

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
OCTOBER 12, 2011 - 7:00 p.m.

Present:

Larry P. Abraham, Mayor
Mary Homan, Trustee
Pablo R. Rael, Trustee
Don Lopez, Trustee
Tim McDonough, Trustee

Kelly S. Ward, Administrator
Annabelle Silvas, Clerk
Bill Chappell, Attorney
Nancy Haines, Treasurer
Fred Radosevich, Public Safety
Linda Seebach, P & Z Director

1. CALL TO ORDER

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

A. APPROVAL OF AGENDA

Mayor Abraham stated that Mr. Lyle called that he was ill and would like to defer the James Lyle appeal to the next board meeting

MOTION: Trustee Lopez moved approval of the agenda with deferment of item 6.B. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously 4-0.

2. PUBLIC COMMENT PERIOD

There were no public comments.

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 – SEPTEMBER 14, 2011 – REGULAR MEETING
- B. DEPARTMENT AND COMMITTEE REPORTS
 - 1. ANIMAL CONTROL

Treasurer Haines stated that she had a correction to Page 4; line 16 and 17 and should be corrected to state that “the next item is to record in the minutes that the Department of Finance Administration has given approval of the final budget for FY 2011-2012. This is a requirement of the State regulations.

MOTION: Trustee Homan moved approval of the consent agenda with the noted correction to the minutes. **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 Growers' Market will have the final market of the regular season on November 12th. The next market will be held on December 10th for the Holiday Winter Market.
- The Mayors' Caucus will be held on November 10th at the Agri-Nature Center, with members of the New Mexico Taxation and Revenue Department as guests.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- The fire station should be completed within a month and in November he will inform the Board when the grand opening will be. The issue now is that the electrician has been kicked off the job and a replacement has been hired.
- Working on the Village Center project and hope to bring the request for proposal, process and timeline in January to the Board to try to get that developed out.
- Had a meeting with the County and Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) regarding the Garduño Road storm drain project. If we were to construct the drain water storage system on the property south of Garduño that we manage and own, it would be a six foot hole for the entire distance of that property. The sentiment at that time was that it was not going to work from our perspective, because when we went to do this it was going to be for agricultural use. We have gone down and looked at the other AMAFCA farm property that they call a multi-use agriculture and drainage called Sanchez Farms in the South Valley. That is not really a farming operation it is not something we want to engage in. The County has money to spend from the most recent bond issuance. They have some flood zones on Ortega and south of Ortega that they want to take care of. They want to pipe water on to our property. He told AMAFCA that he would bring this back up to the Board to see what the sentiment was in terms of moving forward on this project.

C. PLANNER'S REPORT

Planner Seebach reported on the following:

- Submitted the updating for the zone map to Albuquerque GIS
- Working on the permeable service calculations for the water shed permit cost sharing analysis
- Working on the codification and asked that Mr. Chappell explain the process.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- The codification process is to make sure that if anyone knows of anything that should be changed in the codified ordinances or anything different that is not in those ordinances. With that feed back they have assigned a new numbering system so that we have a codification numbering system similar to what the State uses. With that, he will present it to the board for approval as the existing codification and numbering system. Immediately after that he will

have an ordinance that asks for an amendment of the ordinances on non-substantive matters that cleans up those comments and that will be Ordinance number two. Ordinance number three will be some more substantive kind of things. For instance, in the zoning ordinance we have one place that says set backs are this and in another place it says something else which is a clear conflict.

- On the Jason Howard subdivision the court has affirmed the Board of Trustees decision that the plat be vacated as there was no legitimate plat filed.
- He has given a draft of the sewer ordinance to the Board on his suggestions on changing sections 3 & 4. He is trying to correct the part the court found to be ambiguous which was the definition on how you calculate the 200 feet. He tried to fix the part that had some confusion. For instance, if the connection point for the public sewer is not adjacent to the property but is down the road a ways so you have to come up the public right away and then turn into the property. That is what the court found confusing so he tried to be more specific in subsection 4.A. and also tried to define what buildings we are really talking about in requiring connections and it is those that generate liquid waste.

E. PUBLIC SAFETY REPORT

Public Safety Director Radosevich reported on the following:

- The fire hydrants with plastic bags over them are fire hydrants that are not working properly. The Bernalillo County Fire Dept has been performing fire hydrant inspections and if not working property they are notifying the Water Authority.
- He is dealing with issues on Rio Grande and Montaño on the south end where children are being picked up from Cottonwood and Bosque schools. He and Kelly met with the representatives from the school and are working on trying to come up with solutions.
- Working on the fire inspections and hope to have a proposal for the Board on how to proceed with that.
- Setting up speed boards when we he gets speeding complaints. A speed board was placed on Mullen Road and the average speed is about 22 miles per hour. If the sheriff would have been writing citations we might have written 16 citations. The speed is not extremely fast there.

5. FINANCIAL BUSINESS

A. CASH REPORT – SEPTEMBER

Treasurer Haines presented the cash report.

MOTION: Trustee McDonough moved approval of the Cash Report. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously 4-0.

6. PUBLIC HEARINGS AND APPLICATIONS

- A. A REQUEST BY STEPHEN DUNBAR, AGENT FOR USC BAG MANUFACTURING, LLC FOR FINAL COMMERCIAL SITE DEVELOPMENT PLAN WITH NEW COMMERCIAL CONSTRUCTION IN THE C-1 ZONE OF THE FOURTH STREET CHARACTER AREA AND CORRIDOR. THE PROPERTY IS LOCATED AT 6133 AND 6135 2ND STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATE WITHIN PROJECTED SECTION 28, T11N, R3E, N.M.P.M. ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING TRACTS 74-B-1-B AND 74-B-2-B OF THE M.R.G.C.D. MAP NO. 29, AS SHOWN AND DESIGNATED ON THE RECORDS OF THE BERNALILLO COUNTY CLERK, JUNE 13, 2011. THE PROPERTY CONTAINS 9.978 ACRES MORE OR LESS. SDP-11-01. POSTPONED FROM THE SEPTEMBER 14, 2011 BOARD OF TRUSTEES MEETING.**

Attorney Chappell swore in those who will be speaking under item 6.A.

Planner Seebach presented her planner's report with recommendations. She stated that this is the final site development plan for USC Cotton Bag Manufacturing, LLC., for their 67,787 square foot main facility within the Second Street Partners Subdivision, that was approved by the Planning and Zoning Commission. She also stated that light manufacturing is a permissive use in the C-1 Zone and well defined in Ordinance 183, Section 2 under light manufacturing. She stated that the site development plans have all been met and the grading and drainage plan has been submitted and reviewed by the Village engineers and their comments addressed by Mr. Arfman. She further stated that the Village has the Fire Marshall's flow rating for the necessary fire system. The Village also has a current sewer and water availability statement and the modeling of the fire flow on the simulator. The Village has a grading plan which reflects all of the requirements from all of the entities. She stated that since the property was annexed in 2006, the Village has not been able to enforce that the wire requirement be removed. The department is asking that the requirement of the Ordinance be enforced after the building phase due to the possibility of construction theft. The Planning and Zoning Department has forwarded a recommendation for approval to the Board of Trustees.

Stephen Dunbar of Modulus Architects, 2325 San Pedro NE, stated that they originally started out at the planning level with a development plan submittal for input which impacted the project in terms of progression. The proposed use is going to compliment the area beyond its architecture. He stated that they developed a good landscaping plan, buffering and circulation.

Trustee Lopez stated that this is an outstanding project and the fact that there is no one in the audience complaining is a positive sign.

Stephen Dunbar stated that there was a lot of input, education and interaction with the people that were against this project from USC Bag Manufacturing.

Administrator Ward stated that the County hosted a public forum at the Raymond Sanchez Community Center about two months ago. Prior to that, USC Bag hosted a

number of the homeowners' association presidents and members at their site. He stated that it was very well received. The company has done a great job of reaching out to the community and answering all of the questions.

Trustee McDonough stated that the drainage plan compared to the landscaping plan raises the question as to whether the landscaping is going to impact the drainage system. He asks Planner Seebach what the Village's requirements are in terms of standing water.

Planner Seebach answered that the requirement is that the ponds need to be dropped within 96 hours.

Trustee McDonough also added that he spent two hours touring the USC Bag Manufacturing facility. He stated that the concerns about noise and traffic were not well-founded. He also stated that the owner is very passionate about what he does and has a very high-tech operation. He further stated that it is a great asset to the Village.

Trustee McDonough thanked Planner Seebach for her vigilance in getting the water supply documented and specified. He stated that she put a lot of effort into it.

Trustee Lopez stated that he concurs with that.

MOTION: Trustee McDonough moved to approve the final commercial site plan with the following conditions:

1. Infrastructure installation will follow the ABCQUA requirements and the approved utility plan which will require sanitary sewer connection and 10" water lines for the new facility connecting to both 4th and 2nd Streets to service the five fire hydrants as per the Bernalillo County Fire Department and State Law requirements; lines necessary for a NICET Level III fire suppression sprinkler system (or approved alternative).
2. All the requirements of the Albuquerque/Bernalillo County Water Utility Authority shall be met in the installation of the utilities and governing rules and regulations adhered to by the development.
3. The grading and drainage plan has been reviewed by the Village Designated Engineers, Occam Consulting Engineers and comments addressed by Isaacson & Arfman, P.A. Ponding requirements have been met for the fully developed condition and the plan will be installed as approved.
4. A separate maintenance agreement shall be signed by the owners for maintenance of the storm water management plan, the landscape plan and the sanitary sewer lift station and main line.
5. The existing City of Albuquerque Air Quality Control permit for the emission of non-toxic Volatile Organic Compounds (VOC's) shall be transferred from the current location to the new location.

6. Landscaping shall be installed according to the landscape plan.
7. Dark Skies Ordinance requirements must be met.
8. Sign permits must be obtained from the Village and the Sign Ordinance must be met.
9. The concertina wire must be removed from the exterior fencing currently on the property after the construction phase is complete. Any new fencing may not exceed six feet in height and may not have concertina wire.
10. Construction shall meet all current Village, County and State Codes.

With the following **findings**:

1. The 2020 Master Plan 8.2 Commerce Goal: *To revitalize Fourth Street, the Village Center* and the Transit District as the Village's major commercial and mixed use centers through both public and private efforts.
2. The 2020 Master Plan 8.2.1 Objectives: Create a business climate in which businesses flourish.
3. 8.2.2 Policy A. Strongly support the business community and use various economic incentives to strengthen local businesses as well as attract new ones.
4. The Proposed Development meets the requirements of Ordinance 183 as amended, Section 2(B)(148) Definitions, Section 10(A) and (B)(14)(h), C-1 Commercial land area and permissive uses.
5. The Site Development Plan as submitted meets all the requirements of Ordinance 183 as amended, Section 24(E)(1).
6. The application was Public Noticed according to Ordinance 183, Section 24(F)(2)(a)(c)(d)(e) and (3)(a)(b)(c).

Trustee Homan seconded the motion.

VOTE: The motion carried unanimously 4-0

- B. AN APPEAL BY JAMES LYLE OF MANDATORY SANITARY SEWER CONNECTION AS REQUIRED BY ORDINANCE NO. 228, SECTION 4(B) IN THE A-1 ZONE OF THE SOUTH RIO GRANDE CHARACTER AREA A. THE PROPERTY IS LOCATED AT 1115 ROADRUNNER LANE AND IS LEGALLY KNOWN AS LOT B OF PLAT OF LOTS A & B OF DIVISION OF LAND OF ROSEMARY AND ORLANDO LYLE, LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS FILED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON DECEMBER 6, 1973. THE PROPERTY CONTAINS 1.0 ACRE MORE OR LESS.SSS-11-05**

This item has been deferred to the next board meeting.

7. **OLD BUSINESS**

None

8. **NEW BUSINESS**

None

9. **TRUSTEES INFORMAL DISCUSSION**

Trustee Rael asked how many of the fire hydrants have been fixed.

Public Safety Director Radosevich answered that he has observed one bag over one hydrant. He stated that the County is still examining all of them.

Trustee Rael asked what is being done with the bales from the open space field on Osuna.

Administrator Ward stated that Herman Pedroncelli is selling the bales and the Village is splitting the revenue. He also stated that the area off of Edgewood is being mowed.

Trustee Rael stated that the speed light closest to 4th St. is still off most of the time. It flashes on once in awhile.

Trustee Rael stated that on Chavez Road, just west of the winery, there are at least three trees that are rotting.

Administrator Ward answered that he will ask Code Enforcement Officer Keen Heinzelman to take a look at that.

Trustee Lopez stated that he does have an interest in the Garduño project. He stated that at one time there was discussion about putting some of the water into the New Mexico Department of Transportation property. He asked whatever became of that idea.

Administrator Ward answered that includes all of the New Mexico Department of Transportation property.

Trustee Lopez asked if there is any way of lowering the design requirements.

Administrator Ward answered that the Village doesn't want to phase the pond, but wants to build the whole thing.

Mayor Abraham stated that he does not want to give the open space away.

Administrator Ward stated that it would entail breaking the agreement with the Village.

Trustee Lopez stated that smaller design requirements might meet everyone's needs.

Mayor Abraham stated that the Village can sell the property for 3 or 4 million dollars and invest in another open space. He asked Attorney Chappell if one agency can condemn

another agency's property.

Attorney Chappell answered that he did not believe they could, but he will do some research on it.

Administrator Ward stated that he was not sure how far phasing could go. The existing pond is in the northwest corner. The same footprint expanded north to the property line could be a Phase 1. He further stated that water could be moved from the east side of 4th Street.

Trustee McDonough stated that there must be a design that would meet everyone's needs.

Administrator Ward stated that the County would want to take the lead on a ball field scenario. They would want to put the idea on their bonds for election.

Mayor Abraham stated that the problems with Taft should be considered.

Administrator Ward stated that he made a phone call to the County and was told that they get the same type of phone calls on all of the their properties about the same issues.

Mayor Abraham stated that the complaint calls start at 6:00 am. He also stated that it is not fair to do that to a neighborhood.

Trustee Lopez stated that there should be some kind of multiple use property within the Village.

Trustee McDonough stated that kids do need a place to play.

Mayor Abraham stated that for now the Board will keep the discussions going.

Trustee Rael suggested looking at some alternative properties.

Trustee Homan stated that at the Municipal Board Meeting they discussed what the priorities for the upcoming legislative session would be on behalf of all the municipalities. The number one priority continues to be to protect the revenues that we have and restrict any new taxation.

Mayor Abraham referred to the e-mail that was forwarded to the Board of Trustees about Municipal Bonds. He stated that the Board should be in opposition to that. He suggested that the Board might want to direct Administrator Ward to create a resolution or letter to be reviewed at the next Board Meeting.

Trustee Homan stated that there is an upcoming meeting with the County Association and the Board needs to draft a Joint Resolution for a stronger voice at the legislative session.

Attorney Chappell mentioned that the Attorney General is putting out training seminars on ethics.

10. ADJOURNMENT

The meeting was adjourned at 8:05 pm.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this ____ day of _____, 2011.

ATTEST:

Annabelle Silvas, Village Clerk