

MINUTES

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

BOARD OF TRUSTEES REGULAR MEETING NOVEMBER 10, 2010 - 7:00 p.m.

Present:

Larry P. Abraham, Mayor	Kelly S. Ward, Administrator
Don Lopez, Trustee / Mayor Pro Tem	Annabelle Silvas, Clerk
Mary Homan, Trustee	Bill Chappell, Attorney
Tim McDonough, Trustee	Nancy Haines, Treasurer
Pablo R. Rael, Trustee	Fred Radosovich, Public Safety Director
	Linda Seebach, P & Z Director

Absent: Tim McDonough, Trustee

1. CALL TO ORDER

Mayor Abraham called the meeting to order at 7:02 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 at the closed meeting.

MOTION: Trustee Lopez moved approval of the Mayor's closed meeting statement which will become part of the minutes of this meeting. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously 3-0.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried unanimously 3-0.

2. PUBLIC COMMENT PERIOD

David Hudson stated that he is a board member on the lavender committee. He said they have been doing the barn dance and all lavender festival weekend festivities for awhile. He asked the board and the Mayor if they are interested in continuing the barn dance on Friday nights and if there is any interest in the Village taking responsibility for the other activities of the lavender festival. He said some of the members are feeling a little unappreciated by the Village and they would like to develop a relationship with the chamber of commerce as well as with the Village so it can truly be a "Village Event." The committee is wondering what the Village would like to see them do and what is the Village willing to do for the lavender festival.

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Mayor Abraham stated that he is sorry that they are feeling unappreciated. He will make a point to discuss this because lavender is good for the Village. He would like to see some type of event continue.

3. CONSENT AGENDA

A. MINUTES – October 13, 2010–Regular Meeting

B. DEPARTMENT AND COMMITTEE REPORTS

1. ANIMAL CONTROL

Trustee Homan stated that she had two corrections to the minutes. On page 7, line 39, it should read “New Mexico Mineral” should be capitalized and add “Natural Resources Department” to it. Line 40 should say, “state and governments have provided”.

Trustee Lopez stated that he had a correction to the minutes. On page 4, line 41, should read NPDES for National Pollution Discharge Elimination System.

MOTION: Trustee Homan moved approval of the Consent Agenda with the corrections to the minutes. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously 3-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- The Art Tour was successful. The person honored was Mrs. Peggy Robb and is in the audience tonight. All the artists on Saturday and Sunday did very well and there were several thousand people in the Village at this event.
- He will be working with Bernalillo County and their Economic Development Department next year on what they call Art and Sol. It is an Economic Development event where they are trying to push areas of small artists and performers. They will have another full fledged art event sometime in May at the Agri-Nature Center which the Village will kick off for them.
- The North Fourth Holiday Stop and Shop will be held the first weekend in December on Saturday and Sunday and will have thirty-one businesses participating.
- The Growers’ Market will be held this Saturday which is the last weekend.
- The grand opening ribbon cutting for Simpatico was held yesterday, which is a business on Bob Canters property on 4th Street. It is a Yoga studio where they train tri-athletes and train professional bikers in conditioning and is for serious bicyclists. It is one of a kind in the State of New Mexico.
- The Village is hosting the Department of Transportation monthly meeting next Thursday at the Unser Museum.
- He thanked Lori Barrett for her hard work on the Art Tour which was a very professional and well done Art Tour.
- In the New Mexico Business Weekly the Village made it as the fastest growing cities in New Mexico and are number 22 on the list.

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B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- Apologized for not attending the last meeting but he was out sick.
- The fire station construction has begun and clean up has been completed. The contractor now has 200 days to complete which is around May 2011.
- The audit was mailed to the State Auditor this week which was a clean audit with no findings.
- The Village is still advertising for the Animal Control position.

C. PLANNER'S REPORT

Planner Seebach reported on the following:

- The FEMA remapping team which has been remapping Bernalillo County has issued their preliminary maps. The Village was not involved in the remapping process. They did not address levee certification. The concern was that FEMA would extend this remapping assignment to include certification of the levees. Any remapping FEMA undertakes concerning the levees will have to be started from the beginning and will take two or more years.
- Joanna Bennett at County GIS updated the Village Annexation Map which you have been provided with. She did a very nice job. It has not been updated since 1997 and now that it is in County GIS Database it can be updated easily as need arises in the future.
- The 2020 Master Plan has been placed on the website for public review. Planning & Zoning Commissioners were given draft text copies. It will be on the agenda to forward to the Board of Trustees for Adoption next month.
- The Family Transfer of Subdivision will meet on Tuesday, November 30 at 6:00 pm. The moratorium on FTS expires in December and the Task Force will have to decide either to extend it or repeal it.
- Business registrations were sent out last week for the 2011 renewal.
- We are still responding to NMDOT requests to submit all the required paperwork on the bike path reimbursement.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- This month they did final documentation to wrap up the Margolis and Stebleton litigation and at this point there is no active litigation
- Got Anderson matter closer to final closing
- Spent a great deal of time on ordinance codification and have given to Annabelle except the zoning.
- He attended the Planning & Zoning meetings.

E. PUBLIC SAFETY REPORT

Public Safety Director Radosevich reported on the following:

- The Bernalillo County Sheriff's office had 307 calls within the Village and the Bernalillo County Fire Department had 37 EMS calls and 15 fire calls.
- The Fire Department also attended the Cottonwood Classic Fall Festival as a public awareness and handed out candy at the fire station.
- The majority of complaints he receives are speeding or traffic violations on Rio Grande and El Pueblo and has been reviewing that data from the speed boards.

- Had several concerns from citizens regarding the traffic of the football games being held on the weekends at Taft Middle School.
- The new police vehicle is equipped and ready to go.
- Also attended and patrolled the Halloween festival of Cottonwood Classical.
- Also had a couple of conversations with the new Sheriff and Undersheriff before they take office.
- Reviewing the draft of the Bernalillo County Operations Plan.

5. FINANCIAL BUSINESS

A. CASH REPORT – OCTOBER

Treasurer Haines presented the cash report. The ending cash balance as of October 31, 2010, was \$4,927,963.39. That represented a decrease of the cash balance in the amount of \$491,472.04 from prior months. The significant decrease is due to two significant expenditures: the Bernalillo County Fire Department for fire protection for \$110,000 and Mountain States Contractors for paving on Rio Grande Boulevard for \$481,662. The year-to-date excess of revenue over expenditures is \$1,164,183.77.

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

VOTE: The motion carried unanimously 3-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. AN APPEAL TO THE BOARD OF TRUSTEES OF THE PLANNING AND ZONING COMMISSION DENIAL OF THE APPLICANT’S REQUEST FOR A VARIANCE FROM THE 280 FOOT SETBACK ON RIO GRANDE BLVD. AS REQUIRED BY ORDINANCE 191, SECTION 3, PARAGRAPH TO ALLOW A 75 FOOT SETBACK FROM THE CENTERLINE OF RIO GRANDE BLVD. ON TRACT 6A-1-5 AND A 125 FOOT SETBACK ON TRACT 6A-1-3 AND TRACT 6A-1-4 FROM THE CENTERLINE OF RIO GRANDE BLVD. THE PLANNING AND ZONING COMMISSION DID APPROVE A 125 FOOT SETBACK FROM THE CENTERLINE OF RIO GRANDE BLVD. FOR TRACT 6A- 1-5. ALL TRACTS ARE IN THE THANKSGIVING FARM SUBDIVISION IN THE SOUTH RIO GRANDE B CHARACTER AREA. V-10-08

Attorney Chappell swore in those speaking on this item.

Planner Seebach presented her report.

Dean McCall, 5300 Rio Grande Blvd NW, stated that he purchased this property in 2005 from the Anderson family. He said when the ordinance came out in 2003 and 2004, Juan Vigil, the Village Administrator at the time, was well aware that the property would have to be looked at differently. Chuck Easterling, the Village engineer at the time, was concerned about access off of Rio Grande Blvd. It was his suggestion to build the cul-de-sac so there was only one exit on and off of Rio Grande Blvd. It also has a fire hydrant behind the cul-de-sac, which he said he thought solved all the problems at the time. Soon after he built the

1 fence, people started parking there because it was a paved area. Mayor Stowers, at the
2 time, asked him to fence across it. He said all was done within accordance of what the
3 Village had asked. In 2003, he was told to come back to Village Hall to have it looked at
4 again. He said he has worked diligently over the last eight years to get to the point he has
5 already gotten too and would like to work with the Village to come up with something
6 reasonable.

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8 **Comments from the audience:**
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10 **Ted Jorgensen**, 5301 Rio Grande Blvd NW, thinks the area should be a city park. He said
11 the Rio Grande Blvd. corridor is getting disgusting. He said there is an 8-foot wall which is
12 against the ordinance. He said you can see a lot of nice things like people's backyards,
13 open space, and then Mr. McCall's property. Then, Mr. McCall wants to go back 75 feet,
14 then 125 feet, then 280 feet. He said he does not understand what the setback is about. He
15 said his concern is that he does not want to see Mr. McCall with a house, or houses, behind
16 a 6-foot tall block wall on Rio Grande Blvd with the houses facing inside like El Caballero
17 because Rio Grande Blvd. is supposed to be an open space area.

18
19 **Mayor Abraham** provided some history on the area. When the Village pushed for the 280
20 foot setback, the Village identified three parcels where it would be detrimental to their
21 property. The three parcels were Lionel Ortega, Blake Chancellor, and Dean McCall's
22 property.

23
24 **Ted Jorgensen** requested that Dean McCall agree not to build a block wall obstructing his
25 views from the mountains.

26
27 **J.T. Michaelson**, 5001 Rio Grande Blvd. NW, said he was the lead neighbor in the Los
28 Poblanos annexation into the Village on June 16, 1967. At the time, he said he convinced
29 Maxie Anderson to join the annexation. The trustees then asked him to donate it, what is
30 now known as Thanksgiving Farms, and it be a park. Maxie Anderson declined.
31 Although, with the current Administration, the Village now owns 23 acres of open space at
32 the Buffalo Curve. He said the 1990's were not the best time for the Village. He said since
33 the 2000's, the Village has had open space, Rio Grande Boulevard improved, ordinance
34 191, and the 280-foot setback. He wants to urge enforcement of the 280-foot setback, the
35 2010 and 2020 Village Master Plan goals, and the preservation of traditional land use.

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37 **John Robb**, on behalf of the Los Ranchos Neighborhood Association. He said Rio Grande
38 Blvd. is a special place for each of the residents and have always encouraged the 280-foot
39 setback. He said the problem is there are some things the trustees may need to consider
40 where it is not the Planning and Zoning Commission's role to consider. The trustees have a
41 broader spectrum of things to consider with various issues throughout the Village.

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43 **Dean McCall**, said he does not want to go to court, he would like to make his neighbors
44 happy, and said he will agree to his requests and restricting fencing, and would give him
45 another 25 feet on the two lots he referred to, but may not agree with one story housing due
46 to existing ordinances.

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48 **Trustee Lopez** said he has been here for this whole process for the last 18 years. He said
49 he would not like to see this go to court either and said it was impossible to build on that
50 one lot and, without question; a variance is needed in this case. He asked if it was possible

1 to work diligently with Mr. McCall to come to an agreement on what is acceptable so a
2 motion can be made to approve a variance.

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4 **Mayor Abraham** said he would like to come to a resolution tonight and would like a
5 compromise to be made. He said he feels like the 280-foot setback is too far back and does
6 not like the block wall currently up off Rio Grande Boulevard. He said it sounds like one
7 agreement has been made which is the fence should stay open, a height restriction should
8 be made on the fence, the one lot would be appropriate at a 75-foot setback and thinks that
9 it is reasonable to have that one home be a 1-story home since it is so close to Rio Grande
10 Boulevard.

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12 **Trustee Lopez** said he thinks not everyone should be negotiating with Mr. McCall tonight
13 and only one person should do that.

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15 **Raymond Matteucci**, 5111 Rio Grande Blvd NW, said a lot of discussion was made about
16 the Anderson field which prompted the 280-foot setback. He said he enjoys the open space
17 and would hope the fencing would be open at Thanksgiving Farms. He said he would like
18 to see Mr. McCall donate it and get a tax deduction. He asked why he does not take the
19 triangle part of the property and incorporate it into a 4-acre piece and have two 2-acre lots.

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21 **Dean McCall** said he would agree to the open fence being no higher than 4-feet on the
22 plat.

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24 **Trustee Homan** said that earlier he offered to push back the 125-foot setback back to 150-
25 foot setback. She asked if he would consider 200 because she said it might be a good
26 compromise from the 280-foot setback.

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28 **Dean McCall** said he wanted to go one lot at a time. He said the north lot, he will agree to
29 a 75-foot setback with a single-story home. The second and third lots, he would like to go
30 to 150-foot setback and would like two-story homes facing Rio Grande Boulevard with a
31 26-foot house allowance with the level of the houses being level with Rio Grande
32 Boulevard.

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34 **Trustee Lopez** asked if Mr. McCall would agree to a 175-foot setback for the other two
35 lots.

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37 **Mayor Abraham** asked Mr. McCall if he would agree to the north lot being a 75-foot
38 setback with a single-family single-story home with an open 4-foot fence facing Rio
39 Grande Boulevard, the second and third lots being 175-foot setbacks with two-story homes
40 facing Rio Grande Boulevard with 26-foot house height and the level of the foundation
41 cannot be any higher than the existing level of Rio Grande Boulevard.

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43 **Mr. Chappell** said that no further subdivision of the lots should be included.

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45 **Dean McCall** said he would not agree to re-subdivision of the lots because of his current
46 zoning.

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48 **Raymond Matteucci** asked if the setbacks are from the center of Rio Grande Boulevard.

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50 **Mayor Abraham** confirmed the setbacks are from the center of Rio Grande Boulevard.

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Raymond Matteucci asked why when someone has the ability to build a 14,000 sq. foot home why would they need a two story home.

J.T. Michaelson asked if it will be open fence on Thanksgiving Road because he does not want to have a block wall there.

Mayor Abraham said he is allowed to put a 4-foot block wall on the side.

John Robb said he understands the consideration but he does not have any authority to agree to anything other than what the Planning & Zoning Department came up with.

Trustee Lopez said he would like a park at this property.

MOTION: Trustee Rael moved approval of the request for a variance from the 280-foot setback on Rio Grande Blvd as required by ordinance 191, section 3, paragraph T, to allow a 75-foot setback from the centerline of Rio Grande Blvd on tract 6A-1-5 and a 175-foot setback on tract 6A-1-3 and tract 6A-1-4 from the centerline of Rio Grande Blvd. Thanksgiving Farm subdivision in the south Rio Grande B Character Area and all homes should face Rio Grande Boulevard, the fence should be open fence along Rio Grande Boulevard and no higher than 4-feet, and the farthest north lot 6A-1-5 should only be a single-story home, and the maximum height of the others should be no more than 26-feet high.

With the following findings:

The Variance request meets the hardship requirements of Section 24(E)(3)(a) and (b).

(a) The Variance is in conformance with the goals and policies of the Village Master Plan.

4.6.2 Residential Goal: The goal is to maintain residential development in keeping with the rural and diverse character of the Village. The subdivision was created in 1998 under Ordinance 125 which required a twenty five (25) foot setback on Rio Grande Boulevard and defined, at the time of approval, the rural and diverse character of the Village. Ordinance 191 redefined that rural and diverse character.

- (1) It is not contrary to the public interest; and
- (2) Owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship.

E(3)(b)(1) When compared with other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of physical characteristics of the land that existed when the provisions were adopted or which were created by natural forces or by government action for which no compensation was paid; the lots are situated between the curve of Rio Grande Blvd. and the Griegos/Gallegos Lateral, the physical characteristics of the land are exceptional because of the Lateral natural boundaries.

E(3)(b)(3) The parcels are irregular (triangular or trapezoidal) or unusually narrow in shape, and the condition existed when provisions were adopted or was created by natural

1 force or government action for which no compensation was paid; the subdivision was
2 approved in 1998. Ordinance 191 establishing the 280 foot setback was adopted in 2004.

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4 E(3)(b)(4) (4) Circumstances have created a condition under which no reasonable use
5 can be made of the land without the requested variance; there is very limited buildable
6 area on the parcels without the requested variance.

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8 The setbacks as shown on the Replat proposed by the Applicant reflects a configuration
9 which will allow reasonable use of the affected lots while at the same time complying, to
10 the extent reasonably practical, with the setback requirements set out in Ordinance 191.

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12 The applicant was the owner of record when Ordinance 191 was adopted in 2004.

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14 Accordingly, the Variance request meets the hardship requirements of Section
15 24(E)(3)(a) and (b)(1), (3) and (4).

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17 **Trustee Lopez** seconded the motion.

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19 **VOTE:** The motion carried unanimously 3-0.

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22 **7. OLD BUSINESS**

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24 **A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE**
25 **AMENDING ORDINANCE 184, SECTIONS 3. 4 (a), 4 (B), 4 (C), 6 AND ADDING**
26 **SECTION 5 CREATING PROCEDURES FOR MANDATORY CONNECTION**
27 **DETERMINATION AND APPEAL PROCESS**

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29 **Administrator Ward** said he had no comments back on it.

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31 **Trustee Rael** asked about the amendment on line 33 regarding Village Center and
32 commercial zones. Recently, there was a problem with grease traps and odor around
33 Chavez Road and 4th Street because of no sufficient grease traps in some of the
34 businesses.

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36 **Planner Seebach** said the requirement of requiring grease traps in restaurants is under
37 the authority of the Albuquerque Bernalillo County Water Utility Authority (ABCWUA)
38 and the New Mexico Environment Department (NMED). The Village has no authority
39 on this matter.

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41 **MOTION: Trustee Homan** moved approval of Ordinance No. 184, amending Chapter
42 22 of the codified ordinances.

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44 **Trustee Rael** seconded the motion.

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

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48 **VOTE:** The motion carried unanimously 3-0.

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8. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2010-11-1 – A RESOLUTION OPPOSING A REQUEST BY THE BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS REQUESTING THE NEW MEXICO STATE TRANSPORTATION COMMISSION CHANGE THE NAME OF THE LOS RANCHOS/JOURNAL CENTER RAIL RUNNER STATION TO THE EL PUEBLO STATION

MOTION: Trustee Lopez moved approval of Resolution No. 2010-11-1. **Trustee Rael** seconded the motion.

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

VOTE: The motion carried unanimously 3-0.

B. DISCUSSION AND APPROVAL TO AUTHORIZE THE MAYOR TO ISSUE A REQUEST FOR PROPOSAL FOR LEGAL SERVICES

Administrator Ward said the Village’s contract is up for attorney services.

MOTION: Trustee Lopez moved approval authorizing the Mayor to issue a RFP for legal services. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Rael commended Gil Saavedra and Nancy Haines on the audit and all the compliments the auditor gave them

Trustee Lopez asked if the audit is due to the State on December 1st.

Trustee Lopez stated that he saw in the news that Lt. Governor elect John Sanchez will be meeting with Chambers of Commerce all over New Mexico and strongly recommend that the Village Chamber talk to him also.

10. ADJOURNMENT

The meeting was adjourned at 8:29 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this ____ day of _____, 2010.

ATTEST:

Annabelle Silvas, Village Clerk