

MINUTES

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

BOARD OF TRUSTEES REGULAR MEETING

April 8, 2009 -7:00 p.m.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Tim McDonough, Trustee

Pablo R. Rael, 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

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held a Regular Meeting on Wednesday, April 8, 2009 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried unanimously, 3-0.

Mayor Abraham noted that Trustee Lopez would be arriving late.

B. *Proclamation proclaiming April 9, 2009 as Mayor Louis Huning Day*

Mayor Abraham read the proclamation proclaiming April 9, 2009 as Mayor Louis Huning Day.

C. *Proclamation proclaiming April 17, 2009 as Golden Apple Foundation of New Mexico Day*

Mayor Abraham read the proclamation proclaiming April 17, 2009 as Golden Apple Foundation of New Mexico Day.

D. *Proclamation proclaiming the month of April as World Parkinson Disease Awareness Day in NM*

Mayor Abraham read the proclamation proclaiming the month of April as World Parkinson Disease Awareness Day in New Mexico.

2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT]

There were no public comments.

3. CONSENT AGENDA

A. MINUTES –FEBRUARY 11, 2009

B. DEPARTMENT AND COMMITTEE REPORTS

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

MOTION: Trustee Rael moved approval of the Consent Agenda. 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 Village finally culminated the most important purchase in Village history by purchasing the Anderson Winery and 19 acres of open space. After negotiating for nearly 4 years, we finally closed on the purchase about a week and a half ago. Thanks need to go out to not only the Governor, but our legislators and especially Dede Feldman. Support also came from Bernalillo County and Commissioner Armijo, Trust for Public Lands helped negotiate, and Energy and Minerals contributed \$150,000. The entire purchase was nearly \$6 million which included 19 acres of open space and an 11,000 square foot building. This purchase combined with the other open space purchases (22 acres north of Paseo and 1 acre at Osuna and Edgewood) gives the Village about 42 acres of open space that has been purchased in the last several years totaling about \$10 million.
- One of our residents, Demitrio Martinez, has worked the Anderson area for years and will continue this year until the Village establishes a management plan.
- The next issue of the *Village Vision* will highlight our 50th Anniversary with a lot of memorabilia and history.
- Village Hall will turn into a small museum with wall hangings and a 4 foot by 8 foot plaque in oak that will have every Mayor's and Trustee's name and the years they served. Also included will be pictures of all the Mayors and Trustees.
- Lavender in the Village will be held July 10, 11 and 12. The barn dance is on Friday night and then Saturday and Sunday for Lavender in the Village.

- Plans are underway to have an event at the Anderson Winery on Saturday morning of Lavender in the Village to thank our legislators and Governor. Also asking Village artists if they would like to have an exhibit at the Winery at the same time.
- Growers' Market this weekend from 10 am – Noon, Easter Egg Hunt courtesy of the Fire Department, and a Boy Scout Ceremony in the barn.
- Municipal League's District 8 meeting will be held in the Village tomorrow at Los Poblanos.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- The next fiscal year budget is on the Agenda this evening. There was a slow decline in Gross Receipts but it accelerated in late February. The Village has made up all of the decline by a larger than expected Assistance to Small Cities Grant. For the next 2 ½ months, we should be okay and able to make our budget.
- On advice of our attorney, we switched gears on the solid waste contract and went out with an RFP for services which is due April 22nd. Because the current contract was due to expire on March 31, the Village signed a short-term extension to the contract with Waste Management.
- Reported last month that we were pursuing the resurfacing of Osuna and Ortega Roads and that we did not have enough money to do that. We have reworked the contract with the contractor and have managed to get the costs in line with our budget for both roads. Ortega Road should be starting in a few weeks with Osuna following after that.
- Complaints continue to come in about speeding on Pueblo Solano, Vineyard, Mullen and El Portal. The speeds do not meet the 85 percentile criteria, but the volume of traffic is tremendous, particularly on Vineyard. The County is going to install speed humps on their side fairly soon and so we may make some exceptions on these roads. We promised the residents that it would be brought before the Board for a final decision.
- The Fire Station plans will be in front of the Planning & Zoning Commission on Tuesday night for a sketch plat review. The bid document should be out in a month or so.
- Just received the contract for \$636,000 from New Mexico Department of Transportation for the bike lanes on Rio Grande. It will be brought before the Board for approval.

C. PLANNER'S REPORT

Planner Seebach reported on the following:

- Department has been busy preparing applications for the Planning & Zoning Commission meeting on April 14, including site development plans for the new Fire Station, Victory Christian School gymnasium and site development plan and subdivision for the North Valley Business Park on 2nd Street.
- Continue to work with Bernalillo County on various buildings in the Village.

- Working on a new ordinance to adopt industry codes to be in line with Bernalillo County on the new joint powers agreement with them for the building permits they perform for the Village.
- Continue to provide information to residents and contractors as they come in to pick up applications.
- Code Enforcement has focused on graffiti removal from signs, open space, buildings, etc., as well as follow up on code violations.
- Marcy just completed a reconciliation of Village addresses with Bernalillo County addresses.

Trustee Homan asked if the address confirmations included any type of designation between residential and commercial addresses. She said she personally has had trouble where the Postal Service says an address is not a residence but commercial property and it prohibits her from receiving a number of services.

Planner Seebach said the Village will look into the problem.

D. LEGAL REPORT

Attorney King reported on the following:

- Worked on procurement and extension issues.
- Performed ordinance reviews.
- Researched applications for Planning & Zoning.
- Performed some lease drafting, lease review and purchase agreements.
- Served as counsel for Planning & Zoning.
- Worked on Caruso appeal.
- Update on Landau case was that she applied to the Court of Appeals which was denied and she applied to the Supreme Court and that was denied as well, so the case is done.

E. FIRE DEPT. REPORT

Fire Chief Perez reported on the following:

- Focused on “back to basics” training for all Firefighters
- Continued to do regular fire training as well
- Participated in the Annual Challenge of Firefighters versus the teachers of Los Ranchos Elementary School, the Firefighters prevailed
- Three station tours took place this month
- Fire Station construction drawings are going before the Planning & Zoning Commission
- New rescue unit has been put into service; however, it is in the shop for a minor repair and should return to service tomorrow
- There are 7 new volunteers who have started their rotations with the Department; however, none of them are residents of the Village

- Received a shelter trailer from Homeland Security which can shelter 250 people with hygiene kits, bedding, pillows, blankets, towels and cots
- Moved the Fire Marshal back into shift work so that Juan Cordova will be doing Lieutenant work and he and the Fire Chief will be sharing Fire Marshal responsibilities
- March was actually a slower month than in the past with 67 total calls
- Next focus by the Fire Department is to get residents and commercial businesses to start displaying their addresses more clearly. There have been issues with calls and not being able to find folks.

5. FINANCIAL BUSINESS

A. CASH REPORT – FEBRUARY AND MARCH

Treasurer Haines reported that the February ending cash balance was \$6,922,510.69 which was a decrease of \$242,440.31 from the prior month. She said our capital projects that we completed totaled \$244,868.00. She said the cash balance without the bonds and open space money would be \$2,981,585.73 and year-to-date expenditures exceeded revenues by \$474,949.50. She said without the bond and open space proceeds, it would have been \$24,847.75.

Treasurer Haines reported that the March ending cash balance was \$2,448,026.59 and that was a decrease of \$4,474.484.10 which accounts for the purchase of the open space. She said the balance without bond and open space money would be \$2,304,545.23 and the year-to-date expenditures exceeded revenues by \$4,949,433.60. She said without the bond proceeds and open space, it would have been \$418,425.04.

Trustee McDonough said looking at the revenue side for the month ending March 31, most of the budget projections are tracking with the fiscal year. He asked if there are any of those categories where there is a concern of not hitting the budget expectations.

Treasurer Haines responded that the Gross Receipts Tax is lagging a little bit.

Mayor Abraham said the concern for next year is that all the public projects are coming to a halt for a while.

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

VOTE: The motion carried unanimously, 3-0.

B. DISCUSSION AND APPROVAL TO ACCEPT THE 2008 AUDITED FINANCIAL STATEMENTS PRESENTED BY HINKLE AND LANDERS

Farley Vener, Audit Partner, Hinkle & Landers, said regarding the financial highlights for the year ended June 30, 2008, the Village's overall revenues increased \$1 million from the prior year or 37% and the expenses increased \$771,000 or approximately 31% from the

prior year. He said the overall net assets or revenues over expenditures increased \$1.3 million. He said their opinion was unqualified which means it was good or the best you can get.

Farley Vener said there were two minor findings. He said the first one was monitoring of accounting functions – bank reconciliations where they noticed during the year the bank reconciliations that were prepared each month did not appear to have been looked at by a responsible official; i.e., the Treasurer, even though the Village said they were reviewed, there were no initials and the date documenting that they had been reviewed. He said the second finding was monitoring of accounting functions – approval of invoices for payment. He said during the year it was noted that 3 out of 25 invoices submitted to the Accountant for payment did not have written evidence that the invoice had been previously reviewed and signed off by a responsible official. He said management noted that all invoices had been reviewed and approved by the Administrator prior to payment but the procedure of signing, dating and providing written approval for each invoice has now been implemented.

MOTION: Trustee Rael moved approval of the 2008 audited financial statements. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 3-0.

- C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-4-1 – REVISING THE 2008/2009 BUDGET- INCORPORATING THE FUNDS FROM THE SEVERANCE TAX BOND PROJECTS GRANT AGREEMENT 08-L-G-5048 IN THE AMOUNT OF \$293,867.00 TO PLAN DESIGN, CONSTRUCT, EQUIP, AND FURNISH THE UNSER MUSEUM AND GRANT 08-L-G-5099 IN THE AMOUNT OF \$99,000.00 TO PURCHASE LAND ADJACENT TO LOS POBLANOS FIELDS AND GRANT 08-L-G-5249 IN THE AMOUNT OF \$35,000.00 TO PURCHASE INFORMATION TECHNOLOGY, INCLUDING RELATED EQUIPMENT, FURNITURE AND INFRASTRUCTURE, FOR A FETAL SYNDROME PUBLIC HEALTH AWARENESS PROGRAM STATEWIDE**

MOTION: Trustee Homan moved approval of Resolution No. 2009-4-1. Trustee Rael seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Rael, yes. The motion carried unanimously, 3-0.

- D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-4-2 – REVISING THE 2008/2009 BUDGET – INCORPORATING THE AGREEMENT WITH STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPT CONTRACT NUMBER 09-521-0100-0192 IN THE AMOUNT OF \$150,000.00 TO PURCHASE THE ANDERSON FARM LAND**

MOTION: Trustee McDonough moved approval of Resolution No. 2009-4-2. Trustee Rael seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Rael, yes. The motion carried unanimously, 3-0.

E. DISCUSSION AND APPROVAL OF PRELIMINARY BUDGET FOR FY 2009/2010

Administrator Ward said the Village is anticipating, with some level of confidence, nearly a 20% decrease in revenue. He said one of the keys was that over the last 4 or so years there has been a significant amount of public works projects in the Village and the Village has benefitted through Gross Receipts Tax. He said they don't see another \$10 million project on the horizon. He said this year was the sewer project, for about a \$9 million build; the previous year was the 4th Street project for roughly \$5 million; and the San Juan Chama Water Project at \$10 million. He said for the next fiscal year, there is only a \$1 million build at Unser and \$1.2 million with the Fire Station. He said the Village's Gross Receipts revenue is heavily weighted in construction and they see the dramatic drop as problematic. He said the other issue in that area is housing where the general activity is slower. He said the consequence is that decisions have to be made regarding spending. He said they are proposing to take cuts in the expense side to match the revenue side. He said the guidance they are requesting from the Board is: 1) What are your thoughts on revenue – are we way off base or are we being too conservative? 2) Where do we want to go on the expense side: 1) Do we want to draw down reserves and keep spending up a little bit? 2) Do we want to cut more on the expense side to be sure we have a good cushion at the end of year to fund reserves? He said the timeline is that they have to be in Santa Fe on June 1 with a budget approved by the Board of Trustees.

Mayor Abraham said he, Kelly and Chief Perez are looking at some of the bigger expenditures. He said they will be meeting with Darren White regarding the Sheriff's contract tomorrow. He said they want to make sure they don't dip into the reserves and they will do everything it takes to cut fat out of the budget. He noted that the Fire Department has an \$800,000 - \$900,000 budget and nearly 95% of the budget is all salaries; therefore, they are looking for creative ways to maintain the level of service that presently exists.

Trustee Rael said on the Police Department budget there appears to be a 49% cut and that is a lot. He said he receives more complaints about police coverage than anything else. He asked how they plan to accomplish that cut.

Mayor Abraham said it would probably be premature to explain the 49% cut prior to meeting with Darren White. He said he doesn't think they will be cutting the level of service, but will try to get Bernalillo County to cover a little more of our area with less of our dollars. He said they have a couple of ideas such as having our own Chief of Police or someone in this building from 8 am to 5 pm.

Trustee McDonough said he believes a 20% cut in the budget is pretty extreme and is open to debate.

Mayor Abraham said there are some things in the future to be concerned about, namely there are payments regarding the Village Center and trying to purchase the remaining 4 acres at the Anderson Winery.

Administrator Ward said the budget needs to be acted on in the May meeting. He said they have an opportunity through September to adjust the budget.

Trustee Rael asked if there was a need for a special meeting to discuss the budget before the May meeting.

Administrator Ward said he was open to that if the Board would like to have a meeting.

Mayor Abraham said he thinks a special budget meeting would be good.

Trustee Homan said a special meeting would give them the opportunity to ask detailed questions to increase their level of understanding.

Mayor Abraham said any discussions regarding personnel would need to take place in a closed session.

MOTION: Trustee Rael moved approval of the preliminary budget. Trustee Homan seconded the motion.

Trustee Homan suggested that the item should be tabled to the next meeting.

AMENDED MOTION: Trustee Rael moved approval to table this item until the next Board of Trustees meeting, unless they have a special budget meeting before then. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 3-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY GENE AND AURORA GALLEGOS FOR A SPECIAL USE PERMIT FOR AN OPEN AIR FLEA MARKET IN THE C-1 ZONE. THE PROPERTY IS LOCATED AT 300 EL PUEBLO AND IS LEGALLY KNOWN AS TRACT 140-G1 M.R.G.C.D. MAP NO. 24, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AUGUST, 2002 AND TRACT 140C1 M.R.G.C.D. MAP NO. 24, LANDS OF POMPA, GRIEGO AND FRANCO FILED IN THE OFFICE OF THE BERNALILLO COUNTY CLERK ON 8/6/76, VOLUME D2-A, FOLIO. THE PROPERTY CONTAINS 2.380 ACRES MORE OR LESS. SU-08-01 POSTPONED FROM THE FEBRUARY 11, 2009 MEETING.

Planner Seebach discussed Planning Report No. PZ-09-17. She said there was an error in the original application submission and the project had to be redone to eliminate the parking on the property to the south because that property was not in the Village, but in the County. She said the market and the area of the market were scaled down to the lot that is in the Village. She noted that the new plan provides for 35 parking spaces plus 5 handicapped spaces and is a reduction from the 92 proposed spaces of the previous plan. She said because parking is a health and safety issue, it is recommended that the Board

evaluate the parking issues involved in this Special Use Permit. She said unfortunately there is no legal off-site parking in the vicinity. Therefore, she said it is recommended that when the 35 + 5 space parking capacity is reached, the parking lot be closed until more spaces become available and that no overflow parking on El Pueblo, surrounding sites or the property located in Bernalillo County be allowed once all spaces are filled.

Planner Seebach said a new grading and drainage plan was submitted which increased the depth of the ponding area to accommodate the 10 year storm in a central pond. She said the recommendation from the Village-designated engineer was that an increase in the depth of the pond be made and a French drain be incorporated into the plan. She said it is recommended that a condition be placed on the Special Use Permit that the market be closed during and after heavy to moderate rains.

Planner Seebach said the Gross Receipts Tax question was followed up with Donald Goldston, the officer for State Tax and Revenue Services in charge of flea markets, arts and crafts fairs, etc., who informed her that a vendor who participates on one weekend a year would constitute a “one time vendor” and not have corresponding gross receipts tax obligations. She said vendors who participate more than one weekend a year are required to pay gross receipts tax, as well as obtain a CRS Number and a Village Business License. She said it is recommended that the applicants be required to inform all the vendors of the aforementioned requirements, as well as provide the Village with a list on the first Monday of every month of all the vendors who used the open air market.

Planner Seebach said a 6 foot solid fence with climbing vegetation would meet the barest minimum landscape requirements and prevent overflow parking on to the land behind the market. She said there is insufficient room for a wider landscape buffer.

Planner Seebach said there was no sign application submitted with the application and there is no recommendation regarding signage other than to remind the applicant that he must comply with the Sign Ordinance.

Planner Seebach discussed water and wastewater requirements and recommended that conditions be placed on the special use permit that applicants shall comply with Village ordinances that require applicants to connect to public sanitary sewer services.

Planner Seebach discussed on-site food service, Vendors’ Handbook-Operational Rules and Regulations, and interim rental of property with recommendations regarding each item.

Planner Seebach noted that the Planning and Zoning Commission forwarded a recommendation of approval for the Special Use Permit; however, the application has changed in scale due to the elimination of the proposed parking area on the County tracts to the south. She said there were 6 Findings and 19 Conditions recommended to be placed on the Special Use Permit.

Attorney King swore in those persons wishing to speak on Item 6.A.

Mayor Abraham noted for the record that Trustee Lopez arrived at 8:17 p.m.

Gene Gallegos stated that he owns several properties in the North Valley and he then described his personal history. He said he would like to respond to the issues raised in the three letters that were against his project. He said the first letter was from Nora Kelly who stated that flea markets are eye sores and tie up traffic. He said his market will be park-like and traffic will be directed into the property. He then refuted point by point the remainder of Ms. Kelly's comments. He said the second letter was from Corine R. Chavez who discussed the speeding up and down El Pueblo Road and the increased litter from the apartment complex. He said he hopes his open air market will bring more passengers to the Rail Runner station because those people will bring money to the Village.

Mayor Abraham asked Mr. Gallegos to speak about how the project has changed and the parking, etc.

Gene Gallegos said he had one more resident he wanted to respond to who was talking about the parking and litter. He said parking and litter are not going to be a problem at his market. He said he takes pride in the properties he owns.

Gene Gallegos said the amount of property he is going to use is 1.315 acres. He said his daughter is going to rent office space from him for her nail business. He then discussed how the parking would be arranged to accommodate himself and his workers. He said the property is zoned as C-1. He said he believes Ms. Seebach answered most of his questions and the only thing he would ask is that the Board consider some of citizens in the Village and the North Valley who need an open air market. He asked that the Board approve this Special Use Permit.

Paul Brehm, 815 El Pueblo NW, said Planning & Zoning covered a lot of the areas he was concerned about. He said Mr. Gallegos brought up the fact that while he owned the property it was trashed out by the landscaping company and he asked why somebody else didn't clean it up, yet Mr. Gallegos claims he will keep the market clean. He said his other comments are on safety. He said his ex-wife had asked for speed humps on El Pueblo but was told no by the Fire Department. He said currently you see the mess at the Rail Runner station and their solution is to barricade part of the access. He said he imagines that the old folks at the apartments will try to dart across El Pueblo to get a bargain and get run over.

Gene Gallegos stated that when the property was rented for 7 years, the only one who complained to the tenants was him. He said when they left, it cost him \$14,000 to have the trash hauled away. He said he has an ulterior motive for opening the flea market and that is that he is 62 and he does not want to be 70 and running the flea market. He said his main priority is that he wants to put a real destination location shopping area there. He said part of his property extends all the way to 2nd Street.

Trustee Lopez said when this was recommended for approval by Planning & Zoning, how many parking spaces were allocated? He then asked how many spaces were now available.

Gene Gallegos responded that on the old plan there were 92 spaces and now there are only about 40. He said the number of vendors is going to be half of what it was.

Trustee Lopez said if the parking lot is full, where will the customers park?

Gene Gallegos responded that they can't come in and they won't be able to park on the street.

Trustee Homan said she sees the potential for customers to park in the apartment complex across the street thereby displacing their tenants' ability to park by their own homes.

Trustee Lopez asked how many vendors Mr. Gallegos was expecting and where they would be parking.

Gene Gallegos said he expects 30-35 vendors and they would have their own spots to park.

Trustee Lopez asked how Mr. Gallegos was going to control what is sold.

Gene Gallegos said it is in the handbook and each merchant that comes in will receive a handbook. He said his staff will inspect what the merchants intend to sell.

Trustee Rael asked how many persons he would have as security.

Gene Gallegos responded that there would be two who are professionals and two of his nephews and himself that will direct traffic and run the market.

Trustee McDonough said he noticed that Mr. Gallegos adjusted his drainage plan and there was a recommendation that a French drain be built. However, he said he read somewhere that a French drain was considered cost prohibitive.

Gene Gallegos said the comment probably came from his engineer who has 30 years experience in the business.

Trustee McDonough said Mr. Gallegos' engineer made the comment that the market will not operate when there is a significant rain event.

Gene Gallegos said when it rains at a flea market, people pack up and leave. He said he will leave it up to the merchants if they want to leave after they have paid for the day. He said if the market does well between now and October, he will convert the building just south of the main building into restrooms. He said electricity will be available to some of the merchants and he will charge extra for that.

Trustee McDonough said he believes Mr. Gallegos is sincere in saying how all these things will be dealt with but the problem is that there are a number of items that are not in compliance with the Village's ordinances and the Board doesn't really have anything that assures them that those things will happen, short of Mr. Gallegos' word. He said he must treat each person who comes to the podium the same and the test is whether this is equal treatment and equal requirements to anybody who comes before the Board. He said by and large they have followed the ordinances and he takes issue with the number of things that are not addressed.

Gene Gallegos said he takes issue with the way the Village has treated him. He said when he first came to the Village 14 months ago there was a Zoning Director and he told Ms. Seebach that all I needed was a license. He said he gave him his word, which was the only thing he has to stand by. He said when he came back, then Ms. Seebach said the only thing allowed was indoor flea markets. He said as far as taking issue, one of the Zoning people called him ludicrous. He said he does not think he is ludicrous. He said whatever it takes, he will spend on that property because he wants to train people to come to his shopping center when the market turns around.

Trustee Lopez asked how the sewage is going to be handled until they hook up to the sewer.

Planner Seebach responded that they will have porta-potties.

Trustee Rael said the Village ordinance says that if you have a permanent business you have to hook up to the sewer if it is available and it is available in that area.

Mayor Abraham said he appreciates where Mr. Gallegos is coming from but it is such a small area on one acre, financially it would be very difficult to do. He said there are off-street parking problems, there is Ordinance 183, there are neighbors against it, we don't show any support. He said he has received a lot of phone calls from people who are against the open air market. He said he does not believe you can make exceptions and get this approved.

Gene Gallegos asked if the Board was saying if he converted that building into bathrooms and that would solve the problem.

Mayor Abraham said that is just one of many problems. He also mentioned the signs that were posted on Mr. Gallegos' property and said this is not what they want in the Village.

Gene Gallegos said those signs were put together for two churches that he does volunteer work with who wanted to have some sort of sale and he was going to let them use the property. He said when the Village came by and told him to take them down, he did it immediately.

MOTION: Trustee McDonough moved to deny the special use permit for the open air market in the C-1 Zone. The Findings are: 1) Section 16 of the zoning ordinances provide that special use permits may be approved if the proposed use is not provided for in any other zone, the proposed use is not detrimental to the neighborhood where the proposed use is to be located, and it is shown that the proposed use is beneficial to the Village, is in accordance with the goals and policies of the Village Master Plan and will assist in the implementation of the Village Master Plan. The Board has the right to impose limitations and conditions as it deems necessary. 2) In this case, the open air market meets the requirements of not being provided for in the other zones, Section 10 of the Zoning Ordinance only provides for indoor flea markets; however, the proposed use in this case does not meet the requirement in that it is not going to be detrimental to the neighborhood as the use presents health, welfare and safety issues as there is insufficient off-street parking, as has been discussed for merchants, staff and for customers and based on the

plan submits 37 parking spaces with 40 vendor spaces which is not anywhere near to the requirements of the surrounding areas in Bernalillo County. It is reasonable to conclude that the customers will have to wait for someone to leave before they can enter and thereby cause congestion on El Pueblo Road or park in surrounding parking lots and impact neighborhood businesses and residences. It is also reasonable to conclude customers will park on both sides of El Pueblo Road or in the Paseo Apartments' lot and J-walk to reach the site. 3) The use presents health, safety and welfare issues as its plan is to have 3 portable restrooms, porta-potties, to serve the merchants and customers; therefore, the use does not meet NMAC 20.7.3.809, Holding Tank Requirements, and does not meet Ordinance 183 which requires connection to the water and sewer system. 4) The use does not meet landscape buffering requirements in Section 18 of the Zoning Ordinances which require such buffering when a commercial activity abuts a residential neighborhood. 5) The use presents health, safety and welfare issues as such uses tend to lead to loose trash, criminal activity, including fencing, sale of stolen items, drug dealing, pirating of illegal CDs, etc., as has been seen in other flea market situations. 6) There is evidence that residents and neighbors oppose the proposed use based on the letters we have received. 7) Furthermore, there is no indication that the open air market will assist in implementation of the Master Plan, rather it conflicts with the objectives stated in such in 4.7.2.1 for improving the quality of life because of the health, safety and welfare issues mentioned earlier. 8) It does not meet objectives 4.7.2.1. to improve pedestrian safety. 9) It does not meet the overall Village goal of 4.02 to develop the density and intensity of Village scale and primarily on 4th Street, it does not meet the Village form goals of 4.1.2 to preserve and enhance the historic and Valley character of Village neighborhoods, roadways, mixed use centers and corridor. 9) It does not meet the objectives of preserving the unique character of the Village corridor and character areas, nor does it reinforce Village identity and enhance gateways to the Village. 10) It does not fulfill the policies and actions of 4.1.2.2 to develop architectural design requirements for the 4th Street corridor which provides for wall and/or landscaping buffers to minimize impact of noise and light. 11) It does not meet the transportation goal objectives of 4.9.2.1 to preserve character along the vehicular corridors and Village streets and improve traffic safety. 12) And it does not satisfy Policy E which provides the Village shall maintain and create safe public and private rights-of-way.

Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Gene Gallegos asked if Trustee McDonough typed the motion. He said it appears to him that the Board had already made up their minds.

Mayor Abraham responded that the Board has advice from attorneys both positive and negative for approval or denial. He said it happens every time and the Board is very well prepared.

Gene Gallegos said it looks like they played mental chess with him and they should have told him from the very beginning, 14 months ago, that this was not going to be allowed. He said he came before everyone else and they approved him. He said he spent lots of money in order to comply and now even if he did comply, the Board would still not approve it.

Mayor Abraham said it would still take a variance or a special use and he believes it is this Board's prerogative to either deny it or approve it.

Gene Gallegos responded that there are people out there that are below the scale of the people who live in the Village that are having problems that could have used that market.

7. OLD BUSINESS

A. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-4-3-ADOPTING A POLICY AND PROCEDURE MANUAL FOR THE FIRE DEPARTMENT. DEFERRED FROM THE FEBRUARY 11, 2009 BOARD MEETING

Chief Perez stated that these are the policies and procedures for the Fire Department and he is requesting the Board's approval.

Trustee Homan asked if there was any active involvement from the members of the Department or if it was mirrored after another agency.

Chief Perez responded that it was done with some input from Bernalillo County and City of Albuquerque and in each draft the members of the Fire Department were given a 2-week window in which to comment for or against the particular policy.

Trustee Homan asked how the budget issues will align with the new handbook. She asked if it would cause a lot of changes in procedures or personnel.

Chief Perez responded that it should stay the same as it is today. He said as far as personnel, it is not addressing number of personnel per apparatus. He said it is geared more to the day-to-day operation of what they do, how they behave, appearance, etc.

Trustee Lopez said he noticed that the fitness standards are pretty strict. He asked if all the firefighters can meet those requirements.

Chief Perez responded that they have met it in the past and they will continue to meet it in the future.

Trustee Homan noted that in the past the Village has been a training ground for firefighters and asked if the stringent requirements will work to our advantage or disadvantage.

Chief Perez said the advantage of having a stringent physical requirement was for the safety of each of the members of the Department and for the safety of the residents. He said he did not think it was geared toward recruitment of others or retaining or losing anyone.

Trustee McDonough said he had a question on page 20 about the pack test and the language about having two points of contact.

Chief Perez said those guidelines are provided by the Forestry Service and concern a speed shuffle with a 45 pound pack on your back.

MOTION: Trustee Homan moved approval of Resolution No. 2009-4-3. Trustee Rael seconded the motion.

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

Mayor Abraham recessed the meeting for five minutes at 9:27 p.m., reconvened at 9:39 p.m.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO ADOPT RESOLUTION NO. 2009-4-4 – ESTABLISHING THE PROVISIONS OF THE NEW MEXICO OPEN MEETINGS ACT, SECTIONS 10-15-1 NMSA 1978 AS AMENDED AND REPEALING RESOLUTION NO. 2008-3-1

Trustee Homan said in the very first “whereas” it states that the Board met in Special Session on April 8, 2009, but she said this is a regular meeting.

MOTION: Trustee McDonough moved approval of Resolution No. 2009-4-4 with the correction of changing “special” session to “regular” session in the first “whereas”. Trustee Lopez seconded the motion.

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

B. DISCUSSION AND APPROVAL TO ADVERTISE AN ORDINANCE AMENDING CHAPTER 31 OF THE CODIFIED ORDINANCES, THE ZONING ORDINANCE AND ZONE MAP, SECTION 24, APPLICATION AND APPROVAL PROCESS, E (1) SITE DEVELOPMENT PLAN AND ORDINANCE 221, SECTION E (1), E(1)(5)(C)(3)(E)(1) AND (2) AND (F)(1)(B).

Planner Seebach explained that there are three amendments to Ordinance 221, Site Development Plan Ordinance. She said the first one concerns who or what requires a site development plan and they want to do it for two reasons. She said the first reason is looking at the potential of annexation and the second is that there is a lot of intentional cross-over of things that are required for subdivision in the Subdivision Ordinance, i.e., drainage plans, street plans. She said when they were doing the site development plan for the 9.9 acres of North Street Business Partners, they discovered these lots were going to be sold individually. She said they literally could not say what was going to happen for commercial development. She said the second amendment had to do with the 96 hours percolation and the third was a provision where a variance could be granted by the Board to address unusual circumstances.

Trustee Homan suggested a correction to a typo on page 2 under Subsection e)1), the phrase “or shall empty with 96 hours....” should read “or shall empty within 96 hours....”

Trustee McDonough asked on the same page, whether we run into a conflict if under e)1) we talk about water containment structures which have water to open air emptying within 24 hours through outlet structures and then under f)1)b) it talks about all basins shall be designed to empty within no more than 96 hours. He suggested that it just say “in compliance with e)1).

Planner Seebach responded that probably was so.

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

VOTE: The motion carried unanimously, 4-0.

**C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-4-5–
AUTHORIZING THE VILLAGE OF LOS RANCHOS TO SUBMIT A NEW
MEXICO CLEAN AND BEAUTIFUL GRANT APPLICATION FOR THE PASEO
DEL NORTE OPEN SPACE**

MOTION: Trustee Rael moved approval of Resolution No. 2009-4-5. Trustee Lopez seconded the motion.

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

**D. DISCUSSION OF VILLAGE OPEN SPACE PROPERTY MANAGEMENT
PLAN**

Administrator Ward said he has included a discussion sheet in the Board packet and Joe Craig who is the Open Space Committee Chair is in the audience to share his thoughts. He said they have done a good job in buying property and in particular the Anderson property, but now they need to develop a management plan to take care of the open space. He said they need to determine what the most appropriate use is and also do some long-term planning for the properties.

Mayor Abraham said this item is for brainstorming a plan for several months down the road. He said several residents have come to them saying they would like to plant at Anderson’s. He said they plan to let Demitrio plant this year and from there on look at other possibilities. He said the Lavender Committee might want to plant lavender, etc. He said they are totally open to any suggestions. He said they have Anderson’s, Osuna and Edgewood, the barn at Paseo, etc.

Joe Craig, Chairman of the Open Space Committee, said the Village has acquired an incredible amount of open space and cultural resources in the past two years. He said he believes something could be done with the winery building to generate revenue. He said

he would ask the Board to look at a Master Resource Plan of the open space and the other jewels located in the Village.

Administrator Ward said he believes the Board should come up with some plan and a vision of what the properties should be. He said that way the Village can guide the end point as opposed to just letting events guide our decision-making.

Trustee Lopez said since we have people in the Village who have expressed an interest, in the past we have used citizen action committees. He said perhaps having a meeting with a facilitator and having people present their ideas interacting with the Board would be a good idea.

Trustee Homan suggested possibly having a visioning session, where we can have some public input.

Mayor Abraham said it goes even beyond the open space because there is the 8,000 sq. ft. building that will stay in place at Schulte and 4th Street and there have been requests to use it as a meeting hall, as a community center also. He said there is also the barn, Old Village Hall, etc.

Planner Seebach noted that the Anderson property is zoned as a special use zone for a winery.

John McDowell, 7201 Guadalupe Trail, said he has talked with Joe Brawley and their concern is that those properties should be used for agricultural purposes by making use of the ditch in order to maintain access to that ditch and use of the water. He said he believes it would be good to let Planning & Zoning set up a committee of its members and others to collect the information and present it to the Board.

Planner Seebach stated that the special use zone is a zone and there is no underlying other zone.

Administrator Ward said he would recommend starting the process of doing some thinking about what we ultimately want on those properties.

Mayor Abraham said the first thing they want to do with the Anderson property is to have an open house on July 11 and thank everyone from the Governor, to our legislators, to our residents.

Trustee McDonough said he believes we need to start with a basic inventory on what is out there and its status. He said he thinks we should create a format where we can take public input and maybe put it in the *Village Vision*. He said this could be a prelude to revising the comprehensive plan. He said there is an active Rio Grande Community Farm and we should see if they have a desire to participate or maintain part of that property.

E. UPDATE AND DISCUSSION OF VILLAGE CENTER PROJECT

Mayor Abraham said they are continuing to pursue the Phyllis Chavez property which is located in the front of the Mike Contreras property and is important to have more frontage

on 4th Street. He said they reached an agreement with Phyllis Chavez at \$230,000 and they are in talks with the Cooper family that will give us an option on the 4 acres directly south of Contreras and then both the Johnson's and the Martinez's want to give the Village an option to purchase their properties. He said what they are looking at is still going forward with the Village Center project but the more they talked to developers about what needs to go there, they think they are comfortable in recommending that the Village offices need to be moved up there. He said we could possibly have a market square and then have the market move up there into dedicated open space in the middle.

Administrator Ward said a few months ago he received an e-mail from the Economic Development Department asking the Village to submit a project to the American Recovery and Reinvestment Act. He said at the Mayor's urging, he submitted two projects, the fire station and the Village Center. He said the proposal on the Village Center was that they would fund us for the \$6 million to buy all the properties. He said we are short-listed on readiness, but what he doesn't know is if we have to try to guess what the economic impact would be of something like a commercial development on 12 acres.

Trustee McDonough asked about the timing of getting a developer involved.

Administrator Ward said they are ready to move when they feel the timing is ready or right – hopefully this year.

Trustee McDonough said his sense is that there is still going to have to be a significant high density residential component to this.

Administrator Ward said he agrees.

F. DISCUSSION AND APPROVAL TO APPOINT FRANK MANGANO TO THE MID-REGION COUNCIL OF GOVERNMENTS PUBLIC INVOLVEMENT COMMITTEE

Mayor Abraham said Frank is an interested citizen and looks after what he thinks is our best interests. He said on the trails, Frank probably got a little crosswise, but he thinks he would do a good job on the Public Involvement Committee which Frank has served on before.

Trustee Lopez said he thinks Frank would do fine.

Trustee McDonough said he respects Frank's energy and dedication to what he believes is right; however, his concern is that Frank understands he is second to the Village of Los Ranchos.

MOTION: Trustee Lopez moved approval to appoint Frank Mangano to the Public Involvement Committee of the Mid-Region Council of Governments. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Lopez asked who made the decision on the architectural treatment of the electrical lift stations for the sewer.

Administrator Ward said he did. He said it started in Tinnin because they wanted to camouflage as best they could the unit that was there and so Bernalillo County thought if they were doing it in Tinnin, they should probably do all of them.

Trustee Lopez said several people have called him about the one on Ranchitos and said they think it looks like an outhouse. He said he would like to see it changed to something else, something attractive.

Mayor Abraham said they will work on it.

Trustee Rael said that when Mayor Stowers was here, he had a Sheriff's Officer at all the meetings and it might be a good idea to do that again after what happened tonight. He said there are a lot of angry people out there right now.

Trustee Lopez said it was calming to have an officer there.

Mayor Abraham said they could talk about having Matt attend since he's the one on duty.

Trustee McDonough asked about the contract with Mr. Montoya and a plan from him.

Mayor Abraham said they have a meeting scheduled with him next Tuesday. He said they have a contract but unfortunately the attorneys got involved. He said they have been trying to work out a gentlemen's agreement that will be codified on paper.

Administrator Ward noted that there are a couple problems and one is the insistence on the part of the attorneys that we have a fair market value of a lease on agricultural land which is proving to be a little more challenging with this type of project. He said the latest proposal they received from an appraiser and the timeline for him to respond was 90-120 days. He said they had asked 12 appraisers to take this on and only 2 were interested. He said David's attorney looked at the lease the Village had drafted and turned everything upside down.

Trustee Homan reminded everyone about the District meeting for the Municipal League being held tomorrow at Los Poblanos.

Trustee McDonough said he has been asked several times about the Engineer's report on the stop signs.

Administrator Ward said he has the reports and will send copies to Trustee McDonough.

10. ADJOURNMENT

MOTION: Trustee Homan moved to adjourn at 10:33 p.m. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

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

ATTEST:

Annabelle Silvas, Village Clerk