

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
November 14, 2007 - 7:00 P.M.

Present:

Larry P. Abraham, Mayor
Donald T. Lopez, Trustee/Mayor Pro-Tem
Mary Homan, Trustee
Tim McDonough, Trustee
Pablo Rael, Trustee

Kelly S. Ward, Administrator
Annabelle Silvas, Clerk
Terry Nighbert, P&Z Director
Nancy Haines, Treasurer
Martha King, Attorney
Greg Perez, Fire Chief

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, November 14, 2007 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 Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried unanimously, 4-0.

1. Recognition for firefighters sent to assist with California fires

Mayor Abraham read a statement of recognition for the Los Ranchos Fire Department crew consisting of Fire Marshal Juan Cordova, Lt. Ryan McCarthy, and Firefighters Daniel Lopez and Ray Aragon who were sent to assist with the devastating California fires.

2. PUBLIC COMMENT PERIOD

Janet McNeil, 335 Pueblo Solano, said she has an urgent request that the Village please take her seriously when she says there is a problem on Pueblo Solano. She said traffic has increased and they are speeding, racing, and passing school buses when they are taking on students. She said they can't walk along the road and parents are in fear that someone is going to be killed. She said there is a school bus that picks up and discharges children on a curve. She said something needs to be done and they have completed the Petition for Speed Humps with 100% participation of those on Pueblo Solano and Del Aker.

Will Goldgale, 341 Pueblo Solano, said Pueblo Solano is one of the few through streets between 2nd and 4th Streets and people are speeding. He said if a cop sat on the street he would be busy all day writing tickets. He suggested that they make the street one-way, a cul-de-sac, or add speed bumps.

Elaine Goldgale, 341 Pueblo Solano, said there has been a major increase in traffic with near-misses of accidents. She said she believes speed humps are necessary in order to slow the traffic down. She said it takes her 5 minutes to get out of her driveway at 7:30 a.m. in order to go to work.

Claudia Cole, 323 Pueblo Solano, said she lives on the curve between 4th and 2nd Streets and they definitely need some type of traffic calming on the street. She said there are a lot of school buses going down their street that are empty because they are heading to the lot on 2nd Street. She said there have been a lot of heavy trucks using the street which is one of the reasons they think the ditch has caved in. She said they have had a lot of graffiti right behind her house. She said there are people at the meeting from the County end of Pueblo Solano who are also in agreement. She said they got everybody on their end between the ditch and 4th Street to sign the petition. She said they also went along Del Aker and asked them and the majority said they would support speed humps.

Craig Ilg, 333 Pueblo Solano, said he has a 4 year old daughter and a 2 year old son and they walk Pueblo Solano several times a week. He said the traffic has taught them to look both ways and be careful when walking along the street.

Greg Hawrylyshyn, 330 Pueblo Solano, said he wrote a letter to the Village asking for help with the traffic on Pueblo Solano but they were not greeted with a great response. He said this is not the first attempt by this group of people to have something done about the traffic problems. He said there have been several attempts but to-date nothing has been done.

Rachelle Endean, 330 Pueblo Solano, said their street is very narrow with no sidewalks, but they like that. However, she said traffic has increased and so has the population. She said people are using Pueblo Solano to travel between 4th and 2nd Streets at a high rate of speed, especially at the blind curve since there is no traffic control in place.

Trustee Lopez said the Village will take the Pueblo Solano residents seriously. He said the Village has resources and he believes the Mayor has made a commitment to move forward.

3. CONSENT AGENDA

A. MINUTES – REGULAR MEETING–OCTOBER 10, 2007

There were no additions or corrections to the Minutes.

B. DEPARTMENT AND COMMITTEE REPORTS

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

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

VOTE: The motion carried unanimously, 4-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported that:

- Alltel is the second carrier on the cell tower and they should be up and running within 3-4 weeks. The branches should go back up so that you cannot see the antennas. The Village is presently negotiating with Verizon and they should co-locate on the tower sometime in the first quarter of 2008. Continuing to talk with Sprint and AT&T/Cingular, but they are not yet in contract negotiations.
- Unser Museum continues to upgrade their exhibits and the Museum is open on Sundays with free admission for residents.
- There are two new shops at Los Ranchos Villa: The Wig Lady and Lock Man. Also Barb's Restaurant and Top Dog are awaiting permits from the County.
- They expect the Area I & J sewer project to begin during the first quarter of 2008. This project will also include the bike trails on Rio Grande Blvd.
- The banners on 4th Street are fading but the company will replace them with new wording celebrating the 50th Anniversary of the Village.
- He and Administrator Ward met with Lobbyist Les Houston and the director from Jeff Bingaman's office to discuss federal funding.
- Chris Shen, who works part-time for the Village while attending college, is researching WIFI issues.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported that:

- Arturo Andujo, Animal Control Officer, is out with an injury and we have a loose agreement with Bernalillo County Animal Control to help out if there is an emergency situation with an animal.

- Keen Heinzelman has been hired as the new Code Enforcement Officer.
- They have been working with the U.S. Department of Agriculture on a Wildlife Management Policy due to the complaints about coyotes being aggressive toward domestic animals.
- Working with Unser Museum as they seek to expand their display to include an educational component aimed at mid-schoolers called “The Challenger Program”. The Unser’s will make a formal presentation to the Board when the project is further along.
- They are working with David Montoya on the Blanchard property to put it into cultivation. A tentative plan includes him cleaning up the property, leveling it, irrigating it, feeding it, and putting a walk path around the perimeter.
- At last meeting they discussed Miller’s Feed moving into the Blanchard property on the 4th Street side and they are moving forward with that.
- The Village Center is moving along and the Board will be asked to approve the hiring of appraisers and a title company. He plans to contact each of the property owners to give them a status report and an update on the project.

Trustee McDonough asked if what David Montoya is proposing is strictly agricultural or if some of the land will be used for other things.

Administrator Ward stated that it will be used for alfalfa, no fruits or vegetables. He said there is a fairly large pond that will be rehabilitated and they plan to put some park benches for people to relax and enjoy water fowl that would congregate there.

C. PLANNER’S REPORT

Planner Nighbert reported that:

- Department has been busy with preparing Planning Reports for P&Z meetings.
- A Code Enforcement Officer, Keen Heinzelman, has been hired and he is going through the complaint records and sending out letters requesting compliance with Village codes.
- They sent out all business and home occupation licenses for renewals as of January 1st.
- They are working on the estimates for the COOP and MAP projects which include Osuna, Ortega, Arada and Enchanted Valley. Arada will be placed on hold until the sewer project is completed.
- They turned in the GRIP II application but have not heard back from NM DOT on whether that application was accepted. They would be repaving 4th Street from Schulte north to Paseo del Norte.
- They have been involved in selecting appraisers for the VC Center Zone properties. They will be ready to begin the process of choosing our appraiser and then for the property owners to choose their appraiser.
- Building permits have slowed somewhat, but more remodels are coming in.

Trustee Lopez asked when the 4th Street Project was officially complete.

Planner Nighbert responded that the road portion was finished in September, but they have yet to have APS accept the Taft Recreational Field. There was some re-seeding necessary, a water audit was conducted to determine sprinkler coverage and the results of that were handed over to Star

Paving. He said they are looking at having their final closeout documents to DOT by the end of the month. He said there is a warranty period on the work starting September 2007 for one year.

D. LEGAL REPORT

Attorney Martha King reported that:

- She has been working on the Retail One case on the eminent domain issue.
- She served as legal counsel for Planning and Zoning Commission.
- Assisted in tracking a few matters that may or may not turn into litigation.
- Assisted the Planner and Ms. Seebach on P & Z matters.
- Worked on cell tower lease with the Mayor and Verizon.
- Assisted Planner Nighbert in drafting an agreement for engineering services.

E. FIRE DEPT. REPORT

Chief Perez reported that:

- He would like to thank the Mayor, Administrator and Board of Trustees for continuing to provide the Fire Department with what they need for training. As a result, the Los Ranchos Fire Department was one of the first departments thought of when Governor Richardson called for assistance to be sent to California.
- He is presenting a different report that is a break down by calls that they ran for the month of October to see what types of calls they were and which units responded. There were a total of 81 calls for the month of October which is a substantial increase from previous months. There were 72 calls in the Village, 5 calls to assist Bernalillo County and 4 calls to assist the City of Albuquerque, and 1 call to assist in Algodones with a drowning.
- They continue to work on the ISO rating. They currently have a rating of 5 and their goal is to get down to a 3.
- They need to look at installing an exhaust system in their bays in order to meet OSHA standards.

Trustee Homan asked for the status on the Hover Craft.

Chief Perez responded that the craft needed more repairs than originally thought and they are now considering a donation of an air boat.

Trustee McDonough asked why there were some fire hydrants with garbage bags over them.

Chief Perez said the department is currently performing their annual hydrant check and if there is a black bag on a hydrant, it means it is not functioning and has been called into the Water Authority.

Mayor Abraham noted that the Village is also black-bagging some realtor signs who have not followed the permit rules.

5. FINANCIAL BUSINESS

A. CASH REPORT – OCTOBER

Treasurer Haines reported that the ending cash balance as of October 31 was \$6,490,385.74 which was an increase of \$124,140.24 from the prior month. She said of that \$6.4 million, about 63% represents the Open Space Fund; therefore, without that open space amount, we have \$2,383,151.00. She said the year-to-date revenues exceed expenditures by \$4,036,691.54 and without the bonds, we have revenues exceeding expenditures year-to-date of \$463,865.80.

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

VOTE: The motion carried unanimously, 4-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. DISCUSSION AND APPROVAL OF A REQUEST BY MEDARDO T. ARAMBULA (MEDARDO HABEL BEN NEDARDO) FOR ANNEXATION INTO THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE FOR .5 ACRES OF LAND WITH R-3 ZONING IN THE PASEO CHARACTER AREA. THE PROPERTY IS LOCATED AT 201 WAYNE ROAD NW AND IS LEGALLY KNOWN AS ALL OF LOT NUMBERED EIGHTEEN (18) AND ALL EXCEPT THE WESTERLY EIGHTY-FIVE (85) FEET OF LOT SEVENTEEN (17) OF THE ENGLEBRECHT SUBDIVISION, TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON OCTOBER 30, 1941, IN PLAT BOOK D, FOLIO 85. THE PROPERTY CONTAINS .5 ACRES. AX-07-04

Attorney King swore in those who would be speaking on Item 6.A.

Planner Nighbert presented Planning Report No. PZ-07-86. He said the applicant is requesting annexation into the Village of Los Ranchos. He said the current County zoning is A-1 and is in an R-3 area of the Village so it would be annexed as an R-3 parcel which means one dwelling unit per one-third acre. However, he said the property does have an existing 8-bedroom home and two apartments on it. He said the applicant has discussed C-1 zoning for the property but the property does not have adjacent frontage on 2nd Street and therefore the Village does not recommend C-1 because it would not be appropriate for this residential neighborhood. He said that the Planning & Zoning Commission recommended that the property be zoned R-3 and that the pre-existing units be allowed to continue as rental units until the property owner changes the use through the Village application process. He said they recommend endorsement by the Board of Trustees to the Bernalillo County Commission for annexation.

Medardo Arambula, 201 Wayne Road, said it would be an honor to join the Village and all his neighbors are in agreement.

Trustee McDonough asked why Mr. Arambula was requesting to be annexed into the Village of Los Ranchos.

Medardo Arambula said they found themselves in a bad financial situation because when they purchased the home they made a presumption about a given rate and thought the home was zoned accordingly.

MOTION: Trustee Lopez moved approval of the annexation and the property be rezoned R-3 and that the pre-existing units be allowed to continue as rental units until the property owner changes the use through the Village application process. The findings are that State Law provides three means of annexation. The applicant has requested annexation into the Village by the petition method, whereby the property owner requests annexation to the local municipality, with the approval granted by Bernalillo County Commission. Therefore, in coordinating this request with the County Planning Department, the endorsement by the Board of Trustees, depending upon its vote, will be sent in a package to the County Planning Department who will then schedule a hearing before the County Commission with their recommendation and that this small lot annexation meets the North Valley Area Plan and the Village Master Plan. Trustee Homan seconded the motion.

Trustee McDonough said he has concerns about annexing lot by lot and living on a street where Bernalillo County is on one side of the street and the Village is on the other side. He said he believes this may cause the Village to run the risk of complicating management of the street for infrastructure, boundaries and emergency response. He said secondly, we would be annexing a property that will be a non-conforming use in an R-3 zone. He said he doesn't know if the Village should be the way to circumvent the issues with Bernalillo County and in summary he said he is concerned about lot-by-lot annexation.

Trustee Rael asked if this would change the boundaries.

Planner Nighbert responded that it would. He said there is no adopted policy on annexations into the Village and if the Board wants the Planning Department to work on that, they will.

Trustee Homan said that in looking at the plot plan it is a checker board and that further down on Wayne there are already 3 lots in the Village. She said she does not see that this creates any more of a burden than already exists in that area. She said she agrees with Trustee McDonough that the Village should institute a policy on annexations.

Trustee Rael said he would be more inclined to support it if the entire area was asking to be annexed.

VOTE: The vote was 2-2 with Mayor Abraham voting "no" to break the tie vote.

Mayor Abraham said the Village needs to have a clear cut policy on squaring off the boundaries.

B. A REQUEST BY DAVID HARTMAN FOR SITE DEVELOPMENT PLAN APPROVAL FOR NEW COMMERCIAL CONSTRUCTION IN THE VC ZONE. THE PROPERTY IS LOCATED AT 6711-25 4TH STREET NW AND IS LEGALLY KNOWN AS TRACT A-1-A SCHULTE ACRES WITHIN SECTION 28, T11N, R3E, N.M.P.M. VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, JULY 1998. THE PROPERTY CONTAINS 1.3736 ACRES MORE OR LESS. SDP-07-05 DEFERRED FROM THE OCTOBER 10, 2007 BOARD MEETING

Attorney King swore in those speaking under Item 6.B.

Planner Nighbert presented Planning Report No. PZ-07-94 and stated that it was deferred from the last meeting in order for the property owner to solve some drainage problems and also to look at the parking plan. He said the property is located on the west side of 4th Street north of Schulte Road in the Village Center Zone. He said the applicant is proposing an addition to the existing retail building (where Indulgences Restaurant is located) and three new commercial buildings. He said the addition is for a two story retail/office consisting of 1,800 square feet and the three new retail/office buildings are 2,400 sq. ft., 1,680 sq. ft., and 1,680 sq. ft. respectively. He said after review of the parking situation onsite and a re-examination of the VC Code, the old VC Code does not set a minimum limit but only a maximum limit of no more than 5 parking spaces for every 1,000 sq. ft. He said there is a new site plan in the Board books that shows the drainage is being taken care of with a water harvesting method.

David Hartman, 1503 Camino Ecuestre NW, said the parking plan may look different because their architect did not draw in some landscaping islands. He also noted that there are only 2 parking places in front of the commercial building. He said he believes they came up with a very good plan for water harvesting to take care of the concerns about drainage.

Trustee McDonough said his concern is that every time he drives into Calico Café there are cars everywhere. He said he has a huge concern with that much floor space and they don't even meet the basic one space per 200 that would apply to a C-1.

Planner Nighbert said it does meet the requirement for C-1 which is one space per 300 sq. ft. and when they created the VC Zone, they dropped it to one space per 200 sq. ft. because they wanted it to be more pedestrian friendly.

Chere Hartman, 1503 Camino Ecuestre NW, said the master planners for the Village spent years envisioning what 4th Street should look like. She said she now understands and appreciates that we have to move toward an economy that values the pedestrian.

Trustee McDonough asked about the open space issue and payment in lieu of with an appraised value of \$11 per sq. ft. He asked where the value came from.

Planner Nighbert said it came off the number when the Village was purchasing 4th Street and he believes it has gone up since then, but he doesn't have another appraisal.

MOTION: Trustee Rael moved approval of the site development plan. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

C. A REQUEST BY MARY M. GARCIA FOR A SPECIAL USE PERMIT FOR FAMILY TRANSFER SUBDIVISION FOR A TWO LOT (MINOR) SUBDIVISION IN THE A-1 ZONE OF THE GUADALUPE TRAIL CHARACTER AREA. THE PROPERTY IS LOCATED AT 7711 GUADALUPE TRAIL AND IS LEGALLY KNOWN AS A TRACT OF LAND SITUATED IN SCHOOL DISTRICT NO. 4 IN BERNALILLO COUNTY, STATE OF NEW MEXICO SHOWN AND DESIGNATED AS TRACT NO. 63

OF M.R.G.C.D. MAP NO. 27. THE PROPERTY CONTAINS 1.6454 ACRES MORE OR LESS. SU-07-05

Attorney King swore in those who would be speaking under Item 6.C.

Planner Nighbert presented Planning Report No. PZ-07-84. He said the project has two parts to it: one is a special use for a family transfer subdivision and the second is for a preliminary plat approval of the subdivision. He said the Planning & Zoning Commission recommended that the Board of Trustees approve the Special Use Permit – Family Transfer Subdivision with the following conditions: a) City sewer and water are available to the new parcels. b) Adequate ingress of a minimum width of 20 feet and proximity to fire hydrants are available. c) The transfer of title to the new parcels are made to a first-degree family member either immediately upon subdivision of the original lot, or upon the death of the original owner. d) Title to any of the parcels derived by family transfer may not be changed for a period of 3 years from the date of subdivision, except upon the death of a title holder. e) The minor subdivision meets all requirements in the Zone Code for subdivision. f) The preliminary subdivision must be approved by the Board of Trustees and the Final Plat must be approved by the Planning & Zoning Commission. g) The family member receiving the lots will sign an affidavit to be filed with the County Clerk stating that the property will not be sold or transferred for a period of 3 years, except upon the death of a title holder. h) The Special Use Permit – Family Transfer subdivision is governed by the rules and regulations of Ordinance 209 for the A-1 Zone.

Trustee Homan asked why they are subdividing it in such ratios.

Planner Nighbert said the Planning Department originally recommended two 8/10 acre parcels; however, during the meeting before the Commission, Mr. Garcia explained his intent to use the property as an agricultural piece and felt that he needed the acre to do more gardening and raise crops whereas his mother who occupies the front house wanted less property. He said the Planning Commission accepted his reasoning and agreed to the 1.0 and .6454 acre subdivision.

Steve Garcia, son of Mary Garcia, said his dad owned the property since 1958. He said he was raised on the property, wants to keep horses and he would like to put in a garden. He said his sister will inherit the property in front and she has no interest in landscaping and pulling weeds.

MOTION: Trustee Homan moved approval of the request as presented for the Special Use Permit. Trustee Rael seconded the motion.

Trustee McDonough said it states that transfer of title to the new parcels may not be changed for a period of 3 years. He asked if that was true for both parcels.

Planner Nighbert responded that once the property is subdivided, Mr. Garcia must sign an affidavit that says he will not sell it for a period of 3 years. He said the transfer would only be upon Mr. Garcia's mother's demise and then it would go to her daughter.

VOTE: The motion carried unanimously, 4-0

D. A REQUEST BY MARY M. GARCIA FOR PRELIMINARY PLAT APPROVAL OF A TWO LOT, MINOR, FAMILY TRANSFER SUBDIVISION IN THE A-1 ZONE OF

THE GUADALUPE TRAIL CHARACTER AREA. THE PROPERTY IS LOCATED AT 7711 GUADALUPE TRAIL AND IS LEGALLY KNOWN AS A TRACT OF LAND SITUATED IN SCHOOL DISTRICT NO. 4 IN BERNALILLO COUNTY, STATE OF NEW MEXICO SHOWN DESIGNATED AS TRACT NO. 63 OF M.R.G.C.D. MAP NO. 27. THE PROPERTY CONTAINS 1.6454 ACRES MORE OR LESS. S-07-13

Trustee McDonough said he saw a document that showed that it was 1.9 acres.

Planner Nighbert said that at one time they thought they owned 1.9 acres, but upon a survey and some other document checks, they could only find 1.6 acres on the ground survey.

MOTION: Trustee Homan moved approval of the preliminary plat as presented and the family transfer. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0

E. AN APPEAL BY JOSHUA J. SKARSGARD, ESQ. AGENT FOR DOUG PETERSON, PROPERTY OWNER, OF PLANNING AND ZONING COMMISSION DENIAL OF CU-07-04, A CONDITIONAL USE PERMIT FOR A DRIVE THROUGH COFFEE SHOP IN THE VILLAGE CENTER ZONE AND FOURTH STREET COMMERCIAL CORRIDOR ON OCTOBER 9, 2007, AGENDA ITEM 5G. THE PROPERTY IS LOCATED AT 6561 4TH STREET NW AND IS LEGALLY KNOWN AS TRACT 41G, M.R.G.C.D. MAP NO. 29, ELENA GALLEGOS GRANT IN PROJECTED SECTIONS 28 AND 29, T11N, R3E, N.M.P.M. CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, MAY 31, 1962. THE PROPERTY CONTAINS .9317 ACRES MORE OR LESS. CU-07-04

Attorney King swore in those who wished to speak under Items 6.E and 6.F.

Planner Nighbert presented Planning Report No. PZ-07-88. He said the applicant, Doug Peterson, has been before the Board with the same Site Development Plan under a Variance which was under the old Village Center Zone. He said the reason for that was because his application came in before the new VC Zone was approved. He said under the new VC Zone rules, he could reapply and ask for a drive-through restaurant under a Conditional Use rather than a Variance. Therefore, he said the Plot Plan and Site Development Plan contain the same drive-through restaurant that was in the Variance case. He said both the Planning Commission and the Board of Trustees denied the Variance and now the applicant has come back as a Conditional Use. He said the Planning & Zoning Commission, on October 9, 2007, voted to recommend to the Board of Trustees denial of the application CU-07-04 for a Conditional Use Permit for a coffee shop drive-through facility. He said the Planning Department recommends upholding the Appeal and overturning the Planning and Zoning Commission recommendation of denial of the Conditional Use Permit, CU-07-04, with 5 conditions.

Planner Nighbert said at this point he would like to interject for the Board's information that when this Conditional Use Permit was requested, the coffee shop was a Starbuck's but it is no longer a Starbuck's and this may have a material effect on the way that the Board handles this case. He said that during the hearing before the Planning & Zoning Commission, it was a Starbuck's and those justifications for their traffic study and other discussions were based on the thought that the restaurant would not just be a coffee shop, but in fact, a Starbuck's.

Trustee Lopez said he would like to ask the Village Attorney for an opinion on whether Starbuck's no longer being a part of this application is a significant change in material fact.

Attorney King said the question was advertised properly as a coffee shop only, not specifically as a Starbuck's. She said if the Board feels it is materially different from the application that was heard by the Planning & Zoning Commission, then it would be appropriate for the Board to make the finding that it is so different and may need to be remanded or some other decision.

Josh Skarsgard, 3500 Campbell, said they have a local coffee shop that is interested. He said one of the concerns of the Planning & Zoning Commission was that perhaps a national tenant would not respect the character of the Village. He said it is a local coffee shop that has the same spirit of having an outside venue. He said he believes this will be better.

Mayor Abraham said the appeal is actually for something that was heard at Planning & Zoning and denied, and that denial was based on Starbuck's. He said he doesn't know how they can hear an appeal if materially the facts are different. He said basically Planning & Zoning turned down Starbuck's because that was what they were hearing. He said now they are hearing a different coffee shop and he is not sure they can establish a record that they can support in a court of law. He said he believes it really is materially a different case.

Trustee Homan said she agrees with the Mayor and Trustee Lopez. She said when the Planning & Zoning Commission considered it and the Board of Trustees heard evidence about expected traffic flow, it was specifically for Starbuck's and that was a concern. She said she believes it is a different situation with different characteristics.

Josh Skarsgard said as an attorney he has researched this and he believes legally they have an argument that will hold up in court. He said he believes they have the right to change tenants and the advertisement was done as a "coffee shop".

Trustee McDonough said in the numerous presentations the Board has heard, they were all centered on Starbuck's and it was not presented as a drive-through window for this property, it was a drive-through window for Starbuck's.

MOTION: Trustee McDonough moved that Item 6.E. be remanded back to the Planning & Zoning Commission. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

F. AN APPEAL BY JOSHUA J. SKARSGARD, ESQ. AGENT FOR DOUG PETERSON, PROPERTY OWNER, OF PLANNING AND ZONING COMMISSION RECOMMENDATION CONCERNING SITE DEVELOPMENT PLAN (SDP-07-07) FOR NEW COMMERCIAL CONSTRUCTION IN THE VILLAGE CENTER ZONE AND FOURTH STREET COMMERCIAL CORRIDOR ON OCTOBER 9, 2007, AGENDA ITEM 5H. THE PROPERTY IS LOCATED AT 6561 4TH STREET NW AND IS LEGALLY KNOWN AS TRACT 41G, M.R.G.C.D. MAP NO. 29, ELENA GALLEGOS GRANT IN PROJECTED SECTIONS 28 AND 29, T11N, R3E, N.M.P.M. CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, MAY 31, 1962. THE PROPERTY CONTAINS .9317 ACRES MORE OR LESS. SDP-07-07

MOTION: Trustee Homan moved that the Site Development Plan be remanded back to the Planning & Zoning Commission. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Georgia Chavez, 428 Chavez Ave., said she believes this is a travesty to the Chavez family. She said they have talked for 8 months about not wanting a drive-through.

7. OLD BUSINESS

There was no old business.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2007-11-1 – CALLING THE MARCH 4, 2008 REGULAR MUNICIPAL ELECTION

MOTION: Trustee Lopez moved approval of Resolution No. 2007-11-1, calling the March 4, 2008 Regular Municipal Election. Trustee Rael seconded the motion.

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

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2007-11-2 – REVISING THE 2007/2008 FISCAL YEAR BUDGET FOR THE RECONSTRUCTION OF OSUNA ROAD FROM CHAMISAL LATERAL TO SECOND STREET, PROJECT MAP-4052(900)00

MOTION: Trustee McDonough moved approval of Resolution No. 2007-11-2. Trustee Homan seconded the motion.

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

C. DISCUSSION AND APPROVAL OF THE DESIGN CONTRACT WITH BOYLE ENGINEERING CORPORATION FOR THE DESIGN OF THE RIO GRANDE BLVD. BIKE LANES AS PART OF THE REPAVING OF RIO GRANDE BLVD. IN THE AREA I & J SEWER PROJECT

Planner Nighbert said this engineering contract is for the design of the Rio Grande Blvd. bike lanes as part of the repaving of Rio Grande Blvd. in the Area I & J Sewer Project. He said the basic design is that a 4-foot asphalt bike lane would be added on both sides of the roadway from Paseo del Norte south to the Montaña Bridge. He said a portion of the project would be the complete repaving of Rio Grande Blvd. as part of the sewer project. He said there was an item within the bid quantities for the sewer project to add the 4 feet of bike lane on each side. He said the design contract is in the amount of \$90,649, not \$96,881 as shown on the cover sheet. He

said the Village has grants to cover that amount. He said staff recommends approval of the agreement with Boyle Engineering.

Trustee Lopez said in the early 1990's about \$60,000 was spent from Village funds to do a soil/cement bike lane along Rio Grande Blvd. He said there was very little design done with it and in less than 2 years you couldn't find it anymore because it fell apart. He said Boyle is the engineer for Bernalillo County on the I & J Sewer Project and so the Village is getting the economy of scale so that at the end of the day we will receive a properly designed and constructed bike trail that is not going to disappear.

Trustee McDonough said it seems to him that a \$90,000 design fee on a \$400,000 to \$500,000 construction project, where half of the project they are already designing the road, seems steep. He said he agrees that it needs to be properly engineered, but this contract does not even include construction management. He said he would like to suggest that they approve the Mayor negotiating with Boyle to see if he can identify some cost savings.

Trustee Lopez said he would not have any problem if the Mayor or a local official wanted to talk to him about how we could save money.

Mayor Abraham said this was negotiated by Mr. Vigil and so it would probably be a good idea to go back and renegotiate or at least have a good understanding of what the Village is getting.

MOTION: Trustee McDonough moved that the Mayor be authorized to meet with Boyle Engineering to identify some cost-saving measures that can be applied to the contract but that he be authorized to execute an agreement when he feels it is appropriate. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

D. DISCUSSION AND APPROVAL OF AMENDMENT 1 TO THE AGREEMENT WITH NCA ARCHITECTS FOR THE DESIGN OF THE NEW MAIN FIRE STATION, REDUCING THE MAXIMUM ALLOWABLE CONSTRUCTION COST [MACC] AND ADDING CERTAIN COSTS FOR A CHANGE IN THE SCOPE OF SERVICES

Planner Nighbert said that during the recent design meetings with NCA Architects, the Village has decided not to try to keep the \$2.3 million maximum allowable construction cost since there is only \$1.2 million available. He said the Mayor and Administrator did not feel it would be appropriate to go to the Legislature for additional funds. Therefore, the Village went back to the architects and talked to them about incorporating the existing building into the design and then negotiated a \$1.2 million maximum allowable construction cost. He said this reduced the total compensation package from \$190,461 down to \$152,703 for a savings of \$37,757 in the design contract. He said that does include the preliminary design fees in the amount of \$30,000 that the architect had done previously.

Mayor Abraham said the entire scope has been changed to incorporate the existing building and then attach a garage/bay area to house the trucks. He said by doing that, they hope to have a quarter acre for the front of 4th Street to create a park or some walkable area that is more attractive to pedestrian traffic.

Trustee Rael asked if the building was going to be smaller.

Mayor Abraham responded that the new construction area that houses the trucks will be about the same size, but they are going to try to put all the housing, offices, weight rooms and some of the equipment rooms in the existing building. He said they will come back and refinish the old building to match the new construction so it looks like one building.

Trustee Rael asked if it will allow the trucks to drive through instead of backing in.

Mayor Abraham said they are still discussing whether it will be a drive through or not.

Trustee Homan asked if the Village is losing a great deal of the functional use that it was expecting to be achieved.

Chief Perez said he is confident they will come up with a design that will meet the Village's needs even with a lower budget.

MOTION: Trustee Rael moved approval of Amendment 1 to the NCA Architects agreement for the design of the new main fire station, reducing the Maximum Allowable Construction Cost (MACC) and adding certain costs for a change in the scope of services. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

E. DISCUSSION AND APPROVAL AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH THREE APPRAISERS TO BEGIN THE DETERMINATION OF THE VALUE OF THE 17 PARCELS OF LAND LOCATED IN THE VILLAGE CENTER PROJECT AREA

Administrator Ward said they are asking the Trustees to appropriate a sum to be able to hire appraisers, perform title searches, and survey work for approximately \$2200 to \$2500 plus GRT for each of the properties for an appraisal. He said there have to be 3 appraisers: the Village's, the property owners' and a third appraiser. He said they were looking at roughly \$150,000 when the project is completed for the 3 appraisals, for the survey work and the title search work that needs to be done.

Trustee McDonough asked if the Village is using all 3 appraisers or if the Village is just going to pick one of those to be its appraiser.

Administrator Ward said the Village will select one appraiser from the three appraisers. He said they reached out to three of them to get a proposal to understand the price and then will communicate back to each of them, negotiate with them, select the one we want and then offer the property owners a list that they can choose from. The property owners will select one of those and then between the two parties, a third will be selected. He said it will not be one of the three that the Village has looked at.

Trustee McDonough asked if that means the property owners may not select one of the three that the Village chose from.

Administrator Ward said that is correct. He said the Village looked at the list of approved appraisers from Bernalillo County and would like it to be one of those nine that gets selected. He said that would make it easier for the Village to contract with them. He said what they would put forth to the property owners is a list of nine minus the one the Village selected.

Planner Nighbert said the Village would like the property owners to be represented by one appraiser and they can pick which one they would like to represent all the owners. He said since the Village is offering the owners the appraised value, not in the present but in the future, for a portion of it. He said in other words, as it would be developed as a single parcel and how much would that parcel be worth rather than individual parcels. He said they would like to see them come together and choose one appraiser for their representative so that the same market data can be used. He said the list of nine MAI appraisers means they all qualify for expertise in the courts.

Trustee Rael said the property owners did agree in the meeting to choose one appraiser to represent all the property owners.

MOTION: Trustee McDonough moved to grant the Mayor permission to approve and sign agreements with three separate appraisers to begin the determination of the value of the 17 parcels of land located in the Village Center Project Area. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 3-0. Trustee Rael recused himself from voting.

**F. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2007-11-3
ESTABLISHING THE VILLAGE LEGISLATIVE PRIORITIES**

Trustee Lopez asked if the Board will be able to meet with their Legislators this year.

Administrator Ward responded that they plan to arrange for that meeting; however, the Village's Lobbyist requested that we prepare our Legislative priorities first.

MOTION: Trustee Homan moved approval of Resolution No. 2007-11-3 regarding the establishment of Village Legislative Priorities for the 48th Legislature Second Session. Trustee Rael seconded the motion.

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

**G. DISCUSSION AND APPROVAL OF THE CAPITAL COOPERATIVE
AGREEMENT FOR 2007 LEGISLATIVE APPROPRIATION(S) BETWEEN THE NEW
MEXICO DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF LOS
RANCHOS DE ALBUQUERQUE FOR \$200,000**

Administrator Ward said we received 5 appropriations from the 2007 Legislative Session. He said the funding goes through the New Mexico Department of Transportation to the Village. He said this is our support and agreement to spend the money as appropriated and in the amounts appropriated. He said Item 8.G. is for four appropriations in the total amount of \$200,000 and Item 8.H. is for another appropriation in the amount of \$75,000. He said one appropriation is for main street program improvements to 4th Street, three appropriations for bike lanes on Rio

Grande Blvd., and the last one is for general road improvements including resurfacing, drainage, traffic signal upgrades, traffic calming devices, striping, nighttime safety marking and traffic sign upgrades in Los Ranchos.

MOTION: Trustee Lopez moved approval of Items 8.G. and 8.H. which are the 2007 Capital Cooperative Agreements, one in the amount of \$200,000 and the other in the amount of \$75,000. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

H. DISCUSSION AND APPROVAL OF THE CAPITAL COOPERATIVE AGREEMENT FOR 2007 LEGISLATIVE APPROPRIATION(S) BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE FOR \$75,000

This item was included in the motion for approval under Item 8.G. above.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Homan said at the beginning of the meeting they heard from residents on Pueblo Solano who raised concerns about traffic on their street. She said the last time this issue was raised, the reason for not installing traffic calming devices was because the Fire Department used Pueblo Solano as a quick route over to 2nd Street. She asked if that was still the case.

Chief Perez responded that that was not the case. He said the Village of Los Ranchos Fire Department stays as far away from residential streets as they can. He said that may have been a practice of the former Fire Chief, but not under his current leadership. He said he supports traffic calming devices on Pueblo Solano.

The other Trustees agreed that the Village should address the traffic problems on Pueblo Solano.

John McDowell, 7201 Guadalupe Trail, said he is very conscious of how fast people go. He said he is concerned about school buses using Pueblo Solano to return to their home base. He said he doesn't believe there is any excuse for them doing that if they are not picking up students. He said he believes speed humps would help calm traffic.

Trustee Homan asked what would be required to get speed bumps installed on Pueblo Solano.

Administrator Ward responded that the Village has an ordinance that describes exactly what has to take place and what the traffic has to be to warrant speed bumps.

The Trustees recommended that the Village move forward with the speed bumps and asked what would happen with the County side of the street.

Planner Nighbert said he talked to the County about Vineyard and they are going to wait until the 2008 General Bond Election. He said he doesn't think the Village should wait that long and he believes the Village could get the County's permission to install speed humps on their section of Vineyard and Pueblo Solano. He said he is also considering some caution striping in the curve area of Pueblo Solano.

Mayor Abraham suggested installing some temporary speed bumps on Vineyard, Pueblo Solano and possibly Mullen.

Trustee Rael asked what the status is on the pavement agreement for Osuna Road.

Planner Nighbert said in talking with the Paving Division Head, the County program is contingent on the 2008 General Obligation Bond as far as any kind of paving. He said in his estimate discussions with Albuquerque Asphalt, they were going to give him an estimate on putting in sidewalks on Elwood and the south side of Osuna. He said he will give a report at the next meeting. He said the Village would not pave just half of the street.

Mayor Abraham said he would like to see if the Village could annex that area in order to square off the boundaries. He said perhaps a feeler letter could be sent out to the property owners in that area. He said the Village could also ask the residents on Ortega if they would like to be annexed in and also the residents on Wayne Road so that the boundaries could be squared off.

Trustee Rael said the property owners in the Village Center submitted signed agreements to the Village but have not received anything back. He asked for a status report.

Administrator Ward said he met last week with our attorney to review those agreements and he hopes to bring closure to those agreements within the next week.

Mayor Abraham said he is working on getting the Chamber of Commerce going again and one of the items he would like to turn over to them is the 50th Anniversary celebration. He said he'd also like to redo the Village stationery, business cards and street signs.

Trustee Lopez said there used to be a tree-lighting ceremony at the December Board meeting and the elementary school kids were invited to sing Christmas carols. He said it was a very nice function.

Chief Perez said he would volunteer to coordinate the tree lighting ceremony.

It was agreed that the ceremony would take place at 6 p.m. on Wednesday, December 12, prior to the Board meeting.

10. ADJOURNMENT

Mayor Abraham adjourned the meeting at 9:45 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2007.

ATTEST:

Annabelle Silvas, CMC
Village Clerk