVAL OF REAL PROPERTY ENCROACHMENT AGREEMENT BETWEEN THE VILLAGE OF LOS RANCHOS AND JOHN CALVIN- 733 CHAVEZ RD NW**

**Administrator Vigil** said that Mr. Calvin has requested and has installed a drive pad. He said this is an enhancement and is not causing any liability, and that the agreement states it will have to be removed if the Village finds cause for this.

**MOTION:** Trustee Lopez moved approval of the Encroachment Agreement between VLR and John Calvin. Trustee Rael seconded the motion.

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

**O. DISCUSSION AND APPROVAL TO AWARD RFB #2005-02-01 TENNIS COURT ACRYLIC RESURFACING/COURT HARDWARE TO THE LOWEST RESPONSIVE BIDDER, 3B's LLC AND AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE SCOPE OF WORK**

**Administrator Vigil** said that this bid closed on the March 4<sup>th</sup>. He said that he and Annabelle Silvas, Clerk opened the bids at 2:07 p.m. The bids were each evaluated. One was rejected because it was not a sealed bid and the other two were responsive bids but were higher bids. 3B's, LLC meets all of the specifications, has been on the job site and

has been working with administration to make sure that the work being done on the asphalt meets all of the standards.

**MOTION:** Trustee Homan moved approval to award RFB #2005-02-01 to 3B's, LLC and to authorize the Mayor to enter into an agreement for the Scope of Work. Trustee Rael seconded the motion.

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

## **9. TRUSTEES INFORMAL DISCUSSION**

**Trustee Homan** said that she has been getting a lot of phone calls from Horizon Academy parents. She said that apparently there have been some conflicts among parents and near fist-fights. She said that some intervention or discussion may need to take place.

**Administrator Vigil** said that the Sheriff's Department has been trying to enforce "no parking" and traffic control along this area. He said they are expanding their program next year and they may need to do a new traffic study because the current traffic study was based on 450 students.

**Trustee Homan** asked if they are allowed to drop kids off in the front?

**Administrator Vigil** responded, no, but they have been having the same problem at Los Ranchos Elementary School and have been trying to remedy the problem by putting up "no parking" signs and extending the fire lane because the Village is liable once the students leave the school grounds.

**Chief Dahl** said this problem is hard to control because of the number of children that are dropped off by their parents exceeds those taking the bus. He said they have stopped the parking on the ROW of 4<sup>th</sup> Street and the parking across the ROW, as well as parents running across the street with their school children and toddlers through the use of the Sheriff's department issuing tickets. He said that they will be establishing school patrols.

**Deputy Chief Perez** said that one solution is for the parents to drop-off and pick-up in the Planet Fun parking lot as Rick Saylor owns both of these.

**Trustee Homan** said that this causes problems for the laundry mat and the parents probably do not want to lose visibility of their younger children.

**Deputy Chief Perez** said that they can do what Los Ranchos Elementary School does and have a school representative present.

**Trustee Rael** stated that the original agreement with Planet Fun and with Horizon Academy was that the drop off would be at the Planet Fun parking lot because it is not being used early in the morning. He suggested that they be allowed to go between the two buildings because it is a shorter distance and they would not be going around the front and there is already a gate available.

**Deputy Chief Perez** suggested that he and Chief Dahl meet with Mr. Saylor and maybe put a plan of action in place.

**Trustee Rael** said that because of the financial problems that the school is having a lot of parents are withdrawing their kids.

**Trustee McDonough** asked if there is a site development agreement that can be used to force them to address these issues because we are spending a lot of resources in trying to deal with a problem that is not ours.

**Administrator Vigil** said that this action is a “blame issue” for everyone involved. He said this school is not built in a good location and their growth has caused some of the traffic concerns.

**Trustee Homan** said that the Municipal League is asking for nominations for “Clerk of the Year” and would like to nominate Annabelle.

**Trustee Homan** said that another item of concern is the recent drug busts. She said that businesses and residents are alarmed by neighbors going behind businesses and partaking in drugs. She said that she recently attended Municipal Day in Santa Fe and later joined the Mayor and Administrator Vigil in discussions with the lobbyist.

**Trustee Rael** said that he would like to nominate Robert Chavez for the P & Z Commission Board.

## 10. ADJOURNMENT

**MOTION:** Trustee Homan moved to adjourn the meeting at 9:32 p.m. Trustee Lopez 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 \_\_\_\_\_, 2005.

**ATTEST:**

---

Annabelle Silvas, CMC  
Village Clerk