

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.

BOARD OF TRUSTEES REGULAR MEETING

June 10, 2009 -7:00 p.m.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Tim McDonough, Trustee

Mary Homan, Trustee

Kelly S. Ward, Administrator

Linda Seebach, P & Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

Annabelle Silvas, Clerk

Excused Absence:

Pablo R. Rael, Trustee

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, June 10, 2009 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

Mayor Abraham stated that a closed meeting was held at 6:30 p.m. and only those items stated on the posted notice for the closed meeting were discussed.

MOTION: Trustee Lopez moved approval of the Mayor's closed meeting statement. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 3-0.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried unanimously, 3-0.

2. PUBLIC COMMENT PERIOD

Alison Hudson, 529 Roehl Road NW, stated that she was one of ten Village artists who had been working with the Mayor and his staff to put on a "Celebration of the Arts" at the Anderson Winery during the upcoming Lavender in the Village Festival. She said they received an e-mail from the Mayor cancelling the event. She said several people have asked the Mayor to reconsider his decision and to date there has been no response from him. She asked the Board of Trustees to review the cancellation and reinstate the Celebration of the Arts so the committee can move forward with its plans.

Steve Thurmond, 7104 Guadalupe Trail, said he just became aware of this question of the Anderson Winery yesterday. He said he and Susan have a space in the barn with the Lavender Festival. He said it seems to him with the new acquisition of a space like the winery, it is amenable to showing these pieces of art work. He said if that can be a place where people can begin to see things in the Village of an artistic nature, then he hopes it can be done.

Mayor Abraham said since he did not respond to Ms. Hudson's e-mail, he would respond personally right now that he has made his decision and it stands. He said there are several artists who do not agree with Ms. Hudson and say that she does not represent them and asked that he state that at this meeting. He said the issue is dead and there will be no art show at Anderson Winery.

3. CONSENT AGENDA

A. MINUTES – MAY 13, 2009 – Regular Meeting

B. DEPARTMENT AND COMMITTEE REPORTS

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

MOTION: Trustee Lopez moved approval of the Consent Agenda, but said he needed to make a significant correction to the Minutes as follows: Due to inadvertent inclusion of the North Valley Business Park Conditions of Approval for the Site Development Plan instead of correct Conditions of Approval for the Subdivision Application, I am making a correction to the May 13, 2009 Minutes for the correct Subdivision Conditions. Beginning on Line 15, page 15 of the Minutes, I am striking the List of Conditions and reading into the record the following conditions: 1) The grading and drainage plan be implemented according to the approved plan. 2) All the requirements of the Albuquerque/Bernalillo County Water Utility Authority shall be met in the installation of the utilities and governing rules and regulations adhered to. 3) All newly installed utility systems shall be underground. 4) Development on each lot will be required to obtain site development plan approvals for commercial construction. 5) Each lot listed for sale must obtain a parcel permit from the Village. 6) A Subdivision Improvement Agreement shall be executed prior to the recording of the final plat. 7) A financial guarantee instrument in the amount of 125% of the estimated infrastructure costs must be submitted with the subdivision improvement agreement for infrastructure that is required for the subdivision. 8) Subdivision codes and/or covenants designed for the subdivision must be reviewed by the Village for conformance to Village ordinances. 9) The culvert crossings for the Alameda Drain and Gallegos Lateral must be maintained according to the MRGCD licensing agreement and maintained in a manner that meets the load bearing requirements for Los Ranchos Fire Department's primary unit access. 10) The site development plan will be implemented as approved. 11) The existing billboard will be retired on March 31, 2011 per Village Ordinance No. 183 as amended, Section 21(C)(1). 12) All developments shall be carried out in accordance with the applicable state laws and Village ordinances. 13) The Fire Department will approve the location of the fire hydrants. Unless there are further changes to the Minutes, I move approval of the Minutes as amended.

Mayor Abraham asked how the conditions happened to be omitted or changed.

Planner Seebach responded that at the last meeting the Site Development Plan Conditions of Approval were read instead of the Subdivision Conditions of Approval and the Minutes needed to be corrected to get the Subdivision Conditions of Approval in there.

Trustee Homan asked if the Minutes are incorrect or did they reflect that someone read in the wrong conditions?

Attorney Chappell said in the process of approving the Minutes, the only action the Board can take is to approve the Minutes. He said if you want to change the action that was taken in those Minutes, it should be done by a motion to reconsider that particular action. He said if the Minutes accurately reflect what was done, they cannot be amended in retrospect, but the Board can do a motion to reconsider the action to make the action correct. He said he would think that anyone that was affected by that action and had to have notice of that action in the first place would have to be notified and have the ability to participate in any correction.

Trustee Lopez said then he should withdraw his corrections and go through the proper legal steps to notify that person so that the Board can bring it up at the July 8 BOT meeting.

Attorney Chappell said he believes the proper approach may be to put in the record the Minutes are approved but we understand that there are some errors in the action that was taken and this will be reconsidered and the proper people notified so we have a hearing and take the proper action. He said you can amend the Minutes if the Minutes are inaccurate, but you can't change the substance of what was done by substituting different criteria than what was approved at that meeting.

Trustee Homan said she thinks they need to consider that this item was approved and now by reopening the issue again in the next meeting, does that cause this individual some harm if this stops the progress of his development?

Attorney Chappell said he thinks in the process that the approval of the project can still go forward. However, he said he thinks the applicant should be notified that the conditions stated were inaccurate and that they will be reconsidered.

AMENDED MOTION: Trustee Lopez withdrew the statement of the new conditions and stated that the conditions listed on Page 15 of the Minutes, lines 15 through 30, are incorrect and the applicant will have to be notified that these conditions need to be amended and the Trustees will take action at the next meeting to correct the conditions.

Trustee Homan asked if the conditions that are stated within the Minutes reflect accurately what was stated at that meeting.

Trustee Lopez responded that the Minutes are correct but he has been advised that the conditions he read are incorrect.

AMENDED MOTION: Trustee Homan said she would suggest a friendly amendment that states he is supporting the approval of these Minutes as reflected; however, additional work needs to be done on this particular issue to reopen that.

Trustee Lopez said he supports that friendly amendment. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 3-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- The History of Elected Officials plaque which shows the entire history of elected officials is now hanging in Village Hall. Annabelle and Rosemary worked long and hard to research the old minutes and records to ensure the dates of service are accurate.
- He is also trying to get pictures of the elected officials who are still alive or pictures that we can photo shop of former elected officials. There are pictures of the current elected officials in the lobby and the employees' pictures will also be hung there.
- Former Trustee Frank Feather passed away on Friday, June 5.
- They closed on the Phyllis Chavez property which squares off our property at 4th and Osuna meaning it is now ready to be developed.
- Lavender in the Village will be held July 10th, 11th & 12th and there will be two tables available for the Trustees. Penny Rembe said one of the themes, besides the 50th Anniversary, is the older history and study that Kit Sargeant did. Penny said they will have a pretend dig and people will bid using pottery chards during the Barn Dance. They will have some interesting items for auction and it should be a great event.
- Growers' Market will have an event on June 20th; it is a health and fitness fair in response to requests for more health and health service information.
- The Fire Department will be hosting its annual July 4th event.

Trustee Homan said the Village supported a request from New Mexico Gas to support a statewide energy efficiency potential study and funding will come out of the Stimulus Fund. The funds and study would benefit every resident in the State of New Mexico as well as all the commercial enterprises in providing the background and direction for energy efficiency programs to be applied to each community in the State.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- A copy of the check registry was given to each Board member per a request to have a little more financial information. He said this was a listing of all checks written during May with the exception of payroll. He said as noted in the paper, the Town of Bernalillo was in trouble about their Administrator and the Council was claiming not to have any information leading up to that situation. He said for the record, neither he nor the Mayor has a company credit card.
- As a follow up to the issue regarding the JPA with Bernalillo County to do permit and inspection services, a JPA will be brought back to the Board at the July meeting to make the relationship for services formal.

- Another walk through is scheduled for Taft Field on Tuesday and hopefully APS will take over ownership of the field.
- The Area I & J sewer project is finished and residents are coming in for parcel permits. The hook-up application rate at ABCWUA is steady.
- Ortega Road construction is finished and they will be starting on Osuna tomorrow. Osuna Road construction will consist of sidewalks, curb and gutter and resurfacing all the way to 2nd Street.
- The environmental work on Rio Grande Blvd. is progressing and hopefully we will be able to finish paving from Chavez south to Montañño after Lavender.
- The old poles have been removed from the intersection of 4th Street and Los Ranchos and fairly soon the new signaling system should be installed.

C. PLANNER'S REPORT

Planner Seebach reported on the following:

- Year-to-date statistics for building permits show the total at \$27,035 which is approximately \$30,000 down from the previous two years due to our current economic decline.
- Received the building plans for the Challenger Learning Center which is going forward.
- She has been working with Ms. King on ordinance revisions.

D. LEGAL REPORT

Attorney King reported on the following:

- There was no litigation to report.
- Researched some issues with Administrator Ward and Planner Seebach on some JPAs, MOUs, family transfer subdivision issues, and billboard issues.
- Served as Planning & Zoning Commission legal counsel.

Attorney Chappell noted that the oral argument on the Caruso appeal is Friday, June 12.

E. FIRE DEPT. REPORT

Chief Perez reported on the following:

- Continued training on ladder and hose operation
- Members of swift water and dive teams participated in the search for Corbin Hayes and Chief Perez was in charge of the scene on Thursday when everything was initiated. They continued to participate in searches of the river on Saturday, Sunday and Monday.
- There were 70 calls for the month of May.
- Members of the swift water team assisted the Albuquerque Police Department with the Mayor's raft race.
- The Fire Department will host a celebration on the 4th of July at 7:00 p.m. and they will also have a fireworks show with free hotdogs and hamburgers.

- They had scheduled a pancake breakfast during the Health & Fitness Fair on June 20th but due to the nutritional aspects of the fair, they may have to do something different.

5. FINANCIAL BUSINESS

A. CASH REPORT – MAY

Treasurer Haines reported that the ending cash balance at May 31 was \$2,983,035.53, which represents an increase of \$265,217.19 from the prior month. She said the year-to-date expenditures exceed revenues by \$4,414,424.66, but if you take out the open space and bond proceeds transactions, the year-to-date revenues exceed expenditures by \$481,209.89.

Trustee McDonough asked if the Board could receive a brief summary of the capital projects and the dates that they lapse so they know when the funds have been expended.

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

VOTE: The motion carried unanimously, 3-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY MARK BACZEK, AGENT FOR VICTORY CHRISTIAN SCHOOL FOR FINAL SITE DEVELOPMENT PLAN APPROVAL FOR COMMERCIAL CONSTRUCTION OF A SCHOOL GYMNASIUM IN THE C-1 ZONE. THE PROPERTY IS LOCATED AT 220 EL PUEBLO NW AND IS LEGALLY KNOWN AS A PORTION OF TRACT A, ALAMEDA BIBLE CHURCH, HOME OF VICTORY CHRISTIAN SCHOOL, SITUATED WITHIN THE BOUNDARIES OF M.R.G.C.D PROPERTY MAP 24, PROJECTED SECTION 16, T11N, R3E, N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS 3.5664 ACRES MORE OR LESS. SDP-09-01- DEFERRED FROM THE MAY 13, 2009 MEETING

Attorney King swore in those persons who would be speaking on this item.

Planner Seebach discussed Planning Report PZ-09-41. She said at the May 13, 2009 meeting of the Trustees, the Site Development Plan was postponed in order to give the Alameda Bible Church and Victory Christian School Board time to meet to discuss and decide about the address change from Albuquerque to Los Ranchos. She said there was a letter dated June 1, 2009 from Administrator Glenn Frye saying they would agree to change their address to the Village of Los Ranchos de Albuquerque. She said the only unresolved issue from the Site Development Plan was the forwarding of a recommendation from the Planning & Zoning Commission for landscaping consisting of evergreen trees on the east side of the gymnasium. She said since it is a recommendation from the Planning & Zoning Commission, the Board could decide to accept the recommendation or the Board could say in lieu of evergreens, there should be fruit trees or other trees or the Board could say there should be no landscaping at all.

Trustee Lopez asked if the applicant had indicated a preference for landscaping.

Planner Seebach responded that they had submitted a landscaping plan and along the south side of the property they had fruit trees listed to coincide with the agricultural theme. She said the purpose behind the recommendation was to soften that east façade of the gymnasium.

Mark Baczek, 10305 Timan Place NW 87114, said on behalf of Victory Christian School they are requesting approval of the Site Development Plan. He said they have a landscape plan that includes a 15 foot landscape buffer along the entire south property line. He said in doing so they decided to turn it into something beneficial by putting in edible plants and fruit trees and thereby foster the agricultural theme of the Village.

Trustee Lopez asked about the 36 foot high peak of the sloped roof. He said he understood that was based upon architecture.

Mark Baczek said they did submit in a sketch plat review a much lower building at 28 feet high; however, it was requested that they turn this into a gateway project and that changed the architecture tremendously.

Trustee McDonough said it appears that their landscape plan does not have any trees along the east property line.

Mark Baczek responded that the zoning code did not require them along the east property line. He said they would prefer not to put water against the building, but it could be done very carefully.

MOTION: Trustee McDonough moved approval of the final site development plan for commercial construction of a school gymnasium in the C-1 Zone with the following conditions: 1) The shared parking agreement between the church and gymnasium be implemented and the agreement adhered to. 2) The grading and drainage plan, approved by the Village designated engineer, be implemented and maintained according to the approved plan. 3) The landscape plan will be implemented and plantings be maintained according to the submitted plan. Landscaping would also incorporate tall evergreen trees, such as limber pine along the east and south boundaries of the property directly adjacent to the gymnasium building as agreed to with the Planning & Zoning Commission. 4) The site be developed according to the approved Site Development Plan and a minimum 27.5 foot open space (at least 10 feet of which shall be unobstructed for fire/emergency access) between the school gymnasium and the administration and classroom building shall be maintained, unless, in the case of in-fill in the restricted area, all interconnected buildings will be protected with automatic fire suppression sprinkler systems and in compliance with other Village ordinances and regulations then in effect. 5) All the requirements of the Albuquerque/Bernalillo County Water Utility Authority shall be met in the installation of the utilities and governing rules and regulations adhered to. 6) All newly installed utilities are to be underground. 7) The Victory Christian School sign is approved as submitted for a larger sign. A sign permit must be obtained from the Village. 8) Victory Christian School and Alameda Bible Church will utilize Village of Los Ranchos de Albuquerque as their address.

With the following findings: 1) The proposal complies with the 2010 Master Plan, Section 4.02 which states that one of the overall Village goals is “to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.” 2) Master Plan Goal 4.1.2.2 Policy A. The Village will promote private development that is in keeping with Village scale. 3) Master Plan Goal 4.5.2.2 Policy A. The Village will utilize and enhance local cultural features as a way to create a sense of place. 4) The Site Development Plan meets the requirements of Ordinance 183, Section 24(E)(1). 5) Satisfactory provisions have been made addressing accessibility, pedestrian safety, traffic control, and emergency access in case of fire, flood and catastrophe; satisfactory provisions have been made for off-street parking and loading areas; satisfactory provisions have been made for water and liquid waste facilities; satisfactory provisions have been made for on-site drainage and storm water runoff; satisfactory provisions have been made to address economic, noise, glare and odor effects of the proposed use on adjoining properties; and, satisfactory provisions have been made for the overall health and safety of the community. 6) The Alameda Bible Church and Victory Christian School was an existing complex with paved parking lot, concrete sidewalks and outdoor areas when Ordinance 216 was enacted. The 60% permeable surfaces requirement does not apply to pre-existing conditions when provisions were adopted or were created by natural force or government action for which no compensation was paid. 7) V-09-11 for zero side setbacks was approved by the Planning and Zoning Commission on April 14, 2009. 8) V-09-12 for 36 foot height was approved by the Planning and Zoning Commission on April 14, 2009. 9) The requested sign is approved and meets the requirements of Section 21(E)(3)(a) for sign size.

AMENDED MOTION: Trustee Lopez offered a friendly amendment as follows: That the landscaping plan could also incorporate other fruit trees on the east and south boundaries of the properties so that there would at least be a few fruit trees over there. He said Trustee McDonough indicated tall evergreens.

Mark Baczek said they would prefer to leave it to their landscape designer and work with them on a proper solution for the confined space, be it evergreens or fruit trees.

AMENDED MOTION: Trustee McDonough amended the motion to say: The landscaping would also incorporate the desires of the Planning & Zoning Commission for some plantings on the east side that would soften the view of that building on the east side based on the recommendation of the applicant’s landscaper. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 3-0.

B. A REQUEST BY THE VILLAGE OF LOS RANCHOS, LOS RANCHOS FIRE DEPARTMENT FOR FINAL SITE DEVELOPMENT PLAN FOR A GOVERNMENT BUILDING IN THE VC ZONE. THE PROPERTY IS LOCATED AT 414 SCHULTE ROAD AND IS LEGALLY KNOWN AS LOTS NUMBERED THIRTY-EIGHT-A-ONE (38-A-1) AND THIRTY-EIGHT-A-TWO (38-A-2) OF SCHULTE ACRES, A REPLAT OF TRACT 38A BEING LOTS 38-A-1 AND 38- A-2, SCHULTE ACRES, WITHIN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON MARCH 21, 2001, IN VOLUME 2001C, FOLIO 87. THE PROPERTY CONTAINS 1.0008 ACRES MORE

OR LESS. THIS ITEM WILL BE POSTPONED TO THE JULY 8, 2009 BOARD MEETING.

MOTION: Trustee Lopez moved to postpone Item 6.B. to the July 8, 2009 Board meeting. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 3-0.

7. OLD BUSINESS

None

8. NEW BUSINESS

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

MOTION: Trustee Homan moved approval of the list of records to be disposed of through destruction. Trustee Lopez seconded the motion.

Trustee McDonough said he understands the need to get rid of the old paperwork but in destroying all the old agenda packets, a lot of the history is destroyed.

Planner Seebach said they went through every single packet that was going to be destroyed and removed items pertaining to Planning and Zoning records for any application so that it was not destroyed.

VOTE: The motion carried unanimously, 3-0.

B. DISCUSSION AND APPROVAL TO DISPOSE OF FIXED ASSETS THAT ARE OBSOLETE OR WORN-OUT

MOTION: Trustee Lopez moved approval of the disposition of the equipment listed in the exhibit, for which the current value is less than \$5,000. The items are obsolete, unusable, uneconomical, and/or unsafe for continued use, and that the same be auctioned off. Trustee Homan seconded the motion.

Trustee Homan asked why the items were being taken to Santa Fe. She said there are City and County auctions held in Albuquerque all the time.

Administrator Ward said the Village received a notice that the auction was eminent and so they decided to get rid of some items. He said he would look into whether the Village has to undergo the expense of transporting the items to Santa Fe.

VOTE: The motion carried unanimously, 3-0.

C. DISCUSSION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR MUTUAL AND/OR AUTOMATIC AID FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES WITH SANDOVAL COUNTY FIRE DEPARTMENT

Chief Perez said this Memorandum of Understanding is standard practice with all departments in the surrounding areas; however, they have not been widely used in the last couple years because of a House Bill that made mutual aid a common practice around the State. He said there are some entities that have chosen not to use that House Bill as their mutual aid agreement and Sandoval County appears to be one of them.

Trustee McDonough said on Page 3, Item #9, Line 3: “The liability of the City and shall...”, he believes the “and” should be deleted. He said the language in Item #11 is odd on the part about termination. He also noted that on the second “Whereas”, he believes it should say “the Board of Trustees on behalf of the Village of Los Ranchos”. He said he is taken aback when the signature page is all Sandoval County and the second Whereas talks about Sandoval County. He said it appears the Board is executing an agreement that refers to Sandoval County. He said it would be nice to go through it and change “Sandoval County” to the Village of Los Ranchos.

Chief Perez said he will check with Sandoval County about the proposed changes.

MOTION: Trustee McDonough moved approval of the Memorandum of Understanding for Mutual Aid with Sandoval County Fire Department with the changes as noted above. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 3-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Lopez asked what happened with the Anderson Winery Art Show.

Mayor Abraham responded that there are probably 50 e-mails out there that are not very flattering to anyone and he wrote only one of them. He said there are a lot of reasons it was cancelled: i.e., they were running out of time, they were not getting a lot of cooperation from Anderson Winery and the artists themselves were bickering. He said he could share an e-mail from an artist that said, “I am not in support of anything that Ms. Hudson says tonight.” He said there was a lot of pettiness going on and we did not truly have possession of the Anderson Winery. He said it is a shame, but he hopes it is a wake-up call that we must all work together. He said next time they will have to set some ground rules.

Mayor Abraham said he thinks that pictures of the Trustees who were reelected should appear on the wall with the plaque as well as in the lobby. He said he might schedule a reception prior to a Board meeting and try to get the former Mayors and Trustees to attend. He said he believes Annabelle needs to work hard to contact some of the older ones and photo shop some of their pictures to be included on the wall.

Trustee Homan announced the newest member of the Village arrived this morning, Joshua Cole Kinnard, her grandson.

Mayor Abraham reminded everyone about the Barn Dance on July 10th and noted that all the Trustees will be at the same table.

Trustee McDonough said he would second the Mayor's comments about the Growers' Market and how it just gets better and better. He said the Canine Celebration was excellent.

10. ADJOURNMENT

MOTION: Trustee Homan moved to adjourn the meeting at 8:10 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this ____ day of _____, 2009.

ATTEST:

Annabelle Silvas, Village Clerk