

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
JUNE 8, 2011 - 7:00 p.m.

Present:

Larry P. Abraham, Mayor
Mary Homan, Trustee
Pablo R. Rael, 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

Absent: Don Lopez, Trustee - Excused



1. CALL TO ORDER

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

A. APPROVAL OF AGENDA

MOTION: **Trustee Rael** moved approval of the Agenda. **Trustee McDonough** seconded the motion.

VOTE: The motion carried unanimously 3-0.

B. PRESENTATION BY SARAH HOLCOMB, ENVIRONMENTAL SCIENTIST/SPECIALIST, SURFACE WATER QUALITY BUREAU, NEW MEXICO ENVIRONMENT DEPARTMENT ON THE EPA RIO GRANDE WATERSHED BASED PERMIT

Sarah Holcomb, Environmental Scientist, with the Environmental Department gave a presentation on the EPA Rio Grande Watershed based permit. In summary she said that the storm water regulations are regulated under the Federal Clean Water Act, specifically under the National Pollutant Discharge Eliminations System or NPDES permits.

She said the reason for her giving this presentation was to make the elected officials aware of the effort and what is going on. This is an opportunity to influence the EPA's permit decisions. EPA has said that they are open to hearing new ideas about how to deal with Storm Water Quality. She also stated that a Stake Holders Group has been formed and has been meeting for the past year and most of the agencies that are on the list have been in attendance. There have been discussions on what everyone will cooperate on.

They are asking elected officials to think about future funding for sampling and outreach efforts and also to think about what might be required to participate in an Interagency Storm Water Management Plan.

Trustee Homan asked who is taking the lead.

Sarah Holcomb stated that is a question that they are trying to figure out. There has been some discussion about Storm Water Utility but that takes legislative action to put into place. She also stated that the Storm Water Management Plan that is put together should address issues such as enforcement and compliance.

Trustee Homan asked who will this report go to.

Sarah Holcomb answered that this will be a report to the EPA.

Trustee Homan asked if the Native American communities that are involved are in agreement, that they won't be able to state that they are a sovereign nation, and that they will be expected to participate fully as a whole.

Sarah Holcomb stated that remains to be seen. At this point they are participating as a work group. One of the members of the Sandia Pueblo stated that they have three options. They can get an individual permit, they can participate in the Water Shed Base effort or they can get a general permit for tribal agencies. She stated that they have been trying to stress that the benefit of participating in the effort is that the burden can be shared by all parties.

Trustee McDonough stated that there a lot of details to be figured out such as who will be in charge and how this will be funded.

Sarah Holcomb stated that the City of Albuquerque spends about 800,000 dollars a year on monitoring. A large part of the cost goes to testing.

Trustee McDonough stated that MRGCD is pretty excited about discharges that go into their ditches. There is a study coming directly related to that.

Trustee Rael asked why the Water Authority was not included.

Sarah Holcomb stated that the reason is storm water and there is a division within the City of Albuquerque between waste water and storm water.

Trustee McDonough asked if the City of Albuquerque might have their own industrial permits.

Sarah Holcomb answered that they have an industrial permit for the waste water, but not for this effort.

2. PUBLIC COMMENT PERIOD

There were no public comments.



3. CONSENT AGENDA

- A. MINUTES – APRIL 13, 2011 – REGULAR MEETING
MAY 11, 2011–REGULAR MEETING

- B. DEPARTMENT AND COMMITTEE REPORTS
 - 1. ANIMAL CONTROL

MOTION: Trustee Homan moved approval the minutes of April 13th and May 11th regular meetings as presented. **Trustee Rael** seconded

VOTE: The motion carried unanimously 3-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- The Middle Rio Grande Conservancy District (MRGCD) Election was held yesterday. John Kelly was elected and he comes with lots of experience along with Eugene Abeita who will represent our area.
- The Growers Market is doing well and had a great pet event last week
- Martin is planting fruit trees, clover and an area for lavender to be planted at the Agri-Nature Center and looks really nice. There was a roadrunner inside the building and we now have a baby roadrunner nest.



B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- There will not be a 4th of July event this year, according to Greg Perez, Bernalillo County Fire Department.
- There has been vandalism and graffiti with the latest being the Eagle at the park
- A final re-design on the grading and drainage plan for the fire station has been done with a much better layout.
- The Village hosted the early voting polling site for the MRGCD Election and Election Day in which 351 people voted that day.
- He is attending the New Mexico City and County Managers Association meeting in Rio Rancho today through Friday.



C. PLANNER'S REPORT

Planner Seebach reported on the following:

- She has given the Board a letter from FEMA stating that the Rio Grande Levees are certified until August 31, 2013. FEMA may or may not begin a Map Revision Study prior to that date. But at least we now have this much information.
- She participated in the EPA Rio Grande Watershed conference call today. A great deal of work needs to be done in order to have this permit complete by July of next year.
- She is still working on the Public/Private Roads database and the last of the sanitary sewer connections.
- The housing sales and listings have picked up in the Village.



D. LEGAL REPORT

Attorney Chappell reported on the following:

- He has two appeals that are pending one with Mr. Howard, and the other is Stephen Curtis with a sewer connection and he is in the process of completing the record proper.
- They have gone as far as they can go on the codification project and he will deliver four notebooks to review and to let them know how the Village wants to proceed.
- He is also responding to miscellaneous questions from Planning and Zoning and other employees.

 **E. PUBLIC SAFETY REPORT**

Public Safety Director Radosevich reported on the following:

- The Bernalillo County Sheriffs handled 300 calls of service within the Village
- There have been a few disturbance calls with a couple of those in the area of Rio Grande.
- The Bernalillo County Fire Department had 62 EMS calls and 17 fire calls in the village.
- He has spend time on Schulte Road working with Taft Middle School and the National Youth Sports. He has asked for a meeting with the City, APS and Bernalillo County before they schedule other groups to play sports there.
- He is working on an issues at Tinnin Farms and will attend their June 25th yearly meeting
- He had a complaint on a school bus not stopping and was taken care of.
- He attended the National Law Enforcement Memorial Service in Washington DC

 **5. FINANCIAL BUSINESS**

A. CASH REPORT – MAY

Treasurer Haines presented the Cash Report.

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

VOTE: The motion carried unanimously 3-0.

 **6. PUBLIC HEARINGS AND APPLICATIONS**

A. REQUEST BY LOS POBLANOS PARTNERSHIP, LLC FOR AN AMENDMENT TO SU-1 ZONING REGULATIONS TO ALLOW FOR AN INTERIM PRIVACY/SECURITY FENCE FOR THE PRIVATE RESIDENCE ON TRACT A-10N THE NORTH PROPERTY LINE FROM 115 FEET SOUTH OF THE NORTH SERVICE ENTRANCE TO THE WEST CORNER, THEN SOUTH TO THE EDGE OF THE INN AND CULTURAL CENTER LANDSCAPE BUFFER. THE PROPERTY IS LOCATED AT 4803 RIO GRANDE BLVD. AND IS LEGALLY KNOWN AS TRACT A-1, LANDS OF ALBERT SIMMS III, FILED 7/6/67, VOL, B4 FOLIO 97 AND WARRANTY DEED FILED 9/18/78 VOL. D14A FOLIO 811- 813 AND PLAT OF TRACTS A2A AND A3A, A REPLAT OF TRACTS A2 AND A3, LANDS OF ALBERT SIMMS II, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO, DECEMBER 1998. THE PROPERTY CONTAINS 25.6371 ACRES MORE OR LESS ACA-11-02. DEFERRED FROM THE MAY 11, 2011 BOARD MEETING.

Attorney Bill Chappell swore in those who would be speaking under this item.

Planner Seebach presented her planner's report and stated that in the packets there was a letter from Lar Thomas who is general counsel in risk management for Gerald Martin, contractor for the Los Poblanos construction and in his letter all of the reasons he chose to use a coyote fence for the outer perimeter for the Schwepps program which is why the coyote fence was put up.

Trustee Homan asked what the Rembe's plan is for the subdivision.

Penny Rembe 4803 Rio Grande Blvd, stated that they don't have any plans at this time. They are trying to deal with what they have and not in any hurry to do any development right now.

Trustee McDonough asked if anyone has objected to this fence.

Planner Seebach stated that Mr. Michaelson objected to changing the subdivision regulations which we did not do. Dr. Henches was at the Planning and Zoning meeting and he stated that he did not have a problem with an interim fence as long as it is interim and there is no change in the subdivision regulations.

Trustee Homan asked if there was a challenge as to how long the interim was going to last?

Mayor Abraham stated that he and Ms. Seebach and Mr. Chappell sat down and talked and they decided that everything was fine. The bottom line is that a site development plan for the subdivision would need to be formed.

Planner Seebach stated that the subdivision has to start at ground zero. She stated that they have a site development plan that is a site sketch plan.

Mayor Abraham stated that it is the conditions of the special use zone that they have to comply with and not the conditions of the rest of our zoning throughout the Village.

Planner Seebach stated that they will have to go through the subdivision process from step one. It will be based on the site development plan that they have.

MOTION: Trustee Homan moved approval of the amendment to the SU-1 Zoning regulations to allow for an interim privacy security fence for a private residence on Tract A-1 on the north property line from 115 south of the north service entrance to the west corner and south to the edge of the Inn & Cultural Center landscape buffer with the following condition:

1. That this amendment shall allow for existence of the fence until such time as the cluster housing and open space development subdivision is applied for and approved by the Village. At which time the requirements of the subdivision approval shall become applicable.

The findings are as follows:

1. Los Poblanos is a Special Use Zone (SU-1) which contains both current land usages and future development rights of a Cluster Housing and Open Space Subdivision. A major subdivision application, approval by the Village and the filing of a Final Plat are required for the Subdivision Zoning Regulations and Subdivision portion of the Site Development

Plan to be in effect.

2. To date, the subdivision has never been applied for nor approved by the Village.
3. The private residence was approved by the Village without requiring a major subdivision application. Upon future subdivision application and approval by the Village, the residence must follow the approved subdivision conditions, including fencing.
4. There are no subdivision regulations concerning the fence on the west property line along the acequias and that fence may remain after subdivision if part of the approved subdivision regulations.
5. Subdivision Zone Regulation # 7 concerning fencing on Rio Grande Lane for the subdivision remains intact to be applied to the subdivision upon application and approval by the Village.
6. Under the current land use, it is appropriate that the private residence have an interim fence for security, privacy and aesthetic reasons on their private property. The six foot *coyote* fence is compatible with the rural/agricultural nature of the Village.
7. The 2020 Master Plan Overall Village Goals 1.2.3 The goal is to plan for the future of the area based upon its three major corridors: Rio Grande Boulevard, Guadalupe Trail and Fourth Street; to preserve the unique character of each and to maintain and enhance the richness of architectural and land use types within a range appropriate to Village scale.
8. The 2020 Master Plan Historic and Cultural Goal 5.2.1 Policy C is to give consideration to those historical sites registered with the National and State Historical Preservation Offices – Los Poblanos Ranch, Los Poblanos Inn and Cultural Center, and individual houses on the register – in order to assist in preserving the existing uses, conditions and character of each.
9. Ordinance 201 – Special Use Zone recognizes SU-1 as a zone within the Village of Los Ranchos and the amendments to the SU-1 zone are in accordance with the current approved use of the land.
10. The application was given Public Notice according to Section 24, (F)(2)(a) through (f).

Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously 3-0.

7. **OLD BUSINESS**

There was no old business.



8. **NEW BUSINESS**

A. DISCUSSION AND APPROVAL TO DESTROY PUBLIC RECORDS THAT ARE ELIGIBLE FOR DESTRUCTION ACCORDING TO THE RECORDS RETENTION AND DISPOSITION SCHEDULES

MOTION: **Trustee McDonough** moved approval to destroy the public records presented. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously 3-0.



9. TRUSTEES INFORMAL DISCUSSION

Trustee McDonough stated that a while back he talked Debra Kohlman who was going to take an inventory on all the properties we own and asked if she was still working on that inventory.

Administrator Ward stated that she put together a matrix, and we formalized that, and put it on an Excel spread sheet. The data was collected on each property that we own and now the next step is to sit down with her and see what we do with that information.

Trustee Homan stated that she received a letter from Barbara Koenig stating her concerns about the leash law enforcement and from a stand point that they have trained their animals with voice control. She said that the Village needs to do some more communication whether it be through the Village vision or website.

Trustee Rael stated that Ms. Koenig is complaining that she does not agree with the ordinance and feels we should change the ordinance.

10. ADJOURNMENT

The meeting was adjourned at 7: 55 p.m.

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

ATTEST:

Annabelle Silvas, Village Clerk