

MINUTES

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

BOARD OF TRUSTEES REGULAR MEETING

September 9, 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

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, September 9, 2009 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

Mayor Abraham stated that a closed meeting was held at 6:00 p.m. and only those items stated on the posted notice for the closed meeting were discussed.

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

VOTE: The motion carried unanimously, 3-0

A. APPROVAL OF AGENDA

Mayor Abraham said he would like to defer Item 8.C., Discussion and Approval of a Lease between the Village of Los Ranchos and David Montoya, to the October 14, 2009 Board meeting.

MOTION: Trustee McDonough moved approval of the Agenda with the deferral. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

Mayor Abraham moved Item 8.A. for discussion and approval prior to Item 2 on the Agenda.

A. DISCUSSION AND APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF BERNALILLO AND THE VILLAGE OF LOS RANCHOS TO MERGE FIRE AND EMS FUNCTIONS OF THE VILLAGE OF LOS RANCHOS WITH BERNALILLO COUNTY FIRE DEPARTMENT

Chief Perez said this proposal is to merge the Los Ranchos Fire Department with the Bernalillo County Fire Department. He said it has been in the works for about a year. He said he proudly hands over the department to Bernalillo County and believes that it is the right thing to do for the Village residents and employees. He said this move will permit the Los Ranchos firefighters to have continued success in their chosen profession in a strong department.

Trustee Lopez asked Chief Perez what his new roll will be in Bernalillo County.

Chief Perez said his position will be as a Commander and he will be the liaison between the Village and Bernalillo County. He said the majority of the group will be stationed at the Village until July of 2011. He said there is a possibility of three (3) individuals being moved to another location in January 2010 but that is not a final decision.

Bernalillo County Fire Chief John Garcia said this merge will allow them to do things more efficiently and more effectively. He said they will now train together and be housed together. He said the fire service is a big family. He said this will finally do what they have needed to do for some time and it is an exciting time for everyone.

Mayor Abraham said he believes this is a win-win situation for everyone. He said Commissioner Armijo has been a great friend to the Village and he appreciates everything Commissioner Armijo has done.

Commissioner Alan Armijo said he has been involved with the whole issue. He said public safety has been a big issue with him and since Chief Garcia has joined the County, they have expanded the department and given them the money to buy new equipment and fund new positions. He thanked the Village for working with the County and the good cooperation he has had with the Mayor and Trustees.

Mayor Abraham said he has appreciated what a great Fire Department the Village has had and that they will be a great asset to Bernalillo County. He said the Fire Department will still be part of the Village community and part of the Agreement said that a lot of the community things (4th of July, Easter, etc.) the Fire Department has done in the past will continue.

MOTION: Trustee Rael moved approval of the Intergovernmental Agreement between the County of Bernalillo and the Village of Los Ranchos to merge Fire and EMS functions of the Village and the County. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 3-0.

2. PUBLIC COMMENT PERIOD

Doug Gillis, 364 La Chamisal, stated that on behalf of the Board of La Chamisal del Norte Homeowners Association and other concerned neighbors and businesses that surround the Calico Cantina located at 6855 4th Street. He said in April 2009 the Calico Cantina began using their outdoor patio as a music venue at amplifications that carry the music into their yards and inside their homes. He said they have written letters, e-mails and made phone calls to the Village and Michael Baird. He said they also had two meetings with the Mayor, Mr. Ward and Mr. Baird asking that the music be moved indoors, raise the patio walls or eliminate the amplification – all of which Mr. Baird is unable or unwilling to do. He said they are petitioning the Village to enforce the Noise Ordinance. He said the same issue arose two years ago when the previous managers tried to offer outdoor music and the identical situation arose. He said the Village then set precedent by stating that any music offered by the Calico must not be amplified and set up in a manner so as not to disturb the neighborhood. He said he was presenting the Village with the signatures of 33 households and businesses representing 53 adults who are petitioning the Village to continue the precedent from two years ago by treating everyone equally and enforce the Noise Ordinance as it applies to the Calico Cantina.

3. CONSENT AGENDA

A. MINUTES –JULY 8, 2009–Regular Meeting

B. DEPARTMENT AND COMMITTEE REPORTS

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

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

VOTE: The motion carried unanimously, 3-0

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- There has been record attendance at the Growers' Market. They are seeing 1100 and 1200 people on a weekend versus 700 or 800 a year ago.
- He is in receipt of a letter from Ms. Penny Rembe saying they think the Lavender Festival netted very close to \$50,000 this year.

- He wants everyone to join Face Book, including the Trustees. He said they need to figure out how to promote the Village through social networking. He said he currently has about 250 people following “What’s Happening in Los Ranchos” and he would like to get about 1,000 people following by the end of the year. He said he would also like to start an on-line Chamber of Commerce so that all of the businesses can be on-line for communication and synergy.
- He attended the Mayors’ Caucus today in Rio Rancho with Mayor Swisstack and they are doing some exciting things with their Village Center.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- Annabelle is back from her shoulder surgery.
- Arturo is out for shoulder surgery. During his absence, there are two on-call Animal Control Officers.
- Revenue is up and down since the first of the Fiscal Year. We are about \$6,000 off our projected revenue and we will keep a close eye on revenues.
- The main Village offices are hooked up to the sewer and we will hook up the Hartnett Park system to the sewer starting next Monday.
- A Green Waste pick-up will take place during the week of October 12th.
- For the last 6 weeks we have been working to comply with the requirements of accepting Federal money for the Montaño to Chavez bike lane paving project. Expect another couple weeks before paving can begin.
- There is a little money to spend on Green Valley and Ranchitos and we will try to repair the worst sections.

C. PLANNER'S REPORT

Planner Seebach reported on the following:

- Opened two new abatement of dangerous buildings cases this past week. One was so bad that the tenants had to be removed from the building due to high health hazards.
- Letters were sent to those homeowners who had requested a waiver from connection to the sanitary sewer by means of the 200 foot rule. She met with the New Mexico Environmental Department to determine which residences were actually eligible and those letters were sent out. She said this is not an automatic thing; they are encouraging everyone to hook up to sewer.
- Working with Chris Shen to draft the first version of the 2020 Master Plan. She said the 2010 Master Plan is a very solid document from which to work and all she needs to do is update it.
- Received quite a few small building permits and a few new housing starts this month.

D. LEGAL REPORT

Attorney King reported on the following:

- Worked on some leases and a second response to a petition to the Supreme Court of New Mexico.
- Drafted a complaint in a case involving a violation of A-1 zoning.
- Provided litigation updates to our auditors.
- Had an initial meeting with Administrator Ward on getting the Challenger Learning Center started.
- Provided extensive subpoena responses in the Quantum contracting case.

E. FIRE DEPT. REPORT

Chief Perez reported on the following:

- Thanked the Board for their support and that this would be his last report as the Village's Fire Chief. He will continue to promote Los Ranchos and ensure that the residents are as safe as they were when he was Fire Chief.
- Ran 93 calls during the month of August which is up 15 from last year.
- Performed normal EMT training.
- Performed 3 station tours.
- Participated in the New Mexico Marathon by providing all of the emergency care at their aid stations.
- Bid documents for the new fire station continue to move forward and should go out for bid in October.
- Hosted the first ever EMT class led by Village instructors and it was a huge accomplishment. The audience was comprised of officers from the Albuquerque Police Department dive team.

5. FINANCIAL BUSINESS

A. CASH REPORT – JULY AND AUGUST

Treasurer Haines gave a report on the July and August cash reports.

Trustee Lopez said on page 57 of 57, the ending cash and cash equivalents of \$2,900,045, but it shows a year-to-date budget variance of \$174,954. He asked what Treasurer Haines attributes that variance to.

Treasurer Haines responded that this is a potential error.

MOTION: Trustee Lopez moved approval of the July and August Cash Reports. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 3-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY LOS POBLANOS LIMITED PARTNERSHIP FOR A RESTAURANT BEER AND WINE LICENSE FOR LOS POBLANOS INN AND CULTURAL CENTER IN THE SU-1 ZONE OF SOUTH RIO GRANDE CHARACTER AREA B. THE PROPERTY IS LOCATED AT 4803 RIO GRANDE BLVD AND IS LEGALLY KNOWN AS TRACT A1, LANDS OF ALBERT SIMMS III, FILED 7/6/67 VOL. B4 FOLIO 97 AND WARRANTY DEED FILED 9/16/78 VOL. D14A FOLIO 811-813 AND PLAT OF TRACTS A2A AND A3A, A REPLAT OF TRACTS A2 AND A3, LANDS OF ALBERT SIMMS II, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO, DECEMBER, 1998. THE PROPERTY CONTAINS 25.6371 ACRES, MORE OR LESS.

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

Planner Seebach said in December 2007 the Board of Trustees approved amendments to conditions for Los Poblanos Inn and Cultural Center. She said Condition #3 was that the owners may own and use at the property a Beer and Wine License. She said this is the public hearing for the Beer and Wine License for the Inn. She said everything is in order and all the terms required by the Alcohol Gaming Division have been met. She said the Department recommends approval.

MOTION: Trustee Rael moved to approve the issuance of Restaurant Beer and Wine License Application #A-592504 for the Los Poblanos Inn and Cultural Center in the SU-1 Zone with the following conditions:

The Conditions are:

1. Los Poblanos Inn and Cultural Center meet all the conditions and regulations required by the State Licensing Division;
2. All Village zoning requirements are met and adhered to in the operation of the business.

The Findings are:

1. On December 12, 2007, the Board of Trustees approved Los Poblanos Inn and Cultural Center SU-1 Zone for a restaurant beer and wine license.
2. The proposed location is not within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico; the issuance or transfer is not in violation of a zoning or other ordinance of the governing body; the issuance will not be detrimental to the public health, safety or morals of the residents of the local neighborhood.
3. Public notice requirements have been met as per the New Mexico Alcohol and Gaming Division by publication in the Albuquerque Journal on August 24 and August 31, 2009.

4. Public Notice was sent by mail to all neighbors within 400 feet of the property on August 21, 2009.
5. The applicant received notice of date, time and place of public hearing by certified mail. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 3-0.

B. A REQUEST BY D. MCCALL, AGENT FOR PATTY AND MICHAEL ANDERSON FOR FINAL SITE DEVELOPMENT PLAN FOR A MAJOR (5 LOT) SUBDIVISION IN THE A-1 ZONE OF THE SOUTH RIO GRANDE CHARACTER AREA B. THE PROPERTY IS LEGALLY KNOWN AS TRACT 6-A-2 OF TRACTS 6A-2 AND 6A-4 OF TRACTS 6A-1 THROUGH 6A-6 LOS POBLANOS RANCH (BEING A REPLAT OF A PORTION OF TRACT 6, LOS POBLANOS RANCH) SITUATED WITHIN THE ELENA GALLEGOS GRANT, PROJECTED SECTIONS 30, 31 AND 32, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED OCTOBER 30, 1995, IN VOLUME 95C, FOLIO 893, OF THE RECORDS OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS 11.9607 ACRES MORE OR LESS. SDP-09-04

Planner Seebach read the Planning Report. In summary the proposed Subdivision will be 6.9607 acres Tract 6.A-E will remain undeveloped and under the Anderson's ownership. The subdivision is proposed to be divided into four (4) parcels for residential use. The site development plan is required for residential subdivisions. All of the site development plan requirements have been met. The Planning and Zoning Commission forwarded a recommendation of approval for Final Subdivision Site Development Plan for a major (5 lot) subdivision in the A-1 Zone of the South Rio Grande Character Area B with conditions and findings.

MOTION: Trustee McDonough moved approval of the final subdivision Site Development Plan for a major (5 lot) subdivision in the A-1 zone of the south Rio Grande character area B with the following conditions:

The Conditions are:

1. The grading and drainage plan must be implemented as approved.
2. The site must be developed according to the approved Site Development Plan.
3. 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.
4. All new utilities to be installed underground.
5. All homes will have to be sprinkled for fire protection.
6. All development shall be carried out in accordance with the applicable state laws and Village ordinances.

The **Findings** are:

1. The proposal complies with the 2010 Master Plan, Section 4.1.2 Village Form Goal 4.1.2.2 Policy A. The Village will promote private development that is in keeping with Village scale.
2. Master Plan goal 4.6.2. The goal is to maintain residential development in keeping with the rural and diverse character of the Village.
3. Policy A. The Village will enforce zoning densities and design requirements in residential areas.
4. Public notice requirements have been met.
5. Residences are a permissive use in the A-1 zone.
6. The plan shows the 280 foot setback from Rio Grande Blvd. for lot 6-A-2-A as required and appropriate setbacks for the other lots.
7. The Site Development Plan meets the requirements of Ordinance 183 as amended, Section 24(E) (1).
8. Satisfactory provisions have been made for water and liquid waste facilities;
9. Satisfactory provisions have been made for on-site drainage and storm water runoff;
10. A utility plan and a statement of water and sewer availability accompany the application;
11. The Fire Department requirements have been met; the existing fire hydrants on Thanksgiving Farms Lane have been determined to be adequate;
12. The houses will be sprinkled as determined by the Fire Marshall.

Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously 3-0

C. A REQUEST BY D. MCCALL AGENT FOR PATTY AND MICHAEL ANDERSON FOR A FINAL PRELIMINARY PLAT FOR A MAJOR (5 LOT SUBDIVISION IN THE A-1 ZONE OF THE SOUTH RIO GRANDE CHARACTER AREA B. THE PROPERTY IS LEGALLY KNOWN AS TRACT 6-A-2 OF TRACTS 6A-2 AND 6A-4 OF TRACTS 6A-1 THROUGH 6A-6 LOS POBLANOS RANCH (BEING A REPLAT OF A PORTION OF TRACT 6, LOS POBLANOS RANCH) SITUATED WITHIN ELENA GALLEGOS GRANT, PROJECTED SECTIONS 30, 31 AND 32, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED OCTOBER 30, 1995, IN VOLUME 95C, FOLIO 893, OF THE RECORDS OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS 11.9607 ACRES MORE OR LESS. S-09-02

Planner Seebach read the Planning Report. The application is for a final preliminary plat to subdivide the 11.9607 acres of land into five parcels. The Planning and Zoning Commission has forwarded a recommendation of approval for the Final

Preliminary Plat for a five (5) lot major subdivision in the A-1 Zone of the South Rio Grande Character Area B.

MOTION: Trustee Rael moved to approve the Final Preliminary Plat for a five (5) lot major subdivision in the A-1 Zone of the South Rio Grande Character Area B with the following conditions:

The Conditions are:

1. Site Development Plan SDP-09-04 shall be implemented as approved.
2. Implementation of the grading and drainage plan as approved will be deferred until the first lot is sold and building plans submitted for zone review.
3. All utility systems shall be underground.
4. A Subdivision Improvement Agreement be executed by the subdivider prior to recording of the Final Plat which guarantees completion of the required improvements with deferral of the grading and drainage plan implementation costs. The format of agreement shall be set forth by the Village Attorney and be accompanied by a suitable improvements guarantee in the amount of 125% of the costs estimated by a Licensed Professional Engineer with concurrence by the Village. Such guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the Commission or Board. All improvements shall be certified by a Licensed Professional Engineer and completed to the satisfaction of the Village Engineer.
5. A letter of agreement be drawn between the Village and Mr. McCall agreeing that at the time of sale of the first lot, a second Subdivision Improvement Agreement be executed for the bond amount of 125% of the grading and drainage plan installation costs.
6. Lot 6-A-2-A will maintain the 280 foot setback requirement from Rio Grande Boulevard.
7. The house on lot 6-A-2-A will face Rio Grande Boulevard with the garage entrance off of Thanksgiving Farms Lane.
8. The house on lot 6-A-2-A will be limited to one story and not exceed 17 feet in height to top of pitch or parapet.
9. The house on lot 6-A-2-A shall have an allowable Floor Area of 12,646 square feet which shall also include covered patios, porticos and any under roof outdoor living area.
10. An irrigation easement will be granted for each of the subdivided lots.
11. Codes and/or covenants for the subdivision will be reviewed by the Village for conformance with Village Ordinances and a copy must be filed with the Bernalillo County Clerk at the time of filing of the Final Plat.
12. Further subdivision rights for Tracts 6-A-2-A, 6-A-2-B, 6-A-2-C and 6-A-2-D retire with this subdivision and this statement will be noted on the subdivision plat as a requirement for recording.
13. 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.
14. All homes must be sprinkled for fire protection.
15. The statement shall be noted on the subdivision plat as a requirement for

- recording: Homeowners in the development retain all the rights granted in the Village Master Plan and in the Village Zoning Ordinance for the A-1 Zone.
16. All development shall be carried out in accordance with the applicable state laws and Village ordinances.

The Findings are:

1. The subdivision maintains the rural atmosphere; is suitable for residential use; has adequate surfaced streets and emergency access; shall have utilities buried; preserves major trees and acequias; is reasonable in relation to the South Rio Grande Character Area; was publicly-noticed on August 24, 2009 with notice sent to residents within 400 feet of the property; has not been filed with the County Clerk's office nor transferred; was accompanied by an application and processing fee; depicts the location of all present property lines, streets, irrigation easements and facilities, and other existing features and similar information for the land immediately adjacent thereto; depicts the proposed location and width of all proposed streets, utility and irrigation easements; depicts the location and size of the nearest water mains and sewer lines; is accompanied by a letter of water and sewer availability; contains the title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the subdivider and the owner of the tract, with the address to which any notice is to be sent.
2. The subdivision's proposed use and density meets the requirements Section 6(A) of the zoning ordinances for A-1 zoning which provides "Low density residential development is permitted in this zone at one (1) dwelling unit per acre." It meets the requirements of Section 6(E)(1) which provides "The minimum lot area shall be one (1) acre (43,560) square feet. The minimum lot width shall be seventy five (75) feet." It meets the requirements of Section 6(E)(3) which requires preservation of open space and vistas and compliance with the 280 foot setback in Rio Grande Character Area B. And it meets the requirements of Section 1 (C) of the zoning ordinances which provides "It is the purpose of this Ordinance to require development and redevelopment of land in the Village in a manner that retains and enhances the economic, historical, architectural, educational, civic, social, cultural, and aesthetic values, and the overall quality of life within the community."
3. A right of way agreement has been obtained from the lot owners of lots 6-A-1-1, 2 and 3 for the subdivision access via Thanksgiving Farms Lane. The previously-platted 25 foot right of way easement on the north side, next to Thanksgiving Farms Lane, has been vacated with this plat.
4. The subdivision conforms to the goals, policies and other provisions of the Master Plan, including Village Form Goal 4.1.2.2 Policy A which provides, "The Village will promote private development that is in keeping with Village scale," and Goal 4.6.2 which provides, "The goal is to maintain residential development in keeping with the rural and diverse character of the Village," and 4.6.2.2 Policy A which provides, "The Village will enforce zoning

densities and design requirements in residential areas.”

5. Site Development Plan SDP-09-04 has been approved for this subdivision.

Trustee Lopez seconded the motion.

Trustee McDonough made a friendly amendment to Trustee Rael’s motion adding the wording “and shall also include” just to clarify both of the calculations of the Floor Area Ratio.

Trustee Rael and **Trustee Lopez** accepted Trustee McDonough’s amendment.

VOTE: The motion carried unanimously 3-0

7. OLD BUSINESS

A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE REVISING CHAPTER 4, BUILDING CODES, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, AMENDING SECTIONS 1, 2, 3 AND ADDING SECTIONS 4 AND 5; PROVIDING FOR ADOPTION OF THE INTERNATIONAL AND NEW MEXICO CODES, ADMINISTRATION, ENFORCEMENT, PERMITTING AND INSPECTIONS, TECHNICAL CODE AMENDMENTS AND REPEAL OF ORDINANCE 154

MOTION: Trustee McDonough moved to defer this item to the October 14th Board meeting. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously 3-0

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF BERNALILLO AND THE VILLAGE OF LOS RANCHOS TO MERGE FIRE AND EMS FUNCTIONS OF THE VILLAGE OF LOS RANCHOS WITH BERNALILLO COUNTY FIRE DEPARTMENT

This item was discussed and voted on after item 1.A

B. DISCUSSION AND APPROVAL OF JOINT POWERS AGREEMENT WITH BERNALILLO COUNTY FOR THE PROVISION OF REGULATION SERVICES OF RESIDENTIAL AND COMMERCIAL CONSTRUCTION WITHIN THE VILLAGE

MOTION: Trustee Lopez moved approval of the Joint Powers Agreement with Bernalillo County. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously 3-0

C. DISCUSSION AND APPROVAL OF A LEASE BETWEEN THE VILLAGE OF LOS RANCHOS AND DAVID MONTOYA

This item was deferred under item 1.A. to the October 14, 2009 Board Meeting.

D. DISCUSSION AND APPROVAL TO ISSUE A REQUEST FOR PROPOSAL FOR THE SALE OF CERTAIN VILLAGE OWNED PROPERTY, WITHIN THE VILLAGE CENTER AREA, AND DEVELOPMENT OF THE VILLAGE PROJECT AREA

Administrator Ward stated that this Request for Proposal is to sell all or a portion of the Village owned property for the development of the rest of the Village Center project area. He said he asking for direction from the Board for the administration to write the Request for Proposal and return to the Board for approval.

MOTION: Trustee McDonough moved to direct staff to prepare the Request for Proposal and return to the Board for approval to advertise. Trustee Lopez seconded the motion.

Trustee Rael asked if he should recues himself because he lives within that property.

Attorney Chappell stated that since there is no formal action he does not think that Trustee Rael needs to recues himself.

VOTE: The motion carried unanimously 3-0

E. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-9-1-IN SUPPORT OF A SMALL ACREAGE CONSERVATION EASEMENT

Administrator Ward stated that the policy of the State is to protect land from development such as preservation of farm land and open space land. There is a tax benefit to the property owner. It would be set through this resolution that the policy of the village is that small parcels are important in land conservation. The resolution will be used in applications as evidence that the Governing Body supports preservation of small acreage parcels for agriculture and open space uses.

Ethan Epstein, conservation attorney stated that this will have a large benefit for agriculture preservation in the Village. This will establish a safe harbor under that law that will hopefully show that residents can actually qualify by making small acreage donations to protect how the village looks now.

MOTION: Trustee Lopez moved approval of the Resolution in support of small acreage conservation easements. Trustee Rael seconded the motion.

ROLL CALL VOTE: McDonough-aye; Lopez-aye; Rael-aye.

VOTE: The motion carried unanimously 3-0

F. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-9-2-ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

Administrator Ward stated that the project list is attached. It is a guide to the community and the State Legislature in order to appropriate these funds for the Village of Los Ranchos.

MOTION: Trustee Rael moved to adopt the Infrastructure Capital Improvement Plan and approve Resolution No 2009-9-2. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously 3-0

ROLL CALL VOTE: McDonough-aye; Lopez-aye; Rael-aye.

G. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN ORDINANCE AMENDING ORDINANCE NO. 178 SECTION 2. A (2) INCREASING THE JUDICIAL EDUCATION FEE TO \$3.00 DUE TO THE 2008 LEGISLATURE AMENDED SECTION 35-14-11 RELATING TO THE IMPOSITION OF FEES BY MUNICIPAL COURT

MOTION: Trustee Rael moved approval to authorize the Village Clerk to advertise the ordinance in summary. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously 3-0

H. DISCUSSION AND APPROVAL OF AMENDMENT NO. 2 TO LEGISLATIVE PROJECT GRANT AGREEMENT NO. 05-L-G-1676 EXTENDING THE PROJECT DEADLINE THROUGH FISCAL YEAR 2011

Administrator Ward stated that this grant agreement clarifies the language on how the money can be used. A few years ago they referenced incorrectly this particular grant in the language change with what went through the legislature and they are just clearing up there records.

MOTION: Trustee Lopez moved approval of Amendment #2 Grant No. 05-L-G-1676. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 3-0

I. DISCUSSION AND APPROVAL OF AMENDMENT NO. 3 TO THE 2008 SEVERANCE TAX BOND GRANT AGREEMENT NO. 08-L-G-5251 EXTENDING THE PROJECT DEADLINE THROUGH FISCAL YEAR 2011

Administrator Ward stated this is money that was authorized for a different purpose and now authorized for the Unser Museum. The grant agreement has been before the

Board and this is the project they have added to the agreement and have until 2011 to spend this particular grant of \$174,000.

MOTION: Trustee McDonough moved approval of Grant Agreement #3 for Grant O8-L-G 5251. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 3-0

J. DISCUSSION AND APPROVAL TO CHANGE THE NOVEMBER 11, 2009 BOARD MEETING DUE TO VETERANS' DAY HOLIDAY

The Board of Trustees agreed to change the meeting to Thursday November 12th.

MOTION: Trustee McDonough moved. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 3-0

K. DISCUSSION AND APPROVAL OF GRANT AGREEMENT AMENDMENT NO. 3 REAUTHORIZING THE AMOUNT OF \$1,859.75 OF THE LEGISLATIVE PROJECTS AFFECTED BY THE LAWS OF 2009

Administrator Ward stated that a letter was received from the Department of Finance that any expenditures and reimbursement requests for the 2009 Fiscal Year must be made by the 15th of September. This grant expired June 30, 2009, but it was extended during the Legislative Session.

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

VOTE: The motion carried unanimously 3-0

9. TRUSTEES INFORMAL DISCUSSION

Trustee Rael reported that on Green Valley Pl all the way east on the south west corner he noticed that there are about four or five cars, but he did not see anyone working on them. Also, on Green Valley Pl as you turn to make a quick right behind Chase hardware, there is a big pot hole.

Trustee Rael reported that he received a call from a resident on Garduño Rd complaining of a house with an address between 542 and 600 that the weeds are taking over the whole property. There is a house that appears that nobody is living there and being ignored.

Trustee Lopez asked about 4th street striping. He said now with the consolidation of the Fire Department the Village is saving money. He presumes that we have now have some plans for that money.

Administrator Ward stated that there is money in the current budget to do things like

restriping.

Mayor Abraham stated that the Noise Ordinance needs to be worked on.

Trustee McDonough asked about the Anderson Open Space. He said at one time there was discussion about forming a group together to look at all this open space and management of this open space. Is there a group working on that? He would like to request that before authorizing work that the board discuss how we are going to manage the open space.

Mayor Abraham said that an inventory of all of the village property needs to be done and brought before the board.

Trustee McDonough asked if the Lavender will give a report on what will be done with the \$50,000?

Mayor Abraham said it is his understanding that they will come and give the board a report at the next meeting in October. On their website it says that any 501 3 C in the Village that has agriculture as their mission can submit a grant application and we have submitted one for \$40,000 to them officially.

10. ADJOURNMENT

The meeting was adjourned at 8:41 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