

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
May 11, 2005 - 7:00 P.M.

Present:

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| Larry Abraham, Mayor | Juan Vigil, Administrator |
| Don Lopez, Trustee/Mayor pro tem | Annabelle Silvas, Clerk |
| Pablo Rael, Trustee | Shawna Maloy, Attorney |
| Mary Homan, Trustee | Terry Nighbert, P&Z Director |
| Tim McDonough, Trustee | Nancy Haines, Treasurer |
| | George Dahl, Fire Chief |

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

MOTION THAT THE BOARD OF TRUSTEES HELD A CLOSED MEETING FOR DISCUSSION OF PENDING LITIGATION ON APRIL 27TH AT 6:00 P.M. AND ONLY THOSE ITEMS STATED IN THE NOTICE WERE DISCUSSED.

Mayor Abraham asked that the Board of Trustees approve this statement.

MOTION: Trustee Lopez moved approval of the statement of a Closed Meeting for discussion of pending litigation. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 4-0.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried unanimously 4-0.

Angelina Vigil, guest speaker, running for Miss Junior Rodeo of New Mexico said she will be representing the Village of Los Ranchos at the competition in Clovis, New Mexico. She said they will be judged in the categories of Horsemanship, Appearance, Personality and Speech. She said that the Mayor and Mrs. Abraham are sponsoring her on behalf of the Village of Los Ranchos. She delivered her speech which is on the rural setting of the Village of Los Ranchos de Albuquerque and its unique businesses.

Mayor Abraham introduced Subhas Shah, Chief Executive Officer, Middle Rio Grande Conservancy District.

Trustee Lopez introduced Jim Roberts, MRGCD Board member, candidate for the upcoming MRGCD elections. He said Mr. Roberts will be available after the meeting to answer any questions.

B. PRESENTATION BY SUBHAS SHAH – MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Subhas Shah reported that the Village has enough water available for this year and probably next year. He said the expected runoff is 139% of normal and almost twice what was expected at this time last year.

Trustee Lopez asked if MRGCD is working with property owners along Rio Grande to make sure that they do not over-water.

Subhas Shah said that MRGCD is supposed to inspect and keep a tab on how much water is being released to certain turnouts. He said if they find that a property owner is using too much water they advise the owner of the need to conserve water. He said they sent newsletters to 52,000 residents in the Valley regarding the MRGCD election which will be held on June 7, 2005.

2. PUBLIC COMMENT PERIOD

None.

3. CONSENT AGENDA

A. MINUTES – REGULAR MEETING – APRIL 13, 2005

Trustee Homan asked if on page 3, line 49 it reads correctly.

Administrator Vigil responded, yes.

Trustee Homan said on page 5, line 14 Trustee Lopez was referring to the bike patrol, and on page 8, line 29 change the word “there” to “their”; page 15, line 3 change the word “closer” to “close”, and on line 4 change “should” to “would”.

B. DEPARTMENT AND COMMITTEE REPORTS

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

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

VOTE: The motion carried unanimously 4-0.

4. REPORTS

A. MAYOR’S REPORT

Mayor Abraham reported that he is attending Mayor Caucus luncheons each month.

1 He said that the tennis courts are almost complete and that the walking trail has been
2 paved all around Hartnett Park.

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4 He said he has met with Tim McNaney of the Prado Subdivision, (aka Unser
5 Subdivision) and they will be donating all of the fencing in front of the Unser's property
6 to the Village. He said they plan to fence part of the park with the blue fencing and put
7 the gate at the tennis court parking. He said they also donated a double eagle statue to the
8 Fire Department which will be placed in front of the new fire station on 4th Street, and
9 that a barn has also been donated.

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11 He said that he and Juan will meet with Rhonda Faught, Department of Transportation
12 Secretary to discuss the property that is north of Paseo next to the Blanchard piece. He
13 said in purchasing this property the Village will acquire 35 to 40 acres of open space.

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15 Lastly, he said he is very impressed by how organized and professional the Planning and
16 Zoning Department has become as well the Accounting Department. He said it is also
17 nice to see the Chief and Deputy Chief on the weekends and that morale is up in the Fire
18 Department.

19 **B. ADMINISTRATOR'S REPORT**

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22 **Administrator Vigil** reported that the advertisement for the Area K Sewer Project will
23 be at the end of May. He said that 95% of the appraisals and letters of waiver appraisals
24 are in for the 4th Street Improvement Project and negotiations with the land owners
25 should begin this week. He said he received four requests from the Department of
26 Finance and Administration for drawdowns for severance tax bond issues for this year;
27 \$275,000 for the Unser Project; \$450,000 for the Multipurpose Field and some funding
28 for the new fire station.

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30 **Trustee Homan** asked when the Area K Project will be completed.

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32 **Administrator Vigil** said that the beginning of the project should be in July and it is a 90
33 day project.

34 **C. PLANNER'S REPORT**

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37 **Planner Nighbert** reported that the Mayor has signed off on the subdivision improvement
38 agreement, the final plat, the grading and drainage plan and the site development plan and
39 that the plat was finalized and recorded. He said they got the letter of credit for the
40 financial guarantees in the amount of \$501,000 from the State. He said they are already
41 getting calls from appraisers looking for lots in the Prado Subdivision. He said the
42 department has started issuing CRS-1 Tax Certificates for the State. He said they have
43 reviewed all past subdivisions and bigger commercial developments to make sure they
44 have a report on each one of the conditions that the Board and the P&Z Commission put
45 together before approving building plans, etc. He said there is a request for an R-2 zone
46 amendment of 2.6 acres at the south end of Guadalupe Trail that will be presented to the
47 Board; Auto Zone has asked for a site development plan and variances in the VC zone and
48 the Joiner Learning Center is asking for a site development plan to add a sports facility. He
49 said Phase II of the Northdale Commercial Development will be applying for several
50 variances in the VC zone, but not until late summer. Two new P&Z Commissioners were

1 sworn in; Joe Brawley as Vice Chair and Sam Gollis as Secretary. He said the P&Z
2 Commission is discussing a change of their regular meeting date to an earlier Tuesday of
3 the month.
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5 **Trustee Lopez** said that Terry Nighbert is doing an outstanding job.
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7 **D. FIRE DEPARTMENT REPORT**

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9 **Chief Dahl** reported that for the month of March they responded to 104 calls. He said their
10 bike patrol is active. They participated in Media Day at the fire academy and participated
11 in career day activities at TVI and Taft Middle School. They also participated in a
12 Wildland refresher and a couple of bioterrorism exercises. He said he and Deputy Chief
13 Perez attended a couple of MRGCD meetings on flooding conditions and that the Open
14 Space Police will establish a boat patrol at Alameda.
15

16 **Trustee Lopez** reported that there are weeds at an abandoned home on Ranchitos Road
17 and that this needs to be addressed.
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19 **Chief Dahl** said that he will take this up with the U.S. Marshall Service. He said that on
20 the 4th of July they will have firefighters working with the Open Space Police to monitor
21 potential firework violations and fires and that the Open Space Police will be providing
22 an aircraft and two helicopters to watch the Bosque.
23

24 **Trustee Rael** asked if the Fire Department is having any problems accessing or using
25 their cell phones when on bike patrol.
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27 **Chief Dahl** responded that they have not had any problems with their cell phones and
28 that they also use their radios.
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30 **Trustee Rael** said that the Contreras property is full of weeds again.
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32 **Chief Dahl** said that they have been getting an enormous number of weed complaints
33 with the recent rains.
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35 **5. FINANCIAL BUSINESS**

36 **A. CASH REPORT – APRIL**

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38 **Treasurer Haines** reported that the GRT revenues were at an all time high of \$243,247
39 and that going proactive with the CRS-1 reports is a good thing. She said that the major
40 expenditure for this month was on the tennis courts and that Gil Saavedra has filed for
41 reimbursements totaling \$295,000, not including the trails or 4th Street.
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43 **MOTION:** Trustee Homan moved approval of the Cash Report. Trustee Rael seconded
44 the motion.
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46 **VOTE:** The motion carried unanimously 4-0.
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6. PUBLIC HEARINGS AND APPLICATIONS

None.

7. OLD BUSINESS

A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE AMENDING ORDINANCE 176, SECTION 1 PROMOTIONS, TRANSFERS AND DEMOTIONS AND SECTION 19 (A) EMPLOYEE BENEFITS

Administrator Vigil said that the Board approved to advertise this ordinance at their April 13th meeting. He said it was published in the Journal’s Legal Notices on the 26th and we have not received any comments, either for or against the proposal.

MOTION: Trustee Lopez moved approval of the amendment to Ordinance 176, Section 1 Promotions, Transfers and Demotions and Section 19 (A) Employee Benefits. 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.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO AUTHORIZE THE MAYOR TO FINALIZE THE AGREEMENT BETWEEN GILBERT J. AND KAREN LOVATO AND THE VILLAGE OF LOS RANCHOS TO THE PURCHASE AND SALE OF THE BARN AND TO DECLARE THIS A SOLE SOURCE PURCHASE.

Administrator Vigil said that Mr. and Mrs. Lovato approached the Village about donating the former Maddox Arabian Horse barn to the Village. A thorough review of the barn has occurred. Mr. Lovato proposes to deconstruct, move and reassemble it at the Village site. The barn will be used for the Growers’ Market, Art Shows, etc. Rick Bennett, Architect has agreed to donate his time to provide all of the drawings, do the soil tests, etc. This will utilize the \$100,000 legislative appropriation for the project. The Village will recognize Kit Sargeant’s archeological efforts by having a display of these artifacts.

Trustee Lopez asked Attorney Maloy if the agreement is legal.

Attorney Maloy responded, yes.

Trustee Homan asked if we will be able to use this facility without the sprinklers.

Planner Nighbert said that they are working with Toby Perea from the County to obtain an assembly permit; as well as Chief Dahl in finding a solution to the sprinkler system.

Trustee Homan asked if we have an estimate on what the sprinkler system may cost.

Planner Nighbert responded, not at this time.

Administrator Vigil said we could meet the code if we do not exceed 300 people at the Market.

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Trustee Homan asked if the owner(s) of the barn are the Lovatos or K-Ram?

Administrator Vigil responded, the Lovatos.

Trustee Homan stated that in Section 1, paragraph B, line 20 it be corrected to read the “Lovatos”.

Administrator Vigil said this correction will be made.

Trustee McDonough asked if with the limited expenditure of \$100,000 the Lovatos in return are obligated to disassemble, move, reassemble and bring the barn back to its current condition.

Administrator Vigil responded, yes.

Trustee Lopez asked if the project timeline and fair market variations are available.

Administrator Vigil said yes they are available but are still preliminary.

Arnold Sargeant, 850 Chamisal Rd. said as a representative of the late Kit Sargeant his only concern is the location of the building.

Maggie Knight, resident of Corrales, previous resident of the Village of Los Ranchos said that as an Anthropologist and having a background in Archeology she is quite familiar with these sites and made a few suggestions.

MOTION: Trustee McDonough moved approval to authorize the Mayor to finalize the agreement between Gilbert and Karen Lovato and the Village of Los Ranchos to purchase and sale of the barn and to declare this a sole source purchase. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 4-0.

B. DISCUSSION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN REGION II EMS, INC. (REGION 2) AND THE VILLAGE OF LOS RANCHOS.

Chief Dahl said that they were approached by the Department of Health and asked if they would enter into a Memorandum of Understanding to obtain some Start Triage Kits to use in the case of a disaster/emergency.

Trustee Homan stated that the second “by” in the first paragraph of the Memorandum of Understanding should be the N.M. Department of Health (DOH).

MOTION: Trustee Lopez moved approval of the Memorandum of Understanding with the above correction. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 4-0.

C. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN

ORDINANCE REVISING CHAPTER 31, ZONING AND ZONE MAP, SECTION 6-AGRICULTURAL-RESIDENTIAL ZONE (A-1), ADDING PARAGRAPH H; VILLAGE FORM ELEMENTS: GUADALUPE TRAIL CHARACTER AREA; AND REMOVING CERTAIN DEFINITIONS IN SECTION 2 ADDED BY ORDINANCE 193

Planner Nighbert said they are asking for an advertisement to revise Ordinance 193 to reflect the Boards intent to include the definitions that were for the area regulations within section H of the A-1 zoning regulation, which is Village Form Elements: Guadalupe Trail Character Area. This also includes a couple of minor adjustments to the ordinance to make it a little more manageable.

Trustee Homan suggested the following corrections; on page 4, line 135 remove the letter “s” and on page 5, line 82 remove the extra space in \$43,560. She asked if with this ordinance any new subdivisions would be held to a 1-acre minimum.

Planner Nighbert said the lot sizes could be from 5,000 up.

Trustee Homan said that according to page 5, section 5, line 182 it reads that the minimum lot area shall be 1-acre.

Planner Nighbert said this will be taken out.

Trustee Rael asked if on section 5(a) it should be more specific on what type of irrigation ditch or drain?

Planner Nighbert said on section 5(a) after the word “an” it will be changed to “MRGCD irrigation ditch or drain...”

Trustee McDonough said on page 2, section 2 should it reference a Table or Figure?

Planner Nighbert said yes it should say “Figure 2”.

MOTION: Trustee Rael moved approval to advertise the ordinance in summary. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously 4-0.

D. DISCUSSION AND APPROVAL REQUESTING DEPARTMENT OF FINANCE APPROVAL AND BOARD OF TRUSTEES FOR THE DISPOSITION OF OBSOLETE, WORN-OUT AND UNUSABLE PROPERTY.

MOTION: Trustee Rael moved approval requesting Department of Finance Approval and Board of Trustees for the Disposition of Obsolete, worn-out and unusable property. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously 4-0.

E. DISCUSSION AND APPROVAL TO AUTHORIZE THE MAYOR TO ENTER INTO TWO AGREEMENTS BETWEEN BLANCHARD/MOUNTAIN RUN PARTNERS, LTD AND THE VILLAGE OF LOS RANCHOS TO SECURE THE

PROPERTIES DESIGNATED BY THE VILLAGE AS FUTURE OPEN SPACE

Administrator Vigil said the intent is to secure the property so the Village can go to the legislative session in 2006 with a complete project. He said James Jimenez, DFA Secretary informed the Mayor, our lobbyist and him that they did not include enough information to report to the Legislative Appropriations Committee. The agreement has been drafted and Attorney Maloy has reviewed the agreement with Mr. Blanchard’s attorney. It will be the Village’s responsibility to get the appraisals. He said a meeting will take place next week with the Trust for Public Land about work on the Anderson property open space.

Trustee Lopez asked if there is an existing title policy on this piece of property.

Administrator Vigil said that there is an existing title policy but they have not reviewed it completely.

Trustee Lopez said he is wondering if this property has pre 1907 water rights.

Administrator Vigil said he has raised this question with Mr. Blanchard and it is being negotiated.

Trustee Lopez asked if we know what the cost of the appraisal would be.

Administrator Vigil responded, no.

Trustee Lopez asked if the date of September 1, 2006 on page 7, Closing Date is a guarantee.

Administrator Vigil responded, no. He said the date tracks legislative bond sale.

Trustee Homan asked on page 3, under Contingencies, paragraph 3.01, what is the significance of the November 30, 2005 inspection period.

Administrator Vigil said the inspection period is the period where they are allowed to get on the property to gather all of the documentation necessary to present to the legislature, lobbyist and DFA for the appropriations act.

MOTION: Trustee Lopez moved approval to authorize the Mayor to enter into two Agreements between the Blanchard/Mountain Run Partners, LTD and the Village of Los Ranchos to secure the properties designated by the Village as future open space. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 4-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee McDonough said he would like to thank Trustee Homan, Trustee Rael and the Mayor for making the trip to Ruidoso for the presentation of the “Clerk of the Year” Award.

Trustee Rael asked what the status on the fence company near the drugstore is.

1 **Administrator Vigil** said the one offer that was almost solidly negotiated was withdrawn
2 and that Keith Bradley has been working on other sites for possible relocation.

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4 **Trustee Rael** asked if there is a new timeframe.

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6 **Administrator Vigil** said Keith does not have a timeframe because the options that he
7 has discussed with the fence company owner have not been pursued.

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9 **Trustee Homan** said she would like to remind everyone that there is a Chamber of
10 Commerce Meeting tomorrow morning at 7:15 a.m. at the Artesano’s CoffeeHouse.

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12 **10. ADJOURNMENT**

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14 **MOTION:** Trustee Rael moved to adjourn the meeting at 8:50 p.m. Trustee
15 McDonough seconded the motion.

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

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20 **APPROVED** by the Board of Trustees of the Village of Los Ranchos de
21 Albuquerque this _____ day of _____, 2005.

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25 **ATTEST:**

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29 _____
30 Annabelle Silvas, CMC
31 Village Clerk