

MINUTES

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

BOARD OF TRUSTEES REGULAR MEETING

May 13, 2009 -7:00 p.m.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Tim McDonough, Trustee

Pablo R. Rael, 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:

Mary Homan, Trustee

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A. APPROVAL OF AGENDA

The Village of Los Ranchos' Governing Body held a Regular Meeting on Wednesday, May 13, 2009 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

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

VOTE: The motion carried unanimously, 3-0.

2. PUBLIC COMMENT PERIOD

Bruce Muhr had previously signed up for public comment but was not present to speak.

Liz Fritzsche, 6715 Guadalupe Trail, said she is here as a resident who spent 6 months and about \$400 to prepare her property to put solar panels on it, only to have a neighbor plant a cottonwood tree that in a couple of years will cast a shadow on the solar panels. She said she had written down her thoughts as follows:

“In response to the diminishing supply and increasing cost of conventional energy resources, I am asking the Village of Los Ranchos to amend its ordinance to protect the potential for the use of solar energy. I would like to see the ordinance guarantee access to sunlight for homeowners and ranches in the Village by setting limits on the amount of permitted shading by new construction as well as new vegetation, requiring that buildings and new vegetation be sited to provide good solar access. While many assume that solar setbacks are to limit building heights and address issues of scale, it is really an energy-based ordinance. The height limits

and increased setbacks have a beneficial side effect that serves our community well. The purpose of a solar access ordinance should be to provide protection of a reasonable amount of sunlight from shade from structures and vegetation whenever feasible to all parcels in the Village to preserve the economic value of solar radiation falling on structures, investments in solar energy systems and the options for future uses of solar energy. The degree of solar access protection can be defined by a hypothetical solar fence on the property lines of protected solar installations or sites in the future. The ordinance should protect access for a 4-6 hour period on December 31st as a definition of what a solar fence is. Under most circumstances, new structures and vegetation should not be allowed to shade adjacent lots to a greater extent than the applicable solar fence. I propose a solar access permit be available to those who have installed or that plan to install a solar energy system and need more protection than is provided in the existing ordinance. The permit application should include detailed information describing the solar energy system, existing structures and vegetation on adjacent property and the location and dimensions of the solar easement requested. Solar access permits do not effect vegetation which exists at the time of the permit application submittal but apply to subsequent vegetation. Solar access permit application forms should be available from the Village Hall and the Board of Zoning should review applications and award permits. I am asking the Council to initiate an amendment to the existing solar access ordinance that would restrict shadow heights of buildings and vegetation of abutting Village property and to provide an application process for residents to apply for permits to secure their solar access.”

Mayor Abraham suggested sending this to the Planning and Zoning Commission and letting Mr. Brawley sort it out and bring back a recommendation to the Board of Trustees. He said Ms. Fritzsche’s letter will be included in the Minutes.

3. CONSENT AGENDA

- A. MINUTES – APRIL 08, 2009 – Regular Meeting
APRIL 21, 2009 – Special Meeting**
- B. DEPARTMENT AND COMMITTEE REPORTS**
 - 1. LAW ENFORCEMENT/BCSD
 - 2. FIRE
 - 3. ANIMAL CONTROL

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

VOTE: The motion carried unanimously, 3-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- Maggie Hart has been appointed to Bernalillo County Commission by Governor Richardson. She is one of the staffers at MRCOG.

- The MRGCD election is on June 2nd and two Village residents are running—Jim Roberts and Karen Dunning.
- Special events at the Growers' Market include Old Vehicle Day this Saturday, May 16. They have their own website at www.meetatthemarket.com and they are doing very well.
- Lavender Festival is well underway and will be held on July 10, 11 and 12 with the Barn Dance being held on Friday, July 10.
- We are planning some events at the Anderson Winery including a reception for the Governor and our legislators on Saturday morning and then an Artists' Exhibit on both days with parking there for the festival.
- We had our staff meeting at the Anderson Winery on Tuesday in order to show the staff the property.
- We have had or will have two restaurants that are going out of business: Top Dog and Aaron's Corner Café.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- The intersection of 4th & Los Ranchos is a 4-way stop due to a tractor trailer knocking down the signal lights and pole. Discussions are ongoing with NMDOT to determine what pole and equipment should be used there. It was also discovered that poles are scarce and the lead time for manufacture is about 8 weeks.
- Ortega is getting close to completion and striping should start soon. Osuna should be starting within a month.
- Should be starting shortly on the environmental clearance for the extension of the bike lanes on Rio Grande to Montaña.
- The bid is out for the Unser Museum and Challenger Center building addition. They are anticipating an early June ground breaking.
- The Area I & J sewer project is scheduled to be complete early next week and hopefully ABCWUA will accept it and then residents can begin to hook up.
- Bernalillo County takes care of the Village's building permit and inspection process and the Village had hoped to bring the Board a new building code for adoption to bring the Village in line with the County's building code. However, there is a bill that ran through the Legislature in 2007 that mandated if you have adopted a building code, you have to provide a building program in all the trades. The way that has been satisfied was with an agreement with Bernalillo County under the permission of the State Construction Industry Division. The problem is that they do not recognize that they gave the Village permission to do that in 1999 and their licensing of inspectors is for a specific jurisdiction. They are therefore indicating that the Bernalillo County inspectors can inspect in the unincorporated Bernalillo County but when they cross over into the incorporated Village of Los Ranchos property, they no longer are licensed inspectors. Hopefully by June this will be settled and either the Village will repeal its building code ordinance and we fall back to the State's adopted building code and the State through CID will do permit issuance and inspections and then issue CO's, or the Village approaches the State jointly with Bernalillo County and presents a pilot program where the Village would have its building code and Bernalillo County would do the inspections for us. Then the Bernalillo County

inspectors would have permission from the State to be in our jurisdiction enforcing our building code. Bernalillo County came to the Village with a JPA for the pilot program at a cost of \$17,500 a year for those services.

Trustee Lopez asked if the completion of the Area I&J sewer includes the bike lane coloring.

Administrator Ward responded that once they complete the road from just south of Chavez to Montaña, the Village will come back and do the bike lane coloring on both sides for the full length. He said that part was budgeted into the rebuild.

Trustee McDonough said regarding the building code inspectors, he believes there may be some modifications to those regulations and perhaps the Village should raise the question with the Municipal League about cross-boundary inspections and see if they can include that in their conversations with the State.

C. PLANNER'S REPORT

Planner Seebach reported on the following:

- The year-to-date report for the department is in the Board packets. Several new housing starts and additions have come in this month and they expect \$6,500 to \$7,000 in revenue.
- She and Administrator Ward have been doing a lot of work on the Bernalillo County inspection program.
- Researching a lot of noise ordinances for special use or overlay zones.
- Running into legal problems with the family transfer subdivision.
- Looking at an ordinance for filming in the Village.
- Administrative Assistant has been tracking sewer hookups and they met with NM Environmental Department and they will assist with those people who should have been hooked up a long time ago.
- Code Enforcement Officer has been working on graffiti removal on Village signs.

Trustee Lopez asked if the legal problems with the family transfers involved the Julian Padilla transfer or something else.

Planner Seebach responded that the Padilla transfer was going well and she would defer to the Attorney regarding the legal issues on family transfers.

Attorney Chappell said one of the things they are looking at on family transfers is that it appears to them that in order to avoid that mechanism to simply create additional lots that otherwise don't meet the same criteria there needs to be some other types of requirements on those lots before resale. He said they are looking at that aspect in addition to the rest of the subdivision ordinance to be sure you don't have a loophole there. He said at the same time he understands the Village wants to recognize the family way of dividing property and accommodating that. He said there are also some long-term consequences.

D. LEGAL REPORT

Attorney King reported on the following:

- Worked with P&Z Director and Administrator on subdivision issues, procurement issues, family transfers, and filming in the Village.
- Served as Counsel for Planning & Zoning Commission.
- There was not much litigation this month, but the Caruso hearing is coming up.

E. FIRE DEPT. REPORT

Fire Chief Perez reported on the following:

- Fire Department training this month was focused on head trauma.
- Participated in a Cinco de Mayo celebration with Los Ranchos Elementary School and conducted four station tours.
- Construction drawings for new Fire Station went before Planning & Zoning and were approved.
- Seven new volunteers completed their probationary rotation.
- Talks continue to move forward with Bernalillo County Fire Department regarding a possible merger of the departments. Should have some concrete facts and figures for the Board to review in June.
- There were 71 calls for the month of April and 330 calls to date.
- Printed out average times that each call requires: reaction time (the minute the call is toned to the time that the individuals are in the trucks and rolling) = 1.86 minutes; response time (time it takes to actually get to the call) = 6.61 minutes; time on call with a patient = 21.54 minutes.

5. FINANCIAL BUSINESS

A. CASH REPORT – APRIL

Treasurer Haines stated that the ending cash balance of \$2,717,018.34 was an increase of \$269,791.75 from the prior month. She said included in that \$269,000 was a State grant received for the open space. She said the year-to-date expenditures exceeded revenues by \$4,679,641.85 which was primarily due to the open space bond and purchase of the land. She said the year-to-date revenues in excess over expenditures without the bond proceeds and open space would be \$507,157.38.

Trustee Lopez asked if all the construction in the Village has been paid for and Treasurer Haines indicated that it has been.

Treasurer Haines said they have received the proposals for audit services and she, Kelly and Gil are currently rating them in accordance with State format. She expects to have everything done by June 1.

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

VOTE: The motion carried unanimously, 3-0.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-5-1 – REVISING THE 2008/2009 FY BUDGET- REDUCING CAPITAL EXPENDITURES FROM THE GENERAL FUND BY \$87,219.81

Administrator Ward said the spreadsheet in the Board packets shows where they are removing some capital expenditures and projects that they anticipated doing in this fiscal year that will not be done. He said they are trying to bring the budget numbers in line with what the starting balance will be in the budget that they will ask the Board to approve. He said they added in the Anderson open space purchase which took up a large piece of what they had anticipated spending. He said the net result is a reduction of \$87,219.81

Trustee Lopez asked what was going to happen with the Village Center property purchase.

Administrator Ward said they are anticipating that they will purchase an additional property in the next 10 days and will use the remainder of that money.

Trustee Lopez asked how they will handle the gateways.

Administrator Ward said he is putting that on hold because he does not anticipate taking any action on this in the next 45 days.

Trustee McDonough said he thought the gateways had some funding behind them.

Administrator Ward said the Village match for the 4th Street gateways will be kept in there.

MOTION: Trustee McDonough moved to defer Item 5.B. to the next Board of Trustees meeting. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

C. DISCUSSION AND APPROVAL TO SUBMIT TO DEPARTMENT OF FINANCE THE INTERIM BUDGET FOR FY 2009/2010

Administrator Ward said based on their conversation during the Special Meeting on the Budget, the main change was to zero out all capital appropriations.

Trustee Lopez said he noticed that you start out with a deficiency of \$287,000 in July and end up with a plus \$287,000 at the end of the year. He said he thinks that is very good but he understands that it does not mean they have any extra money.

Administrator Ward said that is correct.

Trustee McDonough said it appears the only change from what they discussed at the Special Board meeting was the capital outlay.

Trustee Lopez asked where the new fire station fits into the big picture.

Trustee Ward responded that the Village has available funds and the Board will see the site plan in June. He said they are prepared to go out for bid and to build the project.

Mayor Abraham said if the Fire Department merger goes through, they would be operating out of the Village's fire station. He said they are talking about tripling the available manpower. He said the plans may have to be changed a bit for the living quarters. He said they would be going from a 4-man crew to a 10-man crew which would cover the entire area.

Trustee Rael said sometime ago there was discussion about using the other building for housing the firefighters.

Mayor Abraham said they are going to keep the existing building and probably use it for a training and meeting hall. Because of building codes, he said the fire station will need to be separate.

MOTION: Trustee McDonough moved approval of the Interim Budget for FY 2009/2010. Trustee Rael 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

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

Planner Seebach discussed Planning Report No. PZ-09-33. She said the project is to build a 13,146 square foot gymnasium on the 3.57 acre Alameda Bible Church and Victory Christian School complex. She said the church and school are an allowable use in the C-1 Zone with a conditional use permit. She said the variance requests from the required 25 foot setback for property abutting an irrigation ditch or canal and from the required 26 foot height limit to allow for 36 foot height for a gymnasium were approved by the Planning & Zoning Commission at the preliminary site development plan hearing. She said the Planning & Zoning Commission forwarded to the Board of Trustees a recommendation of approval of

the Site Development Plan for commercial construction of a school gymnasium in the C-1 Zone with conditions and findings.

Trustee McDonough asked if the Board had any action regarding the height variance since Planning & Zoning had already approved it.

Planner Seebach responded that according to the Matrix and the Designation of Authority, the Planning & Zoning Commission has approval on variances and other than an appeal, it would not come to the Board.

Trustee McDonough asked how many notifications on this item went out to property owners.

Planner Seebach said she would have to get the file but it was a public notice for 400 feet around the property, but those were large properties and there were not that many of them. She said the notices go to property owners whether they are in the Village or Bernalillo County.

Mark Baczek, 10305 Timin Place NW, Albuquerque 87114, said on behalf of the Alameda Bible Church, home of Victory Christian School, they request approval of their Site Development Plan for building permit. He said for the record, they have modified the grading and drainage plan and they have modified their landscape plan to include a courtyard between the new building and the existing building. He said they will look for the Board's recommendation insofar as Planning & Zoning's request for a change in the landscape.

Trustee Lopez asked if their landscape plan is different from the one Planning & Zoning recommended.

Mark Baczek responded that it is different in that they had it landscaped between the buildings and Planning & Zoning suggested that they add some landscaping east of the gymnasium and they would exchange trees from their buffer if that is what the Board directs them to do. He said they created a 15 foot landscaping buffer along the entire south property line.

Trustee McDonough asked why the gymnasium has to be 36 feet tall.

Mark Baczek responded that the requirements for clearance in a volleyball and basketball gymnasium are a minimum of 20 feet. He said when you add structure and the roll-up divider curtain on top of that, plus the pitch, you end up with 36 feet. He said that they initially came before Planning & Zoning Commission for a sketch plat review and they took the lowest possible pitch that they could at that time. However, he said Planning & Zoning felt that the school needed to try harder to achieve design compliancy with the design characteristics. He said therefore they took what was a relatively flat average per foot pitch and increased it quite a bit in order to create the Northern New Mexico style.

Trustee McDonough asked if the Fire Chief was okay with the plan.

Chief Perez said he has worked together with the school and he is okay with the plan.

Mayor Abraham said he has gone through all the handouts on the school and he is impressed with the school and the operation. However, he said he is still concerned about Mr. Frey's hesitancy to use Los Ranchos as his address. He said he needs to understand why Mr. Frey refuses to use Los Ranchos as his address.

Glenn Frey, 5304 Calle Nuestra NW, 87120, School Superintendent and Minister of the Church said six years ago when they were asked by the Village to be annexed they had several concerns. He said one of those was the preliminary work they had already accomplished with the County on the possibility of building a gymnasium. He said they had done quite a bit of work on zoning, parking, and drainage and they were concerned that it might all be thrown away and they would have to start over because they would be in the Village. He said at a Board of Trustees meeting they asked him to meet with the Mayor to discuss those concerns. He said he met with the Mayor and a letter was drafted accepting what they had done up until that point. He said all this occurred in June 2003.

Mayor Abraham said he had all the Minutes from those meetings transcribed and there is nothing that refers to the hesitancy to use Los Ranchos as the address. He said it lists Mr. Frey's two concerns and there was nothing ever done in front of the Board of Trustees that would have said it was okay to use Albuquerque as the school's address. He said he just doesn't understand where using Los Ranchos hurts the school.

Glenn Frey said his second concern at the time was whether they would be able to use Albuquerque as part of their address. He said they have a hard time, even though they are located in the middle of the greater metropolitan area, letting people know that Victory Christian School even exists. He said they don't have a lot of money to spend on advertising. He said a lot of people who live on the greater edges of Albuquerque, Rio Rancho and the west side do not know exactly where Los Ranchos is. He said their second biggest concern for recruiting students in the school and new families in the church is that people use the internet and if they are looking for the school they would type in Albuquerque, they would not know to type in Los Ranchos. He said that was not addressed specifically in the letter the Mayor had given them. He said he does have a subsequent letter from the Mayor where he does remember the conversation about using their address and it was not a concern with the Mayor or the Trustees at that point. He said they had no problem whatsoever with the school using their address as Albuquerque and being annexed into the Village at that point.

Mayor Abraham said he can appreciate that concern but he knows that they are members of the Association of Christian Schools International and when you Google that there are 27 accredited schools in New Mexico and 13 of them are in Albuquerque. He said they are in Zuni, Rehoboth, Ruidoso, Estancia, Tijeras, etc. He said when you put out a handbook, it should indicate where you are located. He said you are not recruiting off your handbook. He said he has a real problem being proud of them as a school in this community if they refuse to use their own community's address. He said, quite honestly, they are in Los Ranchos and he believes it is a deception to use Albuquerque and he believes it should say Los Ranchos.

Glenn Frey said the current agreement between the Board of Trustees and the school and church Board allows them to use Albuquerque as their address.

Mayor Abraham said that is not true and there is nothing between the Board of Trustees and the school that allows them to use Albuquerque. He said there is nothing in the minutes,

there is nothing that has been voted on, there is no legal binding agreement at all. He said they are in Los Ranchos, plain and simple.

Trustee Rael said he was on the Board of Trustees during that time and this issue was never brought up.

Trustee Lopez said what he remembers is Administrator Hank Rosoff coming to them in early June of 2003 and telling them they had to do this annexation immediately. He said he does not remember anything about the address.

Glenn Frey asked if he could read a letter from former Mayor Hooker.

Mayor Abraham said Mayor Hooker has no authority to say they can use Albuquerque. He said the Board is the binding authority. He said he tried to work this out with Mr. Frey in a separate meeting and he didn't get anywhere. He said this Board has the authority to make it a condition that they use Los Ranchos as their address.

Glenn Frey said this is an issue that needs to go before the School and Church Board; he does not have the authority. He asked if he could read the letter from former Mayor Hooker into the record and Mayor Abraham told him to go ahead.

"Mr. Frey,

Using Los Ranchos in your business address and advertising is not an issue during my time as Mayor and the Trustees did not make that a condition of annexation of this school or those who were your neighbors then. When the Village approached you and your neighbors on El Pueblo Road during my time in office especially Albuquerque versus Los Ranchos in addresses seemed moot as the postmaster told me and my predecessors that there was no hope of getting a new zip code for the Village. Los Ranchos would continue to be divided between 87107 in Albuquerque and 87114 for Alameda or Albuquerque."

"I appreciate that the Mayor has convinced the postal service to allow the use of Los Ranchos as the new zip code now that should not affect your marketing for the school or the identity of your school serving the metropolitan region."

"If I can be of any further help to you and the school, please call for the information."

Trustee Lopez asked Attorney Chappell to comment on whether this is an issue that the Board of Trustees should deal with.

Attorney Chappell said there are a number of issues with respect to addressing businesses. He said his impression of the Postal Service requirements is that you are supposed to address it in the context of your municipality. He said he is not sure that what they are talking about here is a Postal Service type address. He said he believes it is important for the Village to maintain a Village address because of Gross Receipts Tax, other things that are reported with respect to construction are generally attributed to the address and therefore if the construction goes forward under an Albuquerque address, then all the Gross Receipts Tax would be remitted to Albuquerque and not Los Ranchos.

Trustee Lopez said if the Board of Trustees makes this issue a condition of approval, then the applicant can either comply or not comply.

Attorney Chappell said they can either comply or appeal that decision to the District Court. He said from a practical basis, he would hope that some compromise could be reached on how they use their advertising material and their legal address in a way that did not involve that.

Attorney King said in Ordinance 24.E.6. it says you can take into account overall health and safety of the community in approving a Site Development Plan.

Trustee McDonough said they have had this discussion with different businesses repeatedly. He said he understands the initial concerns about using Los Ranchos but for the past 5 years there has been a tremendous effort to educate Albuquerque metropolitan area about the Village of Los Ranchos and what is so special about it. He said he thinks more and more people have stepped back and reconsidered that idea and believe that there is a benefit of being associated with Los Ranchos. He said it is difficult for the Board to accept the fact that they are creating variances for this facility, they are bending the rules for the facility and yet the school and church don't want to openly be part of the community. He said he would offer that this item be deferred for a month so that they can have an opportunity to talk to the Church and School Board at their meeting on June 4.

Mayor Abraham asked if there was anyone who wished to speak for or against this final Site Development Plan and no one responded.

Glenn Frey asked if it would be possible for the Board to approve the plan itself so they could go ahead with construction drawings, if the address is the only concern the Board of Trustees has at this point.

Trustee Rael asked if Mr. Frey thought his Board would approve it.

Glenn Frey said he hopes that there would be some middle ground where both sides could find something appropriate regarding the address.

Attorney Chappell said there is nothing that the Village can do that says you can't go ahead and start your construction drawings. He said if this item is going to be deferred and have it come up later, there needs to be something in the resolution that would say if the school does proceed with construction drawings and it is declined that that expenditure does not create any rights to require approval of the issue at a later date. He said, in other words, since there have been no comments about the drawings, but the expenditure of funds on construction drawings should not be done in anticipation that it will be approved if this issue is not resolved.

MOTION: Trustee McDonough moved that this item be deferred until the Board's June 10 meeting. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

B. A REQUEST BY SCOTT WHITTINGTON FOR FINAL SITE DEVELOPMENT PLAN APPROVAL FOR A MAJOR (5 LOT) SUBDIVISION IN THE C-1 ZONE. THE PROPERTY IS LOCATED AT 6137 AND 6203 2ND STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED 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 29, 2006. THE PROPERTY CONTAINS 9.9 ACRES MORE OR LESS. SDP-09-03

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

Planner Seebach read Planning Report No. PZ-09-31. She said the application is for a Site Development plan for a 9.9 acre subdivision in the commercial C-1 zone. She said lot sizes in the subdivision are from 1.5141 to 3.0203 acres. She said each lot within the subdivision will require a Site Development Plan for commercial construction. She said the Planning & Zoning Commission forwarded to the Board of Trustees a recommendation of approval for the Site Development Plan for the major five lot subdivision with conditions and findings.

Trustee Rael said he recalls that when this area was annexed it was under a residential zoning, not commercial.

Mayor Abraham said he believes it was annexed in as C-1 but they had planned a residential development. He said with the current economy, they instead are going with the highest and best current use.

Sheldon Greer, GND Engineering Consultants, 10224 Green River Place, Albuquerque 87114, said he was not part of the original application but his understanding was that the property was always zoned C-1 and there was some desire at that time to maybe do a mixed use of commercial and residential.

Trustee McDonough said as he reads the water and sewer availability, it contemplates an 8 inch sewer line that goes through the property.

Sheldon Greer said he is not personally familiar with the availability, but the plan has been through review by the Water and Sewer Authority and they are in concurrence with the proposed infrastructure.

Jeff Jesionowski, 10408 Morning Star Dr., Albuquerque 87101, said he is a member of 2nd Street Partners. He said about 2 years ago it was annexed into the Village as C-1 with the idea that it could go residential or commercial. He said in order to try to develop the property, they went the commercial route. He said HD Supply who is on the property now is under a letter of intent with them to do a new facility on the other side of the street. He said HD Supply will be operating where they are while they are building the road and a new building for them across the street. He said they also have the back parcel under contract. He said regarding the water and sewer, initially it was a 6 inch line that would have been a dead end and every lot would be limited in size based on how much water was available for fire. He said therefore they opted for the 8 inch line to connect to 4th Street. He said as far as sewer, they opted for the grinder pump and a forced main which will be a property owner

maintenance issue. He said they will put in their covenants that this is in the Village of Los Ranchos and should have a Village of Los Ranchos address.

Trustee McDonough asked whether it will be standard curb and gutter.

Jeff Jesionowski said it is standard curb and gutter which will drain into the southwest corner into the big pond and maintenance of the pond will be the responsibility of the association. He said the pond will be able to discharge the water into the ground within 96 hours.

Trustee McDonough asked how they came up with the size of the pond.

Sheldon Greer responded that there were assumptions made in the hydrology and any subsequent submittal for site plan would have to demonstrate that they meet those assumptions for impervious areas, which was 85%.

Jeff Jesionowski said the billboard is currently under contract to a billboard company and the lease runs through 2010. He said regarding the sign, he was told to make it more Village friendly and as soon as someone describes for him what that means, he will draw it.

Trustee McDonough asked if it was a private road or dedicated.

Jeff Jesionowski said it will be a private road.

Chief Perez asked if the road that is going over the Alameda Drain has been licensed as a crossing and is able to hold the weight of 55,000 lbs. for fire apparatus. He said he would like to see those documents made part of the file.

Jeff Jesionowski said they actually had to get 4 licenses because there are two canals to cross there. He said they needed to get the water and sewer and a crossing so each one has two different permits. He said he will check to be sure that the weight limits are correct.

Mayor Abraham asked if there was anyone else who wanted to speak for or against this subdivision application and no one responded.

MOTION: Trustee Rael moved to approve the final Site Development Plan for the major five lot subdivision contingent upon addressing Chief Perez's concern about the bridge capacity of 55,000 lbs. and with the following 11 Conditions (Condition 12 was deleted) and 5 Findings:

Conditions: 1) Preliminary Final for Subdivision S-09-03 be approved by the Trustees. 2) All utility systems shall be underground. 3) The Grading and Drainage Plan has been reviewed. The final plan to be submitted needs to meet the requirements of the Village designated engineer. 4) 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. 5) Three fire hydrants service the subdivision per the Los Ranchos Fire Marshal. 6) Development on each individual lot will be required to obtain Site Development Plan approval for commercial construction. 7) Each lot listed for sale must obtain a Parcel Permit from the Village. 8) The North Valley Business Park sign is approved

as presented. A sign permit must be obtained from the Village. 9) A Subdivision Improvement Agreement shall be executed prior to the recording of the Final Plat. 10) 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. 11) Disposition of the billboard must meet Ordinance 183, Section 21 (C) (1) unless a specific agreement is enacted by the owners at the time of subdivision approval.

Findings: 1) The 2010 Master Plan 4.7.2. Commerce Goal: To revitalize the 4th Street area as the Village's major commercial and mixed use corridor through both public and private efforts. 2) The 2010 Master Plan 4.7.2. Policy B: The Village will recognize and enhance the commercial activities. 3) The 2010 Master Plan 4.7.2.1 Objective: Create a business climate in which businesses flourish. 4) The proposed sign meets the requirements of Ordinance 183, Section 21(E)(3). 5) The application meets the requirements of Ordinance 183, Section 24(E)(1).

Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 3-0.

C. A REQUEST BY SCOTT WHITTINGTON FOR FINAL PRELIMINARY PLAT APPROVAL FOR A MAJOR (5 LOT) SUBDIVISION IN THE C-1 ZONE. THE PROPERTY IS LOCATED AT 6137 AND 6203 2ND 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 29, 2006. THE PROPERTY CONTAINS 9.9 ACRES MORE OR LESS. S-09-01

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

Planner Seebach read Planning Report No. PZ-09-32 and noted that this is the companion file for the subdivision application for the 9.9 acres of land divided into 5 commercial parcels. She said the Planning & Zoning Commission forwarded to the Board of Trustees a recommendation of approval for the major five lot subdivision with conditions and findings.

Attorney Chappell said in the Findings and Conditions that were made on the Site Plan approval and here, it needs to reflect the requirements of the load capacity and other things indicated that had to be reviewed before this would be approved. He said if you are going to make that a condition, it needs to appear in one of the approvals and not just in discussion.

Trustee Lopez said it was read into the record by Trustee Rael and this motion is identical and so is this approval.

Attorney King said #11 contradicts the Village's ordinance and she believes it should read: "The bill board must meet Ordinance 183, Section 21(C)(1) unless a specific agreement to retire that billboard sooner is enacted by the owners."

MOTION: Trustee Lopez moved to approve the site development plan for the major five lot subdivision in the C-1 Zone with the following conditions and findings:

Trustee McDonough said it is the final preliminary plat.

Trustee Lopez said that is not what it says, it says site development plan.

MOTION: Trustee Lopez moved to approve the final preliminary plat for the major five lot subdivision in the C-1 Zone with the following conditions and findings:

Conditions: 1) The Preliminary Final Plat for Subdivision S-09-03 be approved by the Trustees. 2) All utility systems shall be underground. 3) The Grading and Drainage Plan has been reviewed. The final plan to be submitted needs to meet the requirements of the Village designated engineer. 4) 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. 5) Three fire hydrants service the subdivision per the Los Ranchos Fire Marshal. 6) Development on each individual lot will be required to obtain Site Development Plan approval for commercial construction. 7) Each lot listed for sale must obtain a Parcel Permit from the Village. 8) The North Valley Business Park sign is approved as presented. A sign permit must be obtained from the Village. 9) A Subdivision Improvement Agreement shall be executed prior to executing the final plat. 10) A financial guarantee instrument in the amount of 125% of the estimated infrastructure costs must be submitted with a subdivision improvement agreement for infrastructure that is required for the subdivision. 11) Disposition of the bill board must meet Ordinance 183, Section 21(C)(1) unless a specific agreement is enacted to retire that bill board sooner by the owners at the time of the subdivision approval.

Findings: 1) The 2010 Master Plan 4.7.2. Commerce Goal: To revitalize the 4th Street area as the Village's major commercial and mixed use corridor through both public and private efforts. 2) The 2010 Master Plan 4.7.2. Policy B: The Village will recognize and enhance the commercial activities. 3) The 2010 Master Plan 4.7.2.1 Objective: Create a business climate in which businesses flourish. 4) The proposed sign meets the requirements of Ordinance 183, Section 21(E)(3). 5) The application meets the requirements of Ordinance 183, Section 24(E)(1). 6) The load capacity of the existing bridges must meet your Fire Department's requirements.

Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

7. OLD BUSINESS

A. DISCUSSION AND APPROVAL TO ADOPT 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 said this is an amendment to correct some technical discrepancies with the Site Development Plan ordinances and also to exclude commercial subdivisions where individual lots are going to be sold separately from the requirement of a complete site development plan. She said the Subdivision Ordinance requires that a grading and drainage plan, an infrastructure plan, a utilities plan and certain plans be submitted but there are certain plans that cannot be submitted because the lots to be sold have not yet been decided what they are going to be and they will be individually coming back for a Site Development Plan for their construction. She said the second issue was to correct the pond emptying time from 24 hours to 96 hours for natural percolation into the soil. She said the third thing was the variance ability that was built into the ordinance in case at some point in time they need a variance there was a mechanism to do that.

MOTION: Trustee Lopez moved approval of the 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). Trustee Rael seconded the motion.

Mayor Abraham noted that this would be officially Ordinance No. 223.

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

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF EMPLOYEE HEALTH BENEFITS INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE AND THE VILLAGE OF LOS RANCHOS

Administrator Ward said this is the intergovernmental agreement with the City of Albuquerque to utilize their contract for providing benefits to employees.

MOTION: Trustee Lopez moved approval of the intergovernmental agreement between the City of Albuquerque and the Village of Los Ranchos for employee health benefits. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 3-0.

9. TRUSTEES INFORMAL DISCUSSION

Lorilee McDowell said they are having a special event on Saturday, May 16, which is Old Vehicle Day and there will be a press release in the *Journal* about it. She said they are also having an event on May 30th which will be the first annual canine celebration.

Mayor Abraham announced that Trustee Homan was excused because she is out of town.

10. ADJOURNMENT

The meeting was adjourned at 9:20 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