

**MINUTES**  
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD N.W.  
**BOARD OF TRUSTEES REGULAR MEETING**  
**JANUARY 10, 2013 - 7:00 p.m.**

**Present:**

Larry P. Abraham, Mayor  
Mary Homan, Trustee  
Don Lopez, Trustee / Mayor Pro Tem  
Pablo Rael , Trustee  
Tim McDonough, Trustee

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

Absent: Nancy Haines, Treasurer

---

**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.

**2. PUBLIC COMMENT PERIOD**

**Stephanie Belamore**, head administrator at North Valley Academy, stated that they felt the Village was very important in the success of their school and the community. She said they just attended their renewal for their charter at the state for their authorizers, public education commission, and the public education department charter school division. She said they are currently approved, however, they have to go back for revote with the PEC on February 1 and feels very confident that they will be renewed. She said their renewal length is three years and they feel they can succeed with all of their issues with non-compliance in going forward. She said the non-compliance issues she mentioned, entails a number of things and they are a “B-School” and they believe their children and families are important. She said many of them live in the Village of Los Ranchos. She said their enrollment is currently around 475 students, which is an increase since they began last year. She also said she received calls from Mayor Abraham about their school’s street crossing lights and they are currently in the process of getting those fixed. She added that the Bernalillo County Sheriff’s Office has taken a large interest in assisting and supporting the school. She stated that their school charter is built on health and wellness and they are also going to integrate Science, Technology, Engineering, and Math (STEM) within the next three years. She invited the Board of Trustees and the Mayor to the school to their open houses and their “Burritos for Badges Day”.

**Michele Clark**, sixth grade Language Arts and Social Studies teacher at North Valley Academy, stated that through her health and wellness teaching, her students have community classroom gardens. She said her hope and goal for this spring is to become part of the Los Ranchos Growers' Market and would like to have their own farmers' market in the evenings in the future.

### 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 – NOVEMBER 14, 2012 – REGULAR MEETING
- B. DEPARTMENT AND COMMITTEE REPORTS
  - 1. ANIMAL CONTROL

**MOTION: Trustee Homan** made the following corrections: Page 7, Line 25, change “20 years” to “30 years”; Page 7, Line 27, change “She stated that they” to “She stated that the Trustees”; Page 7, Line 29-30, change “She stated that she was a Planning and Zoning Commissioner and it is a challenging effort” to “She stated that she was a former Planning and Zoning Commissioner and they have a challenging duty”; Page 7, Line 31, change “It is a difficult position that we are in” to “It is a difficult position that we are in today, making seemingly unpopular decisions”; Page 10, Line 39, change “10 days is expired” to “10 days has expired”; Page 11, Line 33-34, change “New Mexico Municipal League so that they can align the County and the Municipal goals for the upcoming legislative session” to “New Mexico Municipal League in an effort to align the County and Municipal League goals for the upcoming legislative session”.

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

**VOTE:** The motion carried unanimously, 4-0.

### 4. **REPORTS**

#### A. **MAYOR'S REPORT**

**Mayor Abraham** reported on the following:

- Village Hall was recently remodeled, will soon have the ability to stream meetings on the Internet, new flooring, new window coverings, and more
- Los Ranchos Growers' Market on Saturday, January 12, 2013 from 10am-noon
- Legislative session will start next week with the Village's capital outlay also in the works
- The winter issue of the Los Ranchos Vision Magazine is in the mail right now

#### B. **ADMINISTRATOR'S REPORT**

**Administrator Ward** reported on the following:

- Cynthia Jaramillo resigned and the Village rehired Shannon Zamarron as the Village Secretary

- Los Ranchos Shop ‘n Stop was successful and an article will be published in the upcoming Los Ranchos Vision Magazine
- Village Hall was remodeled at the end of December to update the hall
- Installed irrigation pipe in the irrigation ditch on Rio Grande Boulevard to water a center field from the eastside of the property
- The Village has been working with the Lavender committee to develop a joint priority list for improvements to the Agri-Nature Center
- The Legislative session starts on Tuesday, January 15, 2013. The Village will submit money for Fourth Street as a capital project. He said the initial reaction has been positive. Last year, the Village received a \$400,000 appropriation out of the Legislature but it was vetoed by the Governor. The Village will be working closely with Legislators to reintroduce the project and get it through the Governor’s office.

**C. PLANNER’S REPORT**

**Planner Seebach** reported on the following:

- The department 2012 statistical report shows that all of the Village’s numbers are down slightly from the previous year.
- She has been attending EPA meetings, working on the codification, and various Village ordinances
- Code Enforcement report will be included in the February Board of Trustees meeting

**D. LEGAL REPORT**

**Attorney Chappell** reported on the following:

- The codification project information will be delivered on January 11, 2013. Amendments to all the ordinances will be included, there is a new numbering system, and the information is formatted for easy searching and referencing.

**E. PUBLIC SAFETY REPORT**

**Public Safety Director Fred Radosevich** reported on the following:

- There is a new North Valley area Commander for the Bernalillo County Sheriff’s Office.
- Provided a copy of the public safety report to the Board of Trustees
- The Bernalillo County Sheriff’s Department handled 251 calls in November and 286 calls in December. The Bernalillo County Fire Department had 53 calls in November and 76 calls in December.
- Village’s Department of Public Safety Department and Jeff Phillips, the Emergency Manager, is also working on the citizen corp volunteer project.

**5. FINANCIAL BUSINESS**

**A. CASH REPORT – NOVEMBER & DECEMBER**

**Administrator Ward** stated that Treasurer Nancy Haines is absent due to business in Washington D.C., therefore he will be delivering the cash report in her absence. He said there were no unusual or significant revenue or expenditures for either month. He said the

Village's ending cash balance for November was \$5,563,687.97, which was an increase of \$93,124.85 from the prior month. The year to date excess of revenues over expenditures is \$181,156.53. He said for the Village's ending cash balance for December was \$5,748,666.29, which was an increase of \$184,978.32 from the prior month. The year to date excess of revenues over expenditures is \$366,134.85.

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

**VOTE:** The motion carried unanimously, 4-0.

## **B. PRESENTATION OF 2012 AUDIT REPORT – PORCH & ASSOCIATES**

**Mr. Thad Porch** from Porch & Associates presented the 2012 Audit Report. He stated that for the third year in a row, the Village received an unqualified opinion from their firm, which he said was the best opinion available. He said it means they understand the Village's numbers, disclosures, everything is materially correct, and the presentation is proper. He added that this is the second year in a row with no journal entries and praised the accounting staff at the Village.

**Mr. Thad Porch** referred to the health of the Village's cash and investment report that Mr. Ward recently reported. He stated that Porch & Associates reviewed how much the Village owes relative to how much the Village has. He said the Village has \$5,382,000 in cash and investments at June 30, 2012. The Village's total liabilities, including the Village's all future year bonds, are \$4,380,000. He said that's over one million dollars over and above all of the Village's liabilities.

**Mr. Thad Porch** said the Village had no findings this year. There were no internal control findings, no compliance findings, and the Village had a very clean 2012.

**Mr. Thad Porch** said next year's audit includes some new standards that could be critical to the Village. There are new guidelines that say if the Village participates in a group pension plan with unfunded liabilities, such as PERA, then the Village will have to recognize its pro-rata share of that unfunded liability in the future. He said, for the Village, this means liabilities will go up. He also stated that next year's financial statements will be changing in format because of what is being called the Clarity Standard, which will be reviewed in the planning meetings.

The board indicated that the Audit Report has been received and approved.

## **C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2013-1-1 – MID-YEAR BUDGET REVISIONS FOR 2012-2013 FY**

**MOTION: Trustee McDonough** moved approval of Resolution No. 2013-1-1. **Trustee Rael** seconded the motion.

**ROLL CALL VOTE: Trustee McDonough-aye; Trustee Homan-aye; Trustee**

**Lopez-aye: Trustee Rael-aye.**

**VOTE:** The motion carried unanimously, 4-0.

## **6. PUBLIC HEARINGS AND APPLICATIONS**

- A. A REQUEST BY AKITA CORPORATION, DOING BUSINESS AS OM, FOR A RESTAURANT BEER AND WINE LICENSE WITH ON-PREMISE CONSUMPTION ONLY AND A WAIVER AS THE RESTAURANT IS WITHIN 300 FEET OF A SCHOOL IN THE C-1 ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER AREA, APPLICATION # A-837999, NM ALCOHOL AND GAMING DIVISION. THE PROPERTY IS LOCATED AT 7520 4<sup>TH</sup> STREET NW, SUITE A AND IS LEGALLY KNOWN AS TRACT A, CORRECTION PLAT OF RINCONES DE LOS RANCHOS WITHIN SECTION 21, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, OCTOBER, 2007. THE PROPERTY CONTAINS 2.2073 ACRES MORE OR LESS.**

**Attorney Chappell** swore in those who were speaking on this item.

**Planner Seebach** stated that the request is for a restaurant with a beer and wine license with on-premises consumption and for a waiver from the Board of Trustees for the 300-foot property line measurement between the liquor establishment and the school. Brew up pubs and wineries are a permissive use with a conditional use in the C-1 Zone, which the property is zoned C-1, and conditional use 12-10 was approved on November 6, 2012, with no adverse public comment. Factors in favor of granting the waiver are that OM is a very high-end restaurant where unaccompanied minors would not be admitted. Secondly, under the conditional use permit, no alcohol beverage will be served before 5:00 P.M. on weekdays when school is in session. Additionally, should the Board of Trustees approve the waiver, there will be a statement by the restaurant owner that goes to the Alcohol and Gaming Division stating that no alcohol will be served Monday through Friday before 5:00 P.M. when school is in session. She stated that the Village of Los Ranchos is a Local Option District and the Governing Body may grant a waiver of the 300-foot property line measurement restriction for a church or school from where an establishment serves alcohol. She said the Planning and Zoning Department recommends approval of the restaurant beer and wine license with on-premise consumption and the granting of the waiver from property line to property line for the proposed establishment with findings.

**Bob Helmick**, OM restaurant owner's landlord, stated the restaurant is a fine dining restaurant that tends to have an older reserved clientele and being able to serve beer and wine is very important to the restaurant's success. He said the restaurant has already received recognition by Albuquerque the Magazine, KOB-TV, and online food reviewers.

**David Baird**, Village resident and business landlord, said he would like to welcome more businesses inside the Village of Los Ranchos. He stated that being able to serve liquor with meals does aid in the success of a restaurant.

**MOTION: Trustee Lopez** moved approval of the restaurant, beer, and wine license for on-site consumption A-837999 in the C-1 Zone of the Fourth Street commercial character

area with a waiver from the 300-foot distance from a school to allow point of sale distance to school building in access of 300-feet with the following findings:

1) Public notice requirements have been met as per the New Mexico Alcohol and Gaming Division by publication in the Albuquerque Journal on December 25, 2012, and January 1, 2013. 2) Public Notice was sent by mail to all neighbors within 300 feet of the property on December 21, 2012. 3) The applicant received notice of date, time, and place of the public hearing by certified mail as required. 4) The property is located in the C-1 Zone of the Fourth Street Commercial Character Area and Corridor, bars and lounges and wineries and brewpubs are a Conditional Use in the C-1 Zone. 5) The request for CU-12-10 was public noticed as per ordinance 183, section 24. 6) No adverse public comment was received on the application during the fifteen (15) day public notice period and the Conditional Use Permit was approved on November 6, 2012. 7) CU-12-10 for a restaurant, beer, and wine license as required by ordinance 183, as amended, section 10(C)(5) in the C-1 Zone of the Fourth Street Commercial Character Area and Corridor was approved with the condition that alcohol would not be served Monday through Friday before 5:00 p.m. when school is in session. 8) The 2020 Master Plan overall Village goals, section 1.2.2. The goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.

#### Section 8.8.2.1 Commercial Objectives:

- Create a business climate in which businesses flourish
- Focus Village commercial activities in the Village Center, Fourth Street and the Transit District
- Make the Village a shopping destination
- Encourage stores of unique character that harmonize with the scale and nature of the Village whether they are local businesses, national businesses or new compatible commercial activities

**Trustee Homan** seconded the motion.

**Trustee McDonough** stated that he is supportive of the motion, but said he is troubled by the fact that when these types of decisions are made, the Village has to be ready to make that same decision for whoever applies for it. The reference in this case is that OM is a high-end restaurant, but if a hamburger restaurant wanted to serve beer and wine, the Village would need to consider making the same decision. He asked the Board of Trustees to consider that if the Village were not ready to make the same decision for everyone who applies, then a differentiation would need to be made.

**Trustee Lopez** said each applicant would need to be considered on a case-by-case basis because it would be difficult to unilaterally say that the Village supports or does not support something.

**VOTE:** The motion carried unanimously, 4-0.

## 7. OLD BUSINESS

There was no old business.

## **8. NEW BUSINESS**

### **A. DISCUSSION OF THE PROPOSED AMENDMENT TO THE C-1 ZONE OF THE FOURTH STREET COMMERCIAL CORRIDOR AND CHARACTER AREA**

**Linda Seebach** stated that the Board of Trustees would be hearing a video presentation on the future of the commercial corridor in the Village and how the C-1 Zone could be developed in the next year.

**Trustee Lopez** referred to page 7, item 19, service stations including retail sale of petroleum products, tube and tire repair, but not including automobile repair services. Trustee Lopez asked if automobile repair services were referenced anywhere else in the presentation.

**Planner Seebach** said automobile repair services are a special use permit.

**Trustee Rael** referred to page 1, item 2, under permissive uses; it states residential condominium drawing units with common walls to a maximum of six dwellings per unit. Trustee Rael asked that town homes be added to the language.

**Trustee McDonough** stated that Trustee Sargent, during his tenure, shared a concern that the Village has a very limited amount of commercial property in the Village on Fourth Street and to make residential development a use on Fourth Street takes away from the Village's stock that is available for commercial development. Trustee McDonough asked the Board of Trustees to consider high densities that might be more appropriate for what is trying to be achieved on Fourth Street, but said he is not sure if residential could be excluded.

**Mayor Abraham** asked the Board of Trustees to read the presentation and items can be reviewed and discussed at a later time.

### **B. PRESENTATION AND DISCUSSION OF PRELIMINARY DESIGN OF 4<sup>TH</sup> STREET IMPROVEMENT**

**Mayor Abraham** stated that a lot has changed in the Village of Los Ranchos over the past 10-15 years thanks to some of the Los Ranchos merchants who have put in a substantial amount of money. He said Los Ranchos now has an identity that just 10 years ago, it did not. The Village's residential area is very sought after and considered prime real estate and the Village would like to translate that to the commercial properties. The Village's goal is to create a destination for Los Ranchos businesses and provide them the tools to succeed and create a vibrant place to shop.

**Ron Bohannon** delivered a video presentation, from Tierra West, on the design of Fourth Street Improvements. He referenced needing to develop lighting standards on Fourth Street, how the lighting would get power, lighting fixtures, power pole placement, long-term roadway improvements, medians, vehicle road lanes, bike lanes, safety concerns, parking, setbacks, and more.

**Trustee Lopez** asked about an article that was published in the Albuquerque Journal around the first week of January saying Los Ranchos was going on a diet on Fourth Street. He said he thought it implied significantly less traffic would be on Fourth Street. Trustee Lopez asked if traffic on Fourth Street was in the plan's scope of work.

**Ron Bohannon** said it was not part of the scope of work but that his firm could certainly get with the Middle Rio Grande Council of Government (MRCOG) to look at the carrying capacity of the various traffic lanes.

**Mayor Abraham** stated that the Albuquerque Journals article Trustee Lopez referenced was written without interview from any official at the Village of Los Ranchos.

**Trustee Rael** stated that the presentation was based on three traffic lanes and asked if four traffic lanes were ever considered.

**Ron Bohannon** stated that the option is plausible and the staggered options can be narrowed down and lights could be placed on both sides, but the bases of the lights would need to be protected and restriping the four lanes would be necessary.

**Trustee McDonough** asked about head-in parking and said he was concerned about people backing out safely and agrees that angled parking is probably better. He said as the plan progresses, it should be sustainable and should be something that attracts people and businesses.

**Mayor Abraham** stated he might like to see gateways every couple hundred feet with lighting on them, which would mean no medians would be needed because the gateways would have lighting on them with the option of being able to change the colors of the lights for specific events.

**Richard Saylor**, Los Ranchos resident and business owner, stated that the plan presented is not a three-lane concept, rather it is two through lanes with a center transition lane. He said it would be a lack of frequent capacity of fifty percent, which will impact the local economy greatly. Mr. Saylor said that down the center of Fourth Street, there are places where concrete is four feet thick that would have to be dug out. He said that the right-of-ways are needed to do a three lane plan, angular parking, or parallel parking would be extremely expensive. Mr. Saylor said lighting on Fourth Street would be imperative. He said he owns twelve acres on Fourth Street and Ranchitos and offered Los Ranchos the opportunity to make arrangements with him if space is needed for storage capacity to run the lighting on Fourth Street. Mr. Saylor said he is interested in creating a place that sets Los Ranchos and the business district apart from other shopping areas.

**David Baird**, Los Ranchos resident and business owner, stated he would like to see traffic slowed down for safety. He also stated that Fourth Street needs beautification and businesses need to follow suit. Mr. Baird said Fourth Street is the only Main Street and it needs to look like a part of the Village. He said that getting business owners and other locals to back the improvement of Fourth Street is extremely important. Mr. Baird said after 6:00 P.M., Fourth Street is very quiet and having the right lighting could really improve business there. He said he would like to see a grocery store, other than Smith's

Food and Drug, on Fourth Street, and creating a configuration to keep traffic shopping on Fourth Street.

**Leo Bartolucci**, Village resident and former Trustee, stated he would like to see all of the businesses get together and exchange ideas of how to create more business for the Village.

**Trustee Homan** stated that she agreed that it was imperative the Village have a collaborative process with the business community from the beginning stages of planning to help alleviate many concerns that business owners may have.

**Michael Baird**, Los Ranchos resident and business owner, stated that he does not want to lose focus of the Fourth Street plan, which is to create a destination. He said destination shopping areas typically are not areas with five driving lanes through them but would like to sit down and discuss all options and move forward with what is best for creating a shopping destination in the Village.

**Kate Southard**, owner of Kate Southard Real Estate, stated that she has been involved in similar plans with other city business shopping plans and she said she agrees that Los Ranchos has the ability to create a strong shopping atmosphere. She said she agreed that the Village should be a fun place to shop; Los Ranchos should differentiate itself from any other shopping area; and should work hard to make it a true shopping destination.

**Mayor Abraham** stated that the Village needs to market Fourth Street and Los Ranchos in general. He said making a strong Village shopping area in the public eye is vital to the Los Ranchos community.

## 9. TRUSTEES INFORMAL DISCUSSION

**Trustee Rael** asked if the Village finished patching the potholes on Garduno Road.

**Administrator Ward** stated that the Village contacted the Albuquerque Bernalillo County Water Utility Authority because some of their patches had settled and needed fixing.

**Trustee Rael** said he talked with Little Art who said they were denied use of the sandwich board and asked why they were denied use if they brought them in each evening.

**Linda Seebach** said the sign ordinance was amended in 2007, which says that only existing permitted sandwich boards are allowed and new sandwich boards would not be permitted.

**Mayor Abraham** stated that the Village would consider taking another look at the sandwich message board issue since an entire redesign of Fourth Street is coming.

**Trustee Lopez** said that the area is in a very serious drought. He said they received a report from the Region Council of Government Resources Board from the State Engineer's Office saying water availability will decrease significantly in the future.

**Trustee Homan** said that she appreciated North Valley Academy's efforts to make themselves available and that they briefed the Board of Trustees with additional information about the school. She said she accompanied their delegation to the rechartering proposal at the state level several weeks ago and said there was a strong support for the school and their future goals.

**Trustee Homan** said that she will be attending the opening of the legislative day in Santa Fe, primarily on behalf of the New Mexico Municipal League, but is also very interested in issues that are important to Los Ranchos.

**Trustee Homan** said that the New Mexico Municipal League will be holding its annual Legislative Day on February 20, 2013, and invited the Board of Trustees, the Mayor, and Village Administration to join her at the meeting.

**Trustee Homan** said that the New Mexico Municipal League has been doing some work involving a tax committee. She said one of the issues was with tax reorganization where we gave up tax and gross receipts on medical and food items. She said there has been a tremendous effort to continue these efforts so that the same amount of gross receipts still come in from those items that are no longer taxable as part of the state cut.

**Trustee Homan** said that the Village's former fire chief, Jose Jaramillo's wife Linda recently passed away. Mrs. Jaramillo was instrumental with the New Mexico Municipal League, primarily with the Municipal Officials Leadership Institute. Her funeral will be on Saturday, January 12, 2013.

**10. ADJOURNMENT**

The meeting was adjourned at 9:35 P.M.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
Annabelle Silvas, Village Clerk