

**MINUTES**  
VILLAGE OF LOS RANCHOS de ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD N.W.  
**BOARD OF TRUSTEES REGULAR MEETING**  
**AUGUST 10, 2011 - 7:00 p.m.**

**Present:**

Larry P. Abraham, Mayor  
Mary Homan, Trustee  
Pablo R. Rael, Trustee  
Don Lopez, Trustee  
Tim McDonough, Trustee

Kelly S. Ward, Administrator  
Annabelle Silvas, Clerk  
Bill Chappell, Attorney  
Nancy Haines, Treasurer  
Fred Radosevich, Public Safety  
Linda Seebach, P & Z Director

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**1. CALL TO ORDER**

**Mayor Abraham** called the meeting to order at 7:00 p.m.

**A. APPROVAL OF AGENDA**

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

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

**2. PUBLIC COMMENT PERIOD**

There were no public comments

**3. CONSENT AGENDA**

There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**A. MINUTES – JULY 13, 2011 – REGULAR MEETING**

**B. DEPARTMENT AND COMMITTEE REPORTS**  
**1. ANIMAL CONTROL**

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

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

**4. REPORTS**

**A. MAYOR'S REPORT**

**Mayor Abraham** reported on the following:

- He will hold the Mayors Caucus tomorrow at the 66 Diner and those attending will be the Mayors, Pueblo Governors and Base Commanders

- He and Kelly had lunch with Commissioner Grisham and also attended a breakfast she held at the El Camino Dining Room in which 15 or 20 people attended. They also met with Representative O'Neil afterwards and discussed Village issues and funding for the Fire Station.
- The Growers Market will start at 7:00 a.m. this weekend and will start at 8:00 a.m. in September.
- In September the tour of the Rio Grande Bike Race will be held which was a famous bike race many years ago. Diane Albert who is one of our Planning and Zoning Commissioners will be one of the organizers.
- Pizza 9 a new business on 4<sup>th</sup> Street has opened.
- There will be an Art exhibit at the Agri-Nature Center with Carmine Devivi and his opening will be this Sunday. He is showing a life's retrospective as his years as an artist and is from Corrales. There is another one at Casa Rondeña Winery by artist Josh Franco.

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

**Administrator Ward** reported on the following:

- He talked with the Natural Resources Conservation Services (*formerly Soil Conservation Services*) on helping out with the Agri-Nature Center. They will be looking at our design for this wetland area to see if what we are looking to produce will produce. They will also be doing soil analysis and designing that in terms of placement, depths and plant life and will work on a grant for us.
- The Fire Station plan has been approved and they are moving forward toward opening.

#### **C. PLANNER'S REPORT**

**Planner Seebach** reported on the following:

- The Planning & Zoning Commission heard eight applications at last night's meeting.
- The EPA Rio Grande Watershed Permit workgroup is meeting and she is assisting with consolidating some of the pre-permit collection of ideas into a cognoscente whole. There are many in the group who have never seen nor read a Stormwater Management Plan and since the Village is the only one which has a Stormwater Ordinance, she is lending her experience.
- Have had two new housing starts this month.
- On the Peterson/Chavez lawsuit. The Chavez's lost the appeal in District Court and appealed to the Supreme Court.

#### **D. LEGAL REPORT**

**Attorney Chappell** reported on the following:

- Continuing with the codification and now needs input on what the Board would like to review and some direction. He asked if the Board wants all 4 volumes or in a digital form.
- He has worked on miscellaneous zoning, platting and variances.
- Completed the reply in the Curtis appeal and the hearing has been set for first week in September.
- The Jason Howard appeal is pending and has not been set for a hearing.
- He and staff are assisting on responding to public records request on James Lyle

sewer connection.

**E. PUBLIC SAFETY REPORT**

**Public Safety Director Radosevich** reported on the following:

- Bernalillo County Fire Department responded to 57 EMS calls, 6 fire calls, and 3 false alarms.
- He handed a memo to the Board on Animal welfare leash law research.
- There was a propane leak on July 21 at A-X propane. A small cotton wood tree fell on the valves, snapped the valve and created a leak. There was a debriefing after that on issues that came up. Bernalillo County Emergency Management did a reverse 911 call within a half mile radius informing residents that they needed to evacuate. It worked well there were some minor issues but was a good exercise. One of the things they found out is that one of the valves have some protective columns that are suppose to protect that valve, and was suppose to have a break away, but that did not happen and caused the leak.

**5. FINANCIAL BUSINESS**

**A. CASH REPORT – JULY**

**Treasurer Haines** presented the cash report.

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

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

**6. PUBLIC HEARINGS AND APPLICATIONS**

**A. A REQUEST BY SECOND STREET PARTNERS, LLC SCOTT WHITTINGTON, FOR FINAL PRELIMINARY PLAT FOR A MAJOR TWO (2) LOT SUBDIVISION (COMBINATION OF M.R.G.C.D. TRACTS AND LOT LINE ADJUSTMENT) IN THE C-1 ZONE OF THE FOURTH STREET CHARACTER AREA AND CORRIDOR. THE PROPERTY IS LOCATED AT 6133 AND 6135 2<sup>ND</sup> STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATE WITHIN PROJECTED SECTION 28, T11N, R3E, N.M.P.M. ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING TRACTS 74-B-1-B AND 74-B-2-B OF THE M.R.G.C.D. MAP NO. 29, AS SHOWN AND DESIGNATED ON THE RECORDS OF THE BERNALILLO COUNTY CLERK, JUNE 13, 2011. THE PROPERTY CONTAINS 9.978 ACRES MORE OR LESS AND 6134 4<sup>TH</sup> STREET LEGALLY KNOWN AS LOT B-2 OF REPLAT OF BLOCKS A-2 AND B-2 BOWERS SUBDIVISION, BERNALILLO COUNTY, NEW MEXICO AS SHOWN AND DESIGNATED ON THE RECORDS OF THE BERNALILLO COUNTY CLERK, MAY 7, 1986. THE PROPERTY CONTAINS 3.9674 ACRES MORE OR LESS. S-11-05**

**Attorney Chappell** swore in those who will be speaking under item 6. A.

**Planner Seebach** presented her planners report and recommendations. She stated that

USC Bag Manufacturing, LLC has a contract to purchase the property from Second Street Partners in order to build their main manufacturing plant. She also stated that this application is for the specific purpose of combining two Middle Rio Grande Conservancy District tracts into one lot in order to create a buildable lot by Village Ordinances. Also included in the application is a lot line adjustment between the Second Street Partners land and Sage Canyon because when the wall was built they encroached on the land. She stated that their plan is to build a 69,000 square foot main facility. They are a light manufacturing company. They are a terrific outfit and they designed a beautiful building that will be a tremendous asset to the Village. It fits extremely well with the property. She stated that the Planning and Zoning Department has forwarded a recommendation for approval to the Board of Trustees for the subdivision with findings and conditions. She stated that there is no infrastructure agreement required because USC Bag Manufacturing LLC will implement the infrastructure for their facility. There is no financial guarantee required because USC Bag will do that portion.

**Trustee Rael** asked if this was an application from the partnership to begin building or just to combine the properties.

**Planner Seebach** answered that this is to combine the properties into one parcel.

**Trustee Rael** asked if whenever they do combine it will they be back to present a plan to the Board for building?

**Mayor Abraham** answered that this is just an application to combine the properties to move the lot line. At some future point we will entertain a building plan.

**Administrator Ward** stated that USC Bag is running an action concurrent to this. He stated that they will see it at the September Board of Trustees Meeting.

**Trustee McDonough** stated that he wouldn't disagree other than the documents discuss the USC Bag Manufacturing intent to purchase so the issue is already been put out there within our packets. He stated that some discussion over some concerns over that is not inappropriate.

**Eric Webster**, 220 Vineyard Rd NW, lives north of the subject property. He stated that it is a manufacturing use not contemplated with the Village's Master Plan, which says under objectives, "encourage small scale businesses providing basic services and specialty stores. Encourage re-zoning to less intensive commercial uses in the Fourth Street Character Area, recruit businesses that would be suited to the Village, small specialty shops". He stated that this plant is 69,000 square feet in the first phase, but that next month there will be a request for approval for an additional 63,000 square feet, bringing the total area to more than three acres. He also stated that it is bigger than a Home Depot. The impact to the neighborhood is significant. Another action step from the Master Plan is to provide for "light manufacturing such as jewelry making and Christmas ornaments, etc". The Planning and Zoning Commission approved to translate the following uses from the Ordinance which currently reads "light manufacturing such as jewelry, pottery, ceramics, glass and metal". If the Board of Trustees concurs with the Planning and Zoning Commission on this matter, C-1 Zoning throughout the Village will be far more permissive than Bernalillo County or the City of Albuquerque. He stated that

he does not feel that this loophole fits the scale for this development. The effect will be to allow industrial development throughout the Fourth Street Character Area. He wants for the neighborhood associations that are adjacent to this property location to be notified about what is going to go in their backyard. He stated that they just heard about this application today. He requested a written formal opinion on what constitutes permissive uses within a C-1 Zone from the Planning and Zoning Department.

**Mayor Abraham** asked Mr. Webster if he knew anything about USC Bag.

**Eric Webster** answered that he saw the presentation at the Planning and Zoning meeting last night.

**Mayor Abraham** stated that he would liken it to a printing shop for paper or a plastic printing shop and that is not true manufacturing.

**Eric Webster** stated that the notification was minimal.

**Mayor Abraham** stated that the notification was in the form of two notices that were sent out.

**Eric Webster** stated that it did not describe what the development is.

**Mayor Abraham** stated that the notices are sent out and the associations should look into what they are specifically about.

**Eric Webster** stated that he had come before the Planning and Zoning Commission on a previous plan but he came to this meeting because of code enforcement. He thinks that the Village should tell people that it is the size of a Costco.

**Mayor Abraham** asked Mr. Webster if he considered this economic development.

**Eric Webster** said that he does. He understands that the Village has good reasons for wanting to do this.

**Mayor Abraham** stated that he found it to be disingenuous for Mr. Webster to work for a company that the Mayor is very familiar with. He stated that their main mission is economic development and regionalism. He also stated that this Village happens to pay its dues that pay Mr. Webster's salary. The Mayor further stated that it is disingenuous that Mr. Webster would sabotage the Board of Trustees with the news media and accuse them of holding "secret meetings" while this municipality and these Village residents pay Mr. Webster's salary. He further stated that it is very disingenuous for Mr. Webster to try to attack an economic development project with the level of unemployment being what it is. Economic development projects are few and far between.

**Eric Webster** stated that he is appearing as a neighbor.

**Mayor Abraham** stated that the filming with members of the media was done earlier today when Mr. Webster should have been at work.

**Eric Webster** stated that he did the first taping during his lunch break.

**Mayor Abraham** stated that Mr. Webster works for a company that is trying to find projects such as this one and now Mr. Webster is undermining this one from the other end.

**Mayor Abraham** invited any other interested parties to speak.

**Shelbra Thorla-Ginn**, 324 Vineyard, stated that she wants to live in a rural setting where she can raise her family. She asked for more information on this project and on the environmental impact. She wants for it to be a safe place for her child.

**Mayor Abraham** stated that those are valid concerns that will be addressed. He stated that this same business is currently located at San Mateo and Menaul, and he never knew it was there. He sees this as being an upgrade to the neighborhood that everyone will be proud of at the end of the day.

**Kelly Ward** stated that if anyone wants any additional information that they can call Monday through Friday from 8-5 pm and speak to Planner Seebach. He also stated that there are air quality permits for a large facility and he sees that as being the only environmental impact.

**Mayor Abraham** asked if Ms. Ginn received the notice.

**Shelbra Thorla-Ginn** answered that she did.

**Enrico Gradi**, 295 La Plata Rd NW, stated that he represents the Los Alamos Neighborhood Association and that he is on a fact finding mission. He said he is familiar with this property and is aware of the fact that it is abutted by residential property. He is looking forward to working with the Board of Trustees and finding out more about the impact, the air quality, the hours of operation, etc. He stated that if he runs across any issues, he will let the Board know.

**Julia Mummert**, 330 Vineyard, stated that her concern is where the exits will be for this property. She stated that she is also concerned about the lighting and traffic on Vineyard.

**MOTION:** **Trustee McDonough** moved to defer this item to the September meeting. **Trustee Homan** seconded the motion.

**Attorney Chappell** stated that the site plan will be on the agenda for September meeting.

**Mayor Abraham** stated that anyone is welcome to come and talk to Planner Seebach. He asked if the trustees can talk with the USC Bag.

**Attorney Chappell** answered that there cannot be a meeting. On the other hand, he stated that elected officials can meet with their constituents to talk about things. Planning and Zoning Commissioners cannot have direct contact.

**Mayor Abraham** stated that he does not like to see breaking news stories that the

Village of Los Ranchos is conducting “secret meetings”, because that is not accurate. Every meeting has had public notice.

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

**B. A REQUEST BY J. C. LOPEZ FOR A SPECIAL USE PERMIT FOR A NEW LOCATION FOR MINUTEMAN REFINISHING WITH AN ENCLOSED SPRAY BOOTH FOR FURNITURE REFINISHING IN THE C-1 ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER AREA. THE PROPERTY IS LOCATED AT 7120 4<sup>TH</sup> STREET AND IS LEGALLY KNOWN AS TRACTS 165-B-1 AND 165-B-2-A, M.R.G.C.D. MAP # 27, THE PROPERTY CONTAINS .6282 ACRES MORE OR LESS. SUP-11-01**

**Attorney Chappell** swore in those who will be speaking under item 6. B.

**Planner Seebach** presented her planners report. She stated that they are preparing to move to a new facility to have an enclosed spray booth that requires a special use permit. The Planning & Zoning Commissioners forwarded an approval to the Board of Trustees with conditions and findings.

**Trustee Lopez** asked if the facility will do cabinet refinishing and will they also have a showroom?

**Planner Seebach** answered that is correct. It is an expansion of the current business.

**Jeremy Lopez** son of J.C. Lopez stated that he has been working for and running the company for the past three years. He wants to expand and make this business grow and be involved with people.

**MOTION:** **Trustee Homan** moved to approve the request for special use permit for a new location for Minuteman Refinishing with an enclosed spray booth for furniture refinishing in the C-1 Zone of the Fourth Street Commercial Character Area with the following **conditions:**

1. The two M.R.G.C.D. Tracts will have to be platted into one legal lot of record prior to any permits issued on the property.
2. All Bernalillo County Fire, Air Quality and Building codes especially with respect to VOC emissions and flammable materials must be met.

**Findings:**

1. The application meets the requirements of Ordinance 183 as amended, Section 16, Special Use Permit.
2. The use is not allowed for in any other zone.
3. The application is in concert with surrounding neighborhood businesses.
4. The application is not adjacent to any residential property.
5. The use meets the Master Plan Goals and Objectives:  
2020 Master Plan Section 8, Commercial Goal 8.2. The Goal is to vitalize

Fourth Street as the Village's major commercial and mixed use centers through both public and private efforts.

6. 8.2.1 Objectives: Create a business climate in which businesses flourish; Make the Village a shopping destination; encourage stores of a unique character that harmonize with the scale and nature of the Village.
7. The two M.R.G.C.D. Tracts will have to be platted into one legal lot of record prior to any permits issued on the property.
8. All Bernalillo County Fire, Air Quality and Building codes especially with respect to VOC emissions and flammable materials must be met.

**Trustee Lopez** seconded the motion.

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

7. **OLD BUSINESS**

There was no old business.

8. **NEW BUSINESS**

**A. DISCUSSION AND APPROVAL OF WASTE MANagements REQUEST FOR FUEL SURCHARGE INCREASE TO 6.58% FOR RESIDENTIAL CUSTOMERS AND 3.11% FOR COMMERCIAL CUSTOMERS**

**Administrator Ward** stated that this is a new increase.

**Marlene Feuer** stated that in 2009 when they started the contract it was \$2.00 per gallon, and now coming in at \$3.79 per gallon. They will be back in 6 months if it goes down and bring it back down, and if it goes back up then they will increase it. The trucks get a maximum 3 ½ miles to the gallon.

**Trustee Homan** asked when the fuel increase will affect our residents.

**Marlene Feuer** stated that it will take effect October 1, 2011.

**Trustee Homan** asked if there will be a notice on the September bill to let them know of the increase.

**Marlene Feuer** stated that there will be a note in the September billing statement.

**Trustee McDonough** stated that no one likes rate increases, but that the board realizes that fuel cost is a large part of that business and it's the fair thing to do.

**MOTION:** **Trustee McDonough** moved approval of the fuel increase. **Trustee Rael** seconded the motion.

**Mayor Abraham** asked if they are trying to get a location within the Village.

**Marlene Feuer** stated that they are trying to move to a larger location and bring in more employees. She stated that they are investigating in getting compressed natural gas trucks on the road in New Mexico, which would mean lower emissions and lower prices. She stated that the Village of Los Ranchos is the highest in recycling. They are considering in running the trucks once a week.

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

**B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2011-8-1–  
RESOLUTION ADOPTING AND PROMULGATING THE VILLAGE OF LOS  
RANCHOS EMERGENCY OPERATION PLAN**

**Jeff Phillips** stated that he spent six months at weekly staff meetings reviewing the draft language in the Emergency Operations Plan. The draft is based on plans that have been written for other jurisdictions and they boiled it down to fit the Village of Los Ranchos. It reflects the Ordinances, the Resolutions, the Emergency Management System, the newly adopted Bernalillo County Emergency Operations Plan and the State of New Mexico Emergency Operations Plan.

**Trustee Lopez** stated that on page 14, it discusses EOC, the Emergency Operations Center, where ~~will that~~ it will be located.

**Jeff Phillips** stated that the primary location will be the Village Hall. If that is not available, then there are other locations that will be used depending on the situation. The Bernalillo County Emergency Operations Center on Second Street or the new fire station on 4<sup>th</sup> and Schulte or possibly a mobile command post.

**Trustee Lopez** stated that the reason he asked is that certain type of equipment is needed and are we at the point where we have the equipment?

**Jeff Phillips** answered that we are dependant on cooperating agencies such as Bernalillo County to bring us communications equipment and with the Fire and Sheriff's Departments.

**Trustee Lopez** stated that in a true emergency there will be a lot of interactions between the Mayor and key staff, the media, the County and State Government. There would have to be a synergy with communications equipment depending upon the nature of the emergency.

**Jeff Phillips** stated that they really focused on that in this plan. They focused on direction, control and coordination, looking out for the interests of the Village. So coordination with other governments, communicating with the public, protective measures is essential.

**Trustee Lopez** stated that the Chief talked about reverse 911, when the Village had the propane leak. He asked if the entire Village is on the 911.

**Fred Radosevich** stated that the entire County is available for that. They call the dispatch center and say we're looking at a specific area, it is all computerized. There are also other mechanisms in place. It's called a Nixle account, and Jeff is hooked into that. We can use Face book, Twitter and Nixle, that's how we get the message out. Bernalillo County has a stash of communications equipment at the Second Street EOC, along with a completely mobile communications setup in a vehicle that can be brought here. We get more information from Face book, Twitter then we do from radio.

**Trustee Homan** asked what we are doing about cell phone usage. Many don't have land lines anymore. Do we have the ability to do reverse 911 to a cell phone?

**Fred Radosevich** answered yes. The residents can sign up through Bernalillo County with an email address, cell phone number or home phone number.

**Mayor Abraham** stated that we are encouraging our residents to follow our Emergency Management Plan on Face book, where they can get updates immediately. He stated that we've had some test trial runs on notifying residents in certain events.

**Trustee Homan** asked if the Emergency Operations Plan will be posted on the website.

**Jeff Phillips** stated that it has been the intention all along.

**Trustee McDonough** stated that it would be good to publicize signing up cell phones to the reverse 911. He also stated that there are a lot of positions for just one guy. He asked at what point we identify employee roles that are in the emergency plan.

**Jeff Phillips** stated that's always a challenge. The connection between day to day roles and emergency roles has not been made clear as they were in the planning mode and now will be in the training and execution mode over the next few months. He stated that depending upon the magnitude of the event, the structure of the positions will have to be scaled to that event. He stated that the Village would be dependant on outside individuals to fill some of the positions based on the magnitude and the duration of the event. He stated that there would have to be a low threshold in asking for outside assistance to fill some of those roles.

**Trustee McDonough** stated that it is a well thought out plan. It is laid out well and it makes sense.

**Jeff Phillips** stated that he is proud to do it and it is consistent with what they discussed with the 2008 Ordinance.

**MOTION: Trustee Homan** moved approval of Resolution No. 2011-8-1. **Trustee Rael** seconded the motion.

**ROLL CALL VOTE: Trustee McDonough-aye; Trustee Homan-aye; Trustee Lopez-aye; Trustee Rael-aye.**

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

**C. DISCUSSION AND APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE AND THE VILLAGE OF LOS RANCHOS PROVIDING EMPLOYEE HEALTH BENEFITS WITH THE SAME PLAN AS CITY OF ALBUQUERQUE**

**Administrator Ward** stated that there is one major change in providers. Presbyterian is now the only provider and Blue Cross Blue Shield is out. It seems to be going very smoothly and Presbyterian is working hard to make this transition seamless.

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

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

**9. TRUSTEES INFORMAL DISCUSSION**

**Trustee Rael** stated that he will be out of town on September 14<sup>th</sup>.

**Trustee Lopez** stated that Administrator Ward mentioned fixing ruts on 4<sup>th</sup> Street at our last meeting. He asked when that will be done.

**Administrator Ward** answered that should happen next week.

**Trustee Homan** asked Administrator Ward if he is going to the Municipal League meeting in Roswell.

**Administrator Ward** stated that he will be attending.

**Trustee Homan** wished Trustee McDonough good luck and hopes that he joins the New Mexico Municipal League Board as an official New Mexico Municipal League Board member.

**10. ADJOURNMENT**

The meeting was adjourned at 8:29 pm.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this \_\_\_ day of \_\_\_\_\_, 2011.

**ATTEST:**

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Annabelle Silvas, Village Clerk