

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING

February 8, 2006 - 7:00 P.M.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Mary E. Homan, Trustee

Tim McDonough, Trustee

Pablo R. Rael, Trustee

Juan R. Vigil, Administrator

Annabelle Silvas, Clerk

Terry Nighbert, P&Z Director

Nancy Haines, Treasurer

Sherry Tippett, Attorney

George Dahl, Fire Chief

Greg Perez, Deputy Fire Chief

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, February 8, 2006 in the Warren J. Gray Hall. The Mayor 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.

2. PUBLIC COMMENT PERIOD

No one signed up for public comment.

3. CONSENT AGENDA

A. MINUTES – REGULAR MEETING – JANUARY 11, 2006

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 Homan moved approval of the Consent Agenda. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously 4-0.

4. **REPORTS** **MAYOR'S REPORT**

Mayor Abraham reported that:

- They are starting to form the Los Ranchos Economic Development Council and they plan to keep the businesses aware of the effects the 4th Street Project will have on traffic. He said a letter has been sent to most of the businesses to keep them informed of the project schedule.
- Regarding the Montaña Bridge, the Village is still meeting with the Corps of Engineers and still has to agree to the Memorandum of Understanding. He said he does not believe things are exactly as have been reported in the newspapers. He said they are sending suggestions to the Corps on how to mitigate the noise from Montaña and to work out issues like speed boards to reduce speeding and to plant some trees.
- Village Hall is much brighter thanks to Arturo Andujo, David Herrera and Terry Nighbert. He said they also installed new trim to hang paintings rather than putting holes in the drywall. He said the paintings will actually hang from wires. He said several artists in the Village will be contributing paintings that will be for sale and any artist in the Village is welcome to hang their work.
- The roof of Village Hall is failing and they are currently taking bids to have it replaced. He said that will be a large expenditure ranging from \$25,000 to \$50,000. They will have to decide how to include an item in the FY-07 budget.
- The San Juan Chama Project is having some challenges regarding unexpected Qwest cables and some water lines at Rio Grande Blvd.
- Regarding the cell towers, he met with the El Caballero Norte Neighborhood Association. They made some suggestions and made known their concerns. He said the Village will be looking at alternatives where they can still get the service the Village needs. He said when he feels they have thorough information, an agenda item will be presented for Board action.

Trustee Lopez said he understands that Keith Bradley is spending time at the San Juan Chama Project, pipeline boring at Rio Grande Blvd.

Administrator Vigil said both Sgt. Jason Lazo and Keith Bradley have been at the site talking to the contractor's lead staff to make sure that any lane closure will have the proper safety and flag persons and to insure access for the residents as well as traffic control. He said he met with project staff and reiterated how important it was for them to keep the Village briefed, especially in terms of the Fire Department so that they won't be delayed if they have a call in that area.

Mayor Abraham noted that Patti Watson, Wilson Engineering, briefs us weekly and it could be forwarded to the Board of Trustees as well.

B. ADMINISTRATOR'S REPORT

Administrator Vigil reported that the Village is working closely with Larkin Engineering on the 4th Street Project. He said that Star Paving has secured Taft Middle School as the location for their construction yard. He reported that the groundbreaking for the 4th Street Project is planned for right after the Legislative session so that our Legislators can attend.

Administrator Vigil said he provided the Board with a memorandum and schedule regarding the Area K Vacuum Sewer Project. He said they are currently working with the Middle Rio Grande Conservancy District to insure that any of the areas affected by ditches have the work done prior to the March 1st release of water into the ditches. He said they are also looking at boring under the ditches. He said they are also planning a groundbreaking but the date has not been finalized.

Administrator Vigil said he has been in contact with Lobbyist Les Houston regarding the legislative issues. He said on the Governor Richardson Improvement Projects (GRIP 2), we are in the bill for \$3.36 million which includes the funding for the short fall on the 4th Street Project, the repaving of 4th Street, the drainage issues along 4th Street, the design money for a separated bike and pedestrian trail along Rio Grande Blvd., and also El Pueblo paving from the Village limits on the east to Rio Grande on the west.

Administrator Vigil reported that as requested by Trustee Rael on the Green Valley Road Project, the rough areas were resurfaced and he had received calls from the residents in that area complimenting the Village on the work. He noted that it was not a full resurfacing but it made the street a lot better. He said on the Osuna extension going through Los Ranchos Villa, the Village is working on getting bids to have the curb painted red as a fire lane so that vehicles can no longer park there. He said they also plan to install a crosswalk from the northern part of the shopping center over to the barber shop and have the turning arrows replaced.

Administrator Vigil said he talked to Lisa Manwill, the project coordinator for Bernalillo County, and she is prepared to brief the Board at its March meeting regarding the wastewater project for Areas I and J. He said work is slated to begin on the El Caballero Norte area. An area of concern is the connection at Chavez and El Alhambra.

Administrator Vigil said Bernalillo County Environmental Health Department and the Water Authority had identified close to 200 individual homes that were not connected but had access to the wastewater system. The Village subsequently sent those individuals a letter requesting that they hook up to the system. He said what they are finding is that a majority of the residents are willing to connect and many of them are already connected but they are not being billed. Letters were sent to those not being billed and they were informed on what they needed to do. He said there were also a number of residents who were beyond 200 feet from the hook up. They were informed that if their system is currently working and has been inspected that they do not need to connect to the system until their current system fails. He said there are some individuals who have unusual circumstances such as health issues, being out of state right now, and financial issues. He said he has worked with these individuals and set a 90-day time period to get back to him.

Trustee Homan said she understands it is very expensive to hook into the wastewater system and wanted to know if there were any types of payment arrangements or loan arrangements that residents could pursue.

Administrator Vigil responded that there are payment arrangements that can be made and these were described in the handout that was included with our letter; such as the PIPE program run out of the County Environmental Health Department funding, or they can make arrangements through the Water Utility to do a monthly installment payment for the connection charges.

C. PLANNER'S REPORT

Planner Nighbert reported that the Planning Department has continued to process applications for some major subdivisions which will be heard by the Planning & Zoning Commission and will come to the Board of Trustees in March or April. He said they have also received applications for regular variances and conditional uses on a steady basis. He said they have not had as many inquiries about subdividing land off of Rio Grande Blvd. as they did the first three months after the Prado subdivision was announced. He said he has only had two building permits requested for Prado so far and utility work has begun with laying of sewer and water lines. He said there have been no new commercial applications received. He said the footings for the barn have been poured at Hartnett Park. He said the rigging of the harnesses for the barn has begun and it will come over in 27 sections. He said the barn will be split into nine parts, each with three sections and it will take about three weeks to move the barn and assemble it at the Park. He said they estimate about two months before the barn is completed.

Trustee McDonough asked whether they were moving forward on adjustments to building permit fees and what the status was for the operations plan on the barn.

Planner Nighbert responded that he will be working on those items.

D. LEGAL REPORT

Attorney Tippett reported that she and Administrator Vigil attended a mediation and the case is closed. She said there was also a dog bite case filed in Municipal Court and the owner of the dog had it destroyed and reached an agreement with the injured person to pay medical costs. The case was then dismissed. She said she sent out seven complaint letters regarding the CRS Ordinance. She said she is attempting to get a second- or third-year intern from the law school to assist with ordinance revisions.

Trustee Homan asked about the CRS reports and whether they were businesses that never paid or businesses that were paying it to Albuquerque.

Mayor Abraham responded that they were parcel permits. He said they originally identified 90+ permits and by last week they brought it down to 10 and he said by today it was probably down to 6. He said it involves Realtors® who have not yet taken out the parcel permits. He said staff has done an extremely good job of tracking them. He said some of the problems have been that Realtors® are leaving their signs up in the Village after listings have expired, they will not pay the \$35 and so we tell them to take their signs down, or the house is sold and they are not showing the sold sign on it. He said they are

down to only four or five cases and he has talked to each of the Realtors® or brokers involved and they said they will comply.

E. FIRE DEPT. REPORT

Fire Chief Dahl reported that last month the Fire Department responded to 67 calls for service. He said they responded to a fire of suspicious origin on Del Acres where there was a neighbor dispute and an individual's truck burned. He said during the month they had some great training: 17 firefighters are going through Firefighter I training at TVI; Deputy Chief Perez, Lt. Cordova and he attended one week at the Albuquerque Fire Academy on "Command and Control", which included the new National Incident Management System that was federally mandated. He said they also provided the Board with a copy of the Annual Report listing statistics for 2005 as well as some completed projects. He said there was a fire at Taft Middle School last week. LRFD was assisted by about nine units from Albuquerque Fire Department and one unit from Bernalillo County.

Trustee Lopez said he attended the flag raising ceremony at Horizon Academy last Friday morning and there were several people there who commended the Village's firefighters for the work they did in preventing a catastrophe at Taft Middle School.

5. FINANCIAL BUSINESS

A. CASH REPORT – JANUARY

Treasurer Haines reported that the ending cash balance for January was \$2,595,914. She said the revenues exceeded expenditures by \$132,697 and therefore the year-to-date revenues over expenditures were \$72,503. She said they are working on filling the position of gross receipts tax auditor.

Trustee Lopez asked for the status on the contract with the Bernalillo County Sheriff's Department.

Administrator Vigil said the agreement is executed; however, one of the conditions of the agreement is that the Village participate in the selection of the officers who cover the Village. He said the Mayor sent a letter to the Chairman of the Bernalillo County Commission informing the Chairman that he wanted to communicate with him and the Sheriff regarding this particular clause and until we had some explanation on how this would work in the future, we would be withholding payments to Bernalillo County.

Mayor Abraham said there is an agreement but something he placed very highly was "our police force", but he doesn't consider it our police force if we cannot choose our policemen. He said it is a technicality but he agreed to a special pay so the Village could choose its officers. He said Sgt. Lazo is very nice, he lives on Garduno, has been a Village resident for 12 years but the way they do the bidding process, the Village could lose him during the next process.

MOTION: Trustee Lopez moved approval of the Cash Report as presented. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 4-0.

B. DISCUSSION AND APPROVAL TO ACCEPT THE AUDIT REPORT PREPARED BY HINKLE AND LANDERS, PC AND ACCEPTED BY THE STATE AUDITOR FOR FY 2004-2005

Farley Veneer, Hinkle and Landers, reported that cash and cash equivalents increased by \$615,000, accounts receivable and other receivables increased by \$1,000,000, and accounts payable increased by \$622,000 from the prior year. He said the general fund balance increased by \$806,000, special revenue fund balance increased by \$128,000, and the capital projects fund balance increased by \$70,000. He said the main reason for the cash increase was the higher revenues for the year and a little lower expenses. He said the reason for the receivable increase was mainly because of the Unser Racing Museum. He said regarding the profit and loss statement, the taxes increased by \$187,000 and the intergovernmental revenues such as grants, increased by \$2.6 million for the year, as compared to the year 2004. He said during the audit there were seven adjustment entries, mainly in the accounts payable and accounts receivable area concerning the Unser Museum and the 4th Street Project. He said they also made some adjustments regarding donated fire equipment and in the payroll accruals. He said their opinion on the audit was “unqualified”, which means a clean opinion and there are no issues that they addressed. He said concerning management findings, there was one comment regarding a late submittal of the budget for 2004 and for 2005 the finding was already resolved because it was submitted on time. He said comparing findings: this year – 1 finding, last year – 6 findings, and two years ago – 17 findings. He said you can see that there has been steady improvement and he wanted to thank the staff because the audit is running more smoothly each year.

Trustee Lopez said he has served as a Trustee for 12 out of the last 14 years and this was the most glowing audit he has ever seen. He said the financial highlights on page 3 were the first full year that these Trustees and this administration have been on board. He said he wanted to commend the staff and Mayor for aggressively coming in and taking charge and solving many problems that had occurred in the past.

Mayor Abraham said this audit is the result of the current administration and by Nancy Haines’ and Gil Saavedra’s diligence. He said it is a very good audit and a tribute to the entire staff.

MOTION: Trustee Lopez moved to accept the Audit Report. Trustee Rael seconded the motion.

VOTE: Motion carried unanimously 4-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. AN APPEAL TO THE BOARD OF TRUSTEES BY THOMAS AND RUTH MONTOYA FOR THE PROCEDURAL OBJECTION SECTION 1 AND 2 OF THE LETTER OF JANUARY 25, 2006 TO THE BOARD OF TRUSTEES IN THE MATTER OF ACTION BY THE PLANNING AND ZONING COMMISSION TO FORWARD TO THE BOARD OF TRUSTEES A RECOMMENDATION FOR

APPROVAL ON JANUARY 10, 2006 OF APPLICATIONS BY AMY LANDAU FOR CASES Z-05-09, S-05-07 AND V-05-29.

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

Planner Nighbert reported that Mr. Montoya filed an appeal of the action by the Planning and Zoning Commission and specifically Items 1 and 2 of his letter dated January 25, 2006 deal with procedural matters. Planner Nighbert said he would like to cover those items as part of the appeal and that Items 3 through 7 would be covered in the open hearing on the zoning issue and the subdivision issue in Cases 6.B. and 6.C.

Planner Nighbert said he wanted to note that their Procedural Objection No. 1 was that the notice of the underlying January 10, 2006 hearing before the Planning Commission was sent to the wrong address. He said that secondly they said they understood that at the December 7, 2005 Board of Trustees meeting the matter was remanded for the purpose of entering findings to support the November 8, 2005 Planning Commission decision to deny the application. Planner Nighbert then read Planning Report No. PZ-06-14 which recommended denial of the appeal based on findings that their appeal referenced Section 25(H) of the Zone Code when in fact it should be Section 24(H). He also noted that the applicants were present at the December 7, 2005 Board of Trustees meeting when the applications were remanded to the Planning and Zoning Commission for rehearing on January 10, 2006. He said this constitutes actual notice, not just by letter notice. He also noted that the rules were followed as far as using the Assessor's current database to send the Public Notices to the Montoya's for the November and December hearings.

Planner Nighbert reported that on the Montoya's second point regarding a remand not having any ability to be reversed by a Commission, NMSA 1978 §39-3-1.1 requires that the order of the Commission contain a statement of the factual and legal basis for the order. He said that failure of the Commission to include findings of fact and conclusions of law at the November 8, 2005 hearing, when it came to the Board of Trustees, and was remanded back to the Commission on a motion by Trustee Lopez because it did not adhere to mandated due process requirements.

Appellants:

Tom Montoya, P. O. Box 66064, Albuquerque, NM 87193, said their residence address is 8424 2nd Street, NW. He said they did not have notice of the Planning Commission meeting. He said they expected that that notice would be provided to the address provided by the Assessor's records and he said the Ordinance states that is what should be done. He said sometime before November his wife requested an address change from the Village and she was told that the Village goes by the Assessor's records and she would have to change the address with the Assessor's office. He said they did that. He said there was an attachment to the Appeal showing the Assessor's records as of November for his parcel as P.O. Box 66064; however, he said that is not where the notice went, he said it went to an old address at P. O. Box 151. He said it was not returned to the Village because they have not closed that address. He said that was their error and their mistake. He said the notice was not provided to them in accordance with the Zoning Code and he said they provided evidence of that. He also said he is aware that the Board could determine that they had notice because it was provided orally when they were at the meeting. He said his next point was that in the Minutes on page 13, Trustee Lopez's

motion was that the item be remanded to provide the Board of Trustees with findings. He said the matter before the Board at that time was the denial of the application that was appealed by Ms. Landau and the appeal was not for a remand and it was not to send it back for remand to reconsider or to possibly consider a re-vote. He said this came from the Board itself and that was to enter findings that would support the decision that was made. He said it appears to him that the scope of the remand exceeded their understanding which was to enter findings for the decision that was made, not to enter a different decision or to reconsider the decision or possibly re-vote and amend it.

Trustee Lopez asked if Mr. Montoya was saying that he did not receive a notice in the mail of the action that was to be taken at the January 10, 2006 Planning and Zoning meeting.

Tom Montoya said they did not receive that notice until the day after the meeting was held because it went to an old address, not the address that was provided on the Assessor's records. He said the address on the Assessor's records for his tract is P. O. Box 66064 and it was that address as of November and it was that address as of the last Board meeting, but that is not where the Village sent the notice, they sent it to an old downtown address which is P. O. Box 151. He said it was not returned because that address has not been closed. He said they did not feel they needed to check the old box since they had given the Assessor's office their new address.

Ruth Montoya, P. O. Box 66064, Albuquerque, NM 87193, said twice she had tried to change their address with the Village and she was told she could not do it over the phone or at the Village, she would have to do it at the Assessor's office. She said on 8/16/05 she went to the County Assessor's office and changed their address.

Proponents Testimony:

David Montoya said he was at the meeting, but his property is about 350 feet away and he did not get a notice. He said he wanted to come to that meeting himself but when he heard it was for "findings", he thought the Commission was going to justify their denial of Ms. Landau's appeal. He said if he thought they were going to re-vote he would have been there to say some of the same things he talked about before.

Opponents Testimony:

Amy Landau, 8221 4th Street, NW, said her first comment was in regards to page 2 of the Appeal where they admit they were at the hearing where the Board ordered a remand for a full hearing with findings of fact. She said the Minutes on page 14 demonstrate that understanding when Planner Nighbert suggested the entire package should be remanded because it was heard as a package and should be presented back to the Board with findings as a package. She also noted that the Notice for the Planning and Zoning Commission stated a full hearing on the entire application consistent with the Trustees' motions and votes. She said it was her understanding that Mr. Montoya personally represented to the Village Planning staff that he was out of town on January 10, 2006 and she would like to know if that fact was accurate or not.

Public Comment Closed – Board Deliberations:

Trustee Lopez said he would like to make comments related to 6.A., 6.B., and 6.C. He said that first he would recommend that 6.B. and 6.C. be deferred for a minimum of one month, possibly two months. He said his reason is that Ms. Landau, Trustee Rael and he are running for Trustee positions in an election that will occur on March 7, 2006. He said on December 7, none of them had decided to run. He said he believes his vote could be considered to be either vindictive or trying to curry favor with a person who may become a Trustee. He said he believes the issues in 6.B. and 6.C. are so important that they should not be decided in a political environment. He said his second reason for deferral of these items is that there is a letter from the Middle Rio Grande Conservancy District dated December 7, 2005. He said the subject was “Request by Amy Landau for Preliminary Plat Approval to Sub-divide the Lands of Capo, MRGCD Map 24.” He said the letter says they reviewed the Planning Report regarding Amy Landau’s request and the District did not approve of allowing access into the sub-division via the Chamisal lateral maintenance roads because there is legal access off 4th Street across the Chamisal Lateral via a road easement and an existing 54” culvert crossing. He said the District indicated it was requiring the property owner to obtain a license to cross the Chamisal Lateral right-of-way prior to final plat approval. He said he went out and looked at the culvert and would recommend that the applicant have an engineer inspect the culvert and tell the Trustees how much cover has to be placed over it so that it can safely carry the load of heavy equipment. He said those are his two reasons for recommending that Items 6.B. and 6.C. be held off for one or two months and at that time if Ms. Landau becomes a Trustee, then she should recuse herself and the other Trustees can make their decision and it will be free from politics.

Attorney Tippett said it would be proper to take such an action as deferral after the next items are heard. She said this item is the appeal.

Mayor Abraham said that regarding Item 6.A., he believes the Board needs to clarify what they meant and what they voted on at the December 7, 2005 meeting.

Attorney Tippett said she does not agree with Mr. Montoya’s contention and she would like to see the case law, but she said she has researched the issue and if you remand a case back to a lower tribunal for findings, it is implicit that you have to have a hearing for those findings and she found there is nothing restricting you from reversing your earlier opinion as a lower body.

Mayor Abraham said he does not believe this case should be decided on procedural issues. He said the Board needs to look at 6.B. and 6.C. and insure that the items are heard on their merits.

Tom Montoya said he concurs with the Mayor and that this case should not be decided on procedural matters because ultimately whatever decision is made will have to come before the Board anyway. He said he just had a concern about there being a precedence setting affect on what occurred before. He said furthermore, he and his wife would like to withdraw their appeal on the procedural objections.

Mayor Abraham said it should be shown that the Montoya’s appeal was withdrawn and they would move on to Items 6.B. and 6.C.

Planner Nighbert said Items 6.B. and 6.C. could be looked at together, but he believes the decision should come in steps because in 6.B. the question is whether the zone change request is appropriate. He said if it is not appropriate by their decision, then Item 6.C. goes away.

Administrator Vigil said that considering what Trustee Lopez brought up regarding the deferral, if the Board wants to defer the issue then he does not believe they need to go through the full hearing at this time.

Trustee Lopez said that as a point of order, this has happened before and in his opinion to be procedurally correct, you do not have to allow the hearing to go forward.

B. A REQUEST BY AMY LANDAU, PROPERTY OWNER, FOR APPROVAL OF A ZONE MAP AMENDMENT FROM A-1 TO R-2 IN THE GUADALUPE TRAIL CHARACTER AREA. THE PROPERTY IS LOCATED AT 8221 4TH STREET NW AND IS LEGALLY KNOWN AS PLAT OF LANDS OF CAPO WITHIN SECTIONS 16 8 17, T11N., R.3 E. N.M.P.M. BEING TR. 184 B A PORTION OF TRACT 161 M.R.G.C.D. MAP NO. 24 BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS APPROXIMATELY 1.6115 ACRES. Z-05-09

MOTION: Trustee Lopez moved to defer Item 6.B., which in turn would defer Item 6.C. and that he believes there are two compelling reasons for doing so. He said he believes that since Trustee Lopez, Trustee Rael and Amy Landau are running for Trustee election, which was not the case on December 7, he believes that his vote could be considered to be either vindictive or trying to curry favor from a person who would become Trustee. He said he believes there is a legitimate potential conflict for him to be voting on this matter. He said secondly, he is recommending that the applicant hire a professional engineer to inspect the 54" road culvert that is in the MRGCD ~~culvert~~ right of way to advise the Board as to its condition and to recommend a minimum cover be placed over that culvert before the Board considers that application in the future. Trustee Rael seconded the motion.

Amy Landau said she believes she has a right to speak.

Mayor Abraham said he does not think there is discussion from the public on a deferral.

Amy Landau said she wants it put on the record that she definitely objects to these procedures and if she is required to, she will appeal to District Court any decision to not hear her applications. She said she has already been delayed, delayed. She said she would like to apologize to all of the Trustees and the Mayor because she did not intend to be in this situation. But she said she feels her campaign is not against any of the Trustees, she said she just feels that her experience would be helpful. She also said that Trustee Lopez has brought up factual issues related to her application that have already been placed on the record. She said she is prepared to waive any objection to Mr. Rael's or Mr. Lopez's potential conflict of interest. She said she is also prepared to disclose fully if anyone speaks on her behalf whether they support her financially in this election. She said she is not willing to be put off any longer. She said she has a full response to Mr. Lopez's concerns regarding the ditch and the license. She said she apologizes for putting everyone in this position but she wants to proceed with her application. She said unless Mr. Rael and Mr. Lopez feel they have an actual conflict of interest and that is their decision, she said she

is willing to take their vote whichever way they give it.

Attorney Tippett said since we have threatened litigation it would be appropriate for the Board to take a recess and discuss potential litigation.

MOTION: Trustee Lopez moved that the Board go into closed session and discuss litigation. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 4-0.

Mayor Abraham announced a break at 8:30 p.m. to go into closed session.

MOTION: Trustee Lopez moved that they reconvene and that in the Executive Session only those matters pertaining to the application were discussed and that they had threatened litigation. He said there was no action taken. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously 4-0.

MOTION: Trustee Lopez moved that regarding Item 6.B., he already stated his motion and will not need to restate it again, but he will indicate that the item be deferred to the next Board of Trustees meeting which is set for March 8, 2006.

Trustee Homan suggested a friendly amendment to postpone the next Board of Trustees meeting until March 15, 2006 due to the fact that the elections are being held on March 7 and with the Board meeting scheduled for March 8, it would not allow the elections to fully close and have the new Trustees sworn in. So in order to allow them to participate appropriately in the meeting and not continue to incur the same issue, she asked if Trustee Lopez would consider postponing the next Board meeting until March 15 and include that in his motion.

Trustee Lopez accepted Trustee Homan's friendly amendment.

Mayor Abraham asked Clerk Silvas if it was correct that with the elections being held on March 7, the newly elected Trustees could not be sworn in until after the March 8, 2006 Board meeting.

Clerk Silvas responded that they would be sworn in during the week after the election and even if there was a recount, they still could not be sworn in and take office until after the March 8 Board meeting.

Trustee Rael seconded the motion to defer Item 6.B. to the March 15, 2006 Board of Trustees meeting.

Trustee McDonough said a lot of the focus was on Trustees Rael and Lopez, but they are all in an awkward position because of the timing of the appeals and the election process. He said that is why they feel the prudent thing to do is to defer Item 6.B.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes.

VOTE: The motion carried unanimously 4-0.

C. A REQUEST BY AMY LANDAU, PROPERTY OWNER, FOR APPROVAL OF PRELIMINARY PLAT FOR A MAJOR (3 LOT) SUBDIVISION. THE PROPERTY IS LOCATED AT 8221 4TH STREET NW AND IS LEGALLY KNOWN AS PLAT OF LANDS OF CAPO WITHIN SECTIONS 16 8 17, T11N., R.3 E. N.M.P.M. BEING TR. 184 B A PORTION OF TRACT 161 M.R.G.C.D. MAP NO. 24 BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS APPROXIMATELY 1.6115 ACRES. S-05-07

MOTION: Trustee McDonough moved that Item 6.C. be deferred until the next Board of Trustees meeting on March 15, 2006. Trustee Homan seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes.

VOTE: The motion carried unanimously 4-0.

Trustee Homan announced that the next meeting of the Board of Trustees will be held on Wednesday, March 15, 2006 at 7 p.m.

7. OLD BUSINESS

None

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF THE MAYOR'S APPOINTMENT OF JACOB A. VIGIL, P. E. FOR HIS FIRST, TWO YEAR TERM, AND THE REAPPOINTMENT OF JOSEPH BRAWLEY TO HIS THIRD TERM, ONE YEAR AND JOHN MCDOWELL TO A SECOND TERM TO THE PLANNING AND ZONING COMMISSION BEGINNING MARCH 1, 2006.

Mayor Abraham welcomed Mr. Vigil and thanked him for volunteering for the position and lending his expertise to the Planning and Zoning Commission.

Jacob Vigil thanked the Mayor and Trustees and said he is looking forward to working with P&Z. He said one of the things he will be pushing for is to move items a little faster. He said that government entities forget that people have investments and if you defer a project for any great length of time, someone is paying interest on that money they borrowed to do a development. He said he is going to try to expedite things as much as he can.

Mayor Abraham said he appreciates all the service that John McDowell has given the Village.

MOTION: Trustee Rael moved approval of the appointment of Jacob Vigil and reappointments of Joseph Brawley to a one-year term and John McDowell to a two-year term. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 4-0.

B. DISCUSSION AND APPROVAL OF AN ORDINANCE REVISING THE ZONE MAP OF THE VILLAGE OF LOS RANCHOS. A ZONE MAP AMENDMENT FROM C-1 COMMERCIAL TO R-2 RESIDENTIAL AT 423 BLEDSOE AND IS LEGALLY KNOWN AS LOT NO. THIRTY ONE (31) PUEBLO SOLANO, A SUBDIVISION OF A TRACT OF LAND IN SCHOOL DISTRICT NO. 4, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JUNE 20, 1941, IN MAP BOOK D, FOLIO 8. THE PARCEL CONTAINS APPROXIMATELY .784 ACRES

Planner Nighbert said he did not prepare a Planning Report because the Commission has already heard all three of these cases. He said that during their examination of the Zoning Ordinance and some other ordinances, they found that when you make zone map amendments they have to be done by ordinance because the Zone Map is adopted by ordinance. Therefore, he said because of State Statute, in the future when there is a zone change or a Zone Map amendment, it will be coming to the Trustees as an ordinance amending the official Zone Map of the Village of Los Ranchos.

Trustee McDonough asked if their action was to authorize advertising the ordinance.

Attorney Tippett responded that there is a Statute §32.1.6.A. exempting zone map ordinances from the regular notice requirements, but it does require that zone map amendments be done by ordinance, which has not been done in the past, but will be done from now on.

MOTION: Trustee Homan moved approval of the ordinance backing up the Trustees previous decision to change the property at 423 Bledsoe from C-1 to R-2 zoning. Trustee McDonough seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes.

VOTE: The motion carried unanimously 4-0.

Mayor Abraham asked if they needed to go back to the ones that had not been done and do the same thing.

Attorney Tippett said she does not believe they can go back retroactively; she said she does not believe it would be proper.

C. DISCUSSION AND APPROVAL OF AN ORDINANCE REVISING THE ZONE MAP OF THE VILLAGE OF LOS RANCHOS. A ZONE CHANGE AND ZONE MAP AMENDMENT FROM C-1 COMMERCIAL TO R-2 RESIDENTIAL AT 427 BLEDSOE AND IS LEGALLY KNOWN AS ALL OF THAT PORTION OF LOT NUMBERED THIRTY TWO (32) WHICH LIES EAST OF THE STRUCTURE OF THE M.R.C.C.D., KNOWN AS THE RICE LATERAL OF

PUEBLO SOLANO, A SUBDIVISION OF A TRACT OF LAND IN SCHOOL DISTRICT NO.4, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN MAP BOOK D, FOLIO 8. THIS PARCEL CONTAINS APPROXIMATELY .345 ACRES.

MOTION: Trustee Rael moved to approve an ordinance revising the zone map from C-1 to R-2 at 427 Bledsoe NW. Trustee McDonough seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes.

VOTE: The motion carried unanimously 4-0.

D. DISCUSSION AND APPROVAL OF AN ORDINANCE REVISING THE ZONE MAP OF THE VILLAGE OF LOS RANCHOS ZONE CHANGE AND ZONE MAP AMENDMENT FROM C-1 COMMERCIAL TO MULTIPLE ZONE OF C-1/R-3 COMMERCIAL/RESIDENTIAL) AT 6822 4TH STREET NW AND IS LEGALLY KNOWN AS TRACT LETTERED "B-2 OF THE REPLAT OF TRACT 2 OF LA CHAMISAL DEL NORTE SUBDIVISION, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID SUBDIVISION PLAT, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON FEBRUARY 26, 1996 IN PLAT VOLUME 96C, FOLIO 85. THIS PARCEL CONTAINS APPROXIMATELY .3629 ACRES.

MOTION: Trustee Rael moved to approve a zone map amendment ordinance revising the zone map from C-1 to multiple zone of C-1/R-3 at 6822 4th Street NW. Trustee Homan seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes.

VOTE: The motion carried unanimously 4-0.

E. DISCUSSION AND APPROVAL TO ACCEPT THE CPI RATE ADJUSTMENT OF 3.4% TO THE WASTE MANAGEMENT CONTRACT FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES

Administrator Vigil said he received a letter from Waste Management informing the Village that they were exercising their contractual provision for the rate increase. He said Exhibit C of the contract states that solid waste collection will have an annual increase based on the CPI reviewed through the New Mexico Bureau of Economic Research or 3.5% whichever is less. The increase they are requesting is 3.4% and the new rate effective April 1, 2006 will be \$9.79 for the cart and \$3.15 for recycling and other adjustments based on their rate sheet. He also noted that Waste Management has been very responsive in resolving complaints and issues.

MOTION: Trustee McDonough moved to accept the CPI rate adjustment of 3.4%. Trustee Rael seconded the motion.

VOTE: Motion carried unanimously 4-0.

F. DISCUSSION AND APPROVAL TO ADVERTISE AN ORDINANCE ESTABLISHING A PROCESS FOR THE ADOPTION OF ALL ORDINANCES AND RESOLUTIONS

Attorney Tippett said this is a proposed ordinance to lay out under State Law of Chapter 3, Section 17, how ordinances and resolutions are adopted and it tracks the requirements of State Law and she said we should have an ordinance for adopting ordinances. She said it addresses notice requirements, authentications, effective dates and how they are adopted in terms of roll call votes.

Trustee McDonough said they had previously discussed that where ordinances duplicate language from State Statutes, why not merely reference the State Statutes instead of repeating the language.

Attorney Tippett said under each section, behind each paragraph, it references State Law and then at the bottom of page 2, she said it states that all references to New Mexico Statutes are subject to amendment. She said there are specific bodies of law that are allowed to be adopted by reference for municipalities, but she said it is required that each local government have an ordinance of how they adopt ordinances.

MOTION: Trustee McDonough moved to approve advertising the ordinance amending Chapter 1 on ordinance adoption as presented, with the addition of a clause on 1.4.6.B. to say that when statutes are amended, this ordinance will reflect those amendments. Trustee Homan seconded the motion.

VOTE: Motion carried unanimously 4-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Homan said when they were voting on the zone map amendments and the ordinances to back up the changes, she said Attorney Tippett made a comment that she was uncomfortable with those changes that had previously been approved in the distant past. Trustee Homan asked what suggestions the Attorney would have since the Board has made zone map decisions and approvals through their voting but it has not occurred within the zone map through ordinance. She asked how they can catch up and bridge the gap between what they voted on and what is currently reflected on the map.

Planner Nighbert responded that they could prepare and the Board could adopt a new zoning map that would take in all the changes that had been made previously by resolution without the benefit of an ordinance. He said he thinks that would be a solution. He said he will work with the County to prepare an official zone map and then they will keep that as a record and once a year update it by the GIS system with the County.

Trustee Homan said she attended the flag ceremony at Horizon Academy and she appreciated the Fire Department's participation because they added so much distinction to the event. She said she and Trustee Rael attended portions of the New Mexico Municipal League's Legislative Day. She said they had an opportunity to network with other municipal officials throughout the state as well as to meet with the legislators.

Trustee Lopez said he would like to discuss the February 3 letter from the El Paraiso Neighborhood Association regarding mitigating traffic problems. He said he would like to know if there is a plan to work with this group.

Mayor Abraham said a lot of the problem is perception and they don't want to hear that. He said the people on El Paraiso are complaining and they have speed bumps and the people on Mullen want speed bumps and they are complaining just as much. He said the Village will work with the Neighborhood Association. He said they also asked for some stop signs on 6th Street which may or may not help. He said the Village put their portable speed boards out there and the traffic counts were not nearly as high as what the neighbors said they were.

Administrator Vigil said that other than the perception issues that the Mayor raised, the Village has had the law enforcement officers routinely patrolling that area around 6th Street and Mullen and they ticketed a few, but their observation was that there was not a real problem. He said with the 4th Street construction, there was going to be quite a bit of diversion of traffic through residential areas. He said when that project is completed they will need to assess whether the new roadway minimizes the traffic through the residential areas. He said if it does, then the problem has been solved by improving 4th Street, but if it hasn't, then they will need to look at what can be done. He said the 3-way stop at 6th Street is an enforcement issue and it may help during construction. He said he believes the Village needs to keep communicating with the neighborhood.

Trustee Homan said she would like to encourage everyone to attend the Trustees' Candidate Forum on February 9 at 7:15 a.m. at Indulgence Café sponsored by the Los Ranchos Chamber of Commerce.

Trustee Rael said he believes Osuna should be included as one of the streets where political signs can be placed in the public right-of-way. He said he mentioned it four years ago and he still believes it should be included in the Ordinance.

Trustee Rael said he received a visit from Jamie Deuel who found what he thought was a loop hole in the sewer ordinance that requires everyone within 200 feet to hook up. He said Mr. Deuel told him by getting his septic tank inspected it had passed certain requirements so that he does not have to hook up.

Administrator Vigil said the 200 feet restriction is very clear that if you are within 200 feet you must connect by the deadline of November 2005. He said the Deuel reading of the inspection is for those people who are more than 200 feet from the sewer connection.

10. ADJOURNMENT

The Mayor adjourned the meeting at 9:15 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2006.

ATTEST:

Annabelle Silvas,
Village Clerk