

MINUTES

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

BOARD OF TRUSTEES REGULAR MEETING

APRIL 14, 2010 -7:00 p.m.

Present:

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

Kelly S. Ward, Administrator
Nancy Haines, Treasurer
Linda Seebach, P & Z Director
Martha King, Attorney
Annabelle Silvas, Clerk

1. CALL TO ORDER

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

A. APPROVAL OF AGENDA

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

VOTE: The motion carried unanimously 4-0.

B. PROCLAMATION PROCLAIMING APRIL 16, 2010 AS “TRIBUTE TO TEACHER EXCELLENCE DAY”.

Mayor Abraham read the proclamation and proclaimed April 16, 2010, as “Tribute to Teacher Excellence Day.”

2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT] - (PLEASE SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER PUBLIC COMMENT ON AN ITEM THAT IS NOT ALREADY ON THIS AGENDA)

None.

3. CONSENT AGENDA

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

A. MINUTES – FEBRUARY 10, 2010 – Regular Meeting MARCH 8, 2010 – Special Meeting

Homan two corrections, page 17 of line 34, the word should be spelled “LIHEAP”. Also, at the end of line 47, the word should be spelled “to.”

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

VOTE: The motion carried unanimously 4-0.

4. **REPORTS**

A. **MAYOR'S REPORT**

Mayor Abraham reported on the following:

The Village's Easter egg hunt was a success. He thanked the Bernalillo County Fire Department and Commander Perez.

The Growers' Market was successful this past weekend. The regular Growers' Market will start the first Saturday in May with the regular season.

The Village has been talking with Bernalillo County Commissioner Alan Armijo and Bernalillo County regarding getting them to fund more open space for the Village.

The Village has also been talking with Bernalillo County Sheriff Manny Gonzales on how to improve police presence and enforcement for the Village.

B. **ADMINISTRATOR'S REPORT**

Administrator Kelly Ward reported on the following:

Arturo Andujo, the Village's Animal Control Officer, resigned on April 9th.

The preliminary budget is on the agenda and there is still some concern about gross receipts but the discussion will begin with tonight's meeting.

The Village signed a contract with ESA Construction to build a fire station but the Village did not give them a notice to proceed pending clean-up of the site. There was a waste oil tank underneath the site and per the environment procedures, the Village dug down to about 16 feet looking for clean soil to run tests on but were unable to do so. A soil sample was taken to the testing lab with results coming in approximately one week. The Chappell Law Firm is looking over documents for disclosures in the purchase, Phase II Environmental Purchase, and the responsibility for chain of ownership. Depending on the nature of the situation, the Village hopes not to have any delays with the project.

Trustee Lopez asked if there is a chain of title with the purchase.

Administrator Ward said the details would have to be researched but the original lease was found when the property was Sinclair Oil.

Trustee Rael asked Administrator Ward if the property was Atlantic Richfield at one time.

Administrator Ward said that he did not have paperwork that stated that but it could be. It would have to be researched.

Administrator Ward said the Village also had a bid opening on March 18th for the Rio Grande Bike Lane and the Village is just waiting for recommendation from AECOM, the project engineer, for low bid and one that is compliant with regulations since it was a federal funded project there are some hoops that need to be jumped through. The initial low bidder does not look like they made the DBE requirement so the Village is going through a process with them that should be sorted out in the next week.

The one year walk-through with the I&J sewer project is tomorrow, April 15.

The managers of various City and County Governments have been meeting once per month to talk about common issues.

C. PLANNER'S REPORT

Planner Linda Seebach reported that:

She attended the Arid Low Impact Development Green Infrastructure conference in Albuquerque.

Trustee Lopez reported on the family transfer subdivision meetings held. He said they met on March 30th and many legal issues have been brought up that will require further examination by the trustees as well as the Village staff. He reported that all meetings will be postponed until the end of July and a moratorium will be requested through the end of the year. He said Attorney Bill Chappell has pointed out two key issues with the Family Transfer Subdivision. The first key issue is the definition of "family" is no longer what it once was and it may be difficult to specify what a "family" really is now. The second key issue Attorney Chappell brought up was the long time residents of the Village that were to be assisted by this are deceased. The concern is that the group is very limited now and they need to be identified. Trustee Lopez encouraged all who are interested in reading the minutes to review them.

Planner Seebach said that the 2020 Master Plan Committee is meeting every other Saturday and a draft will be available at the end of May. The Los Poblanos Project is progressing and is going well. There was a small discrepancy between the architect's plans and the landscaper's plans for the south parking lot. They had to widen it and by doing so, they came out with two extra parking spaces. The second new housing start came in the year, Roncon de Los Ranchos, which are small additions and remodels.

Trustee McDonough asked Planner Seebach how the attendance has been at the Master Plan meetings.

Planner Seebach said there is a very dedicated committee and occasionally other people drop in depending on the topic. Each topic is published on the Village website. The Residential topic may have a lot of people because cluster housing and the high density phase along 4th Street will be discussed at this meeting.

D. LEGAL REPORT

Attorney Martha King reported that:

Her office worked on securing an order that a landscaping business is not running a business out of an A-1 Zone. She said that Planner Seebach and Village Code Enforcement Officer, Keen Heinzelman, did a great job documenting everything including complaints from the neighbors and interviews of the neighbors. She said they entered into an order instead of having to proceed to court for action.

She said they reviewed some matters on an appeal for the Los Poblanos Project.

She said they also worked on matters related to the Challenger Center Agreement, the operator agreement, and researched issues regarding illegal subdivisions in the Village. She said Mr. Chappel has been working on a draft noise ordinance and some amendments on the Family Transfer Subdivision.

E. FIRE DEPARTMENT

Administrator Ward said that the Bernalillo County Fire Department did a good job on the Easter egg hunt in the Village.

5. FINANCIAL BUSINESS

A. CASH REPORT – FEBRUARY & MARCH

Treasurer Haines presented the February and March cash report.

MOTION: Trustee McDonough moved approval of the February & March cash report. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously 4-0.

B. APPROVAL TO ACCEPT AUDIT REPORT FOR FY 2008/2009

MOTION: Trustee Lopez moved approval to accept the audit report. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously 4-0.

C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2010-4-1-ADJUSTMENT TO THE 2009/2010 FY BUDGET

Administrator Ward said the final grant agreement for the fire station came in after the last Board of Trustee's meeting. This money has been accepted and will be rolled into the budget for the current fiscal year.

MOTION: Trustee Homan moved approval of Resolution No. 2010-4-1. **Trustee Lopez** seconded the motion.

Trustee McDonough asked if any money will need to come out of the Village's general fund to finish the fire station.

Administrator Ward said that \$100,000 will need to come out of the Village's general fund. He said the other concern is that \$449,000 that expires in August of this year which needs to be spent otherwise the Village loses it unless there is a special session and the funding is extended.

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

VOTE: The motion carried unanimously 4-0.

D. BUDGET PRESENTATION AND DISCUSSION OF PRELIMINARY BUDGET FOR FY 2010-2011

Administrator Ward presented the preliminary budget.

He said the Village had stripped down the budget to the bare minimum and overall revenue, the Village would be down 1%. Other items would be tweaked as things progress.

Trustee Lopez referred to page 6 of 11. He said there was \$10,351 for engineering services in the fiscal year ending with June 30, 2009, and now the Village is only projecting \$3,000. He asked Administrator Ward if the need for engineers was not as great as in prior years.

Administrator Ward said engineering needs may be needed but expenses still need to be looked at and evaluated, however; this is the initial projection.

Trustee Lopez asked Administrator Ward if the \$23,980 for construction regulation services was for the building inspector.

Administrator Ward confirmed that the \$23,980 was for the building inspector.

Trustee McDonough referred to page 7. He said the Village has not budgeted anything for part-time wages under the general fund, administration, overtime, and nothing for engineers. There are a number of items the Village has had money for in past years but have now been zeroed out.

Administrator Ward said, realistically, those types of funds will be added back in. He said the Village received the distribution for gross receipts tax for the month of April and it was below than what was projected. Administrator Ward said given those kind of conditions, he wanted to see what it would look like if the Village had to get through without some of those items. He said that the Village would need to make some choices on what could be done without, but there was still plenty of room to build back some expenses and still be okay in terms of cash flow. He said the Village would be okay in terms of still providing services.

Trustee McDonough asked if the Village is under an agreement with property owners for the Village Center where the Village is making payments.

Mayor Abraham said the Village is on agreement with the property it already owns. He said that the other property owners the Village had options on expired and there are no liabilities.

Trustee Homan asked if the Village allowed them to expire without exercising them that the Village allow the options to expire and asked Administrator Ward to confirm that there are no residual fees.

Administrator Ward said there are no outstanding obligations at Village Center and referenced the “Transfers Out” section in the report. Also, a set aside on repayment of the open space bonds and the Village is holding, in reserve, \$100,000 per year. He said the \$207,000 reflects the \$100,000 Contreras payment.

6. PUBLIC HEARINGS AND APPLICATIONS

None.

7. OLD BUSINESS

None.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO AUTHORIZE A RATE ADJUSTMENT TO THE FUEL SURCHARGE RATES

Administrator Ward said that Waste Management is requesting a rate increase for fuel. The fuel rate at the time the contract was signed in October 2009 was \$2.00 a gallon, which at that time was low. Waste Management is now returning to re-align the fuel rate with the actual expenses.

Marlene Feuer of Waste Management said that she gets a daily report on the fuel drop, which is at 3,000 gallons a day. On Monday it was \$2.99 a gallon and today it was \$2.93 a gallon and are projecting that it is going to go up in the summer. In this request, according to the contract, Waste Management wants the surcharge to be addressed and is asking for \$2.72 a gallon.

MOTION: **Trustee Lopez** moved approval of the Waste Management rate adjustment request of \$2.72 a gallon. **Trustee McDonough** seconded the motion.

VOTE: The motion carried unanimously 4-0.

Marlene Feuer pointed out that they are currently reporting 1840 residential accounts in the Village of Los Ranchos and, of those, 1671 residents are utilizing recycling carts which is a 91% participation rate for recycling. She complimented and thanked the Village and residents. Waste Management has 133 commercial accounts in the Village. She said Waste Management does not get this rate from any other municipality in New Mexico. She added that from March 2009 and March 2010 they have recycled 391.64 tons (2,000 pounds to each ton) out of the Village of Los Ranchos.

B. PRESENTATION AND DISCUSSION OF FILM TASK FORCE AND APPROVAL TO DEVELOP A DRAFT ORDINANCE OR AMENDMENTS TO

EXISTING ORDINANCES RELATED FILMING IN THE VILLAGE

Administrator Ward said the Film Task Force has been meeting since it was created in the fall and have had four meetings and proposed a draft for review by the Board of Trustees. He said Ann Simon was present to go over the draft with everyone.

Trustee Lopez said that it the first time he had seen the draft.

Ann Simon introduced herself as well as Dave Roberts. She said Dave Roberts is a Village resident who is in the commercial film industry and is also involved with a small production company. She said he is not on the task force but did provide a lot of guidance.

She reviewed the economic benefits of filming in New Mexico and started with, "What's in it for the Village." She said filming money is spent locally and the Village benefits through things like dry cleaners, catering, lumber, mechanics, and other support businesses necessary for filming.

She said filming is not just about creating big movies, but is also about commercial production companies including photographers or videographers located in the Village.

She presented key points and said the recommendations of the committee are reasonable and addressed resident concerns. She said the production sizes are greatly limited to no more than 80 crew members in residential areas, filming cannot exceed 6 continuous days and 5 in the residential area, and dedication of permit fees should be to a certain cause. She also said there is language in the draft that says whether it is neighborhood covenants or Village ordinances, whichever is the most restrictive prevails.

Trustee Lopez asked Ann Simon when the filming task force first started meeting.

Ann Simon said they started meeting October 20th, 2009. She said they have had four or five meetings and they also formed a subcommittee to really take a look at all the fine details of the draft ordinance.

Trustee Lopez requested Ann Simon to send any available Film Task Force meeting minutes to him for review.

Trustee Homan referred to page three of the draft ordinance regarding section "E" of liability provisions. She said in section "D" the draft ordinance provides exemptions primarily for small crews, charitable organizations, and educational organizations. She said in the section "E" the Village appears to be requiring a very steep certificate of insurance policy. She asked Filming Task Force representatives if the groups within the exempt areas would also be required to provide a million dollar insurance policy.

Dave Roberts said these things should probably be looked at and considered. He also said this ordinance mitigates a lot of concerns residents had by addressing things like filming activities stopping access to streets instead of being done by the Sherriff's Department. He said by addressing things such as operating restrictions and application guidelines in the draft ordinance; it shows the state that the Village is cooperating with film making while still appeasing residents of the Village.

Trustee Lopez said there was a base camp in the Village's grassy area at least once per month and he asked Dave Roberts how the ordinance would take care of these types of things.

Dave Roberts said the ordinance would say there cannot be more than 80 people in the on-site crew and any additional crew members would need to be shuttled over or other options would need to be considered.

Trustee Rael asked Dave Roberts why film crews would need areas such as the Village if Albuquerque Studios is available.

Dave Roberts said there is a difference between stage production and location production. He said stage production such as Albuquerque Studios only allows for someone to build sets, interiors, and is strictly four walls. Location production allows for trees, sunsets, large open space and unique outdoor filming.

Mayor Abraham presented a PowerPoint presentation on filming and zoning ordinances and the disconnect he said he feels between what the ordinance proposes and what he said he encounters.

Ann Simon said there are things to certainly learn from and consider with the feedback Mayor Abraham presented in his PowerPoint presentation and many of the other things presented in the presentation are addressed in the draft ordinance.

Trustee Lopez said, prior to Mayor Abraham came here, the Village was in constant litigation about various issues. He said, since 2004, it has been rather serene in the Village.

Dave Roberts asked if Mayor Abraham had ever been on a commercial shoot.

Mayor Abraham said no.

Dave Roberts said he has been filming in the Village since 1992 but he did not think anyone knew about the filming because his type of commercial filming does not have the same type of impact as the movie filming. He said by saying the Village does not allow any filming, it affects a lot more people than just movie filming. He said he wanted to develop an ordinance that fairly addressed both large and small crews.

Trustee Lopez thanked the Film Task Force for their work in putting together the draft ordinance.

Trustee Homan also thanked the Film Task Force for their consideration in addressing resident concerns and setting terms for filming in the Village.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Rael asked about the property behind the child care on Nara Visa. He said he thinks it has taken too long to address this issue and there should be a faster process to take

care of something like this.

Administrator Ward said it did take a long time to get their attention and now the Village has their attention, they were given sixty days to get it done.

Trustee Rael said the other problem area is behind Chase Hardware with abandoned equipment and vehicles. He also asked about the Miller Feed area with the graffiti and construction has started on the barn but it seemed to him that not much was going on.

Administrator Ward said that he visited the property today and the walls were going up on the barn and people will start to see considerable activity there.

Trustee Homan requested contact numbers for graffiti removal be published in the next Village Vision magazine.

Trustee Rael said he worked with a residential property at 8301 Don Diego Circle regarding hook-up to sanitary sewers. He said the smoke tests performed revealed that some of the residents were not hooked-up. He said he worked with the Albuquerque Bernalillo County Water Utility Authority to get the problems worked out but that more smoke tests would be performed.

Trustee Lopez said he will be gone most of June and he would like to see a proposed budget again in May.

Trustee Homan said the Village's involvement with the New Mexico Municipal League is very beneficial and informative. She encouraged everyone to attend district meetings and to support the New Mexico Municipal League. She said she attended a New Mexico Municipal League meeting called "Congress of Cities" in Washington D.C. that was funded by the Municipal League. She said they met with all five of the ~~New Mexico delegation~~ the New Mexico Congressional Delegation members and reviewed many Municipal League priorities with them.

Trustee McDonough said there is a group that meets to talk about water quality issues in the middle Rio Grande that has been focused on water quality and standards in the river and it is about to change to focus more on storm water as EPA has picked the middle Rio Grande as a pilot project for developing a water shed-wide MS4 permit. He requested permission from the Village to attend these meetings.

10. ADJOURNMENT

The meeting was adjourned at 8:45 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

