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**MINUTES**  
**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE**  
**6718 RIO GRANDE BOULEVARD N.W.**  
**BOARD OF TRUSTEES REGULAR MEETING**  
**SEPTEMBER 11, 2013 - 7:00 p.m.**

6 **Present:**

7 Larry P. Abraham, Mayor	Kelly S. Ward, Administrator
8 Don Lopez, Trustee / Mayor Pro Tem	Annabelle Silvas, Clerk
9 Pablo Rael, Trustee	Nancy Haines, Treasurer
10 Mary Homan, Trustee	Linda Seebach, P & Z Director
11 Tim McDonough, Trustee	Bill Chappell, Attorney

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12  
13 **Mayor Abraham** announced that the Board of Trustees met in a closed session at 6:30  
14 P.M. and only those matters that were on the posted notice were discussed.

15  
16 **MOTION: Trustee Lopez** moved approval of the closed meeting statement. **Trustee**  
17 **Rael** seconded the motion.

18  
19 **VOTE:** The motion carried, 4-0.

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21  
22 **1. CALL TO ORDER**

23  
24 **Mayor Abraham** called the meeting to order at 7:05 P.M. He asked the Trustees to start  
25 using their iPads to follow along with the meetings in an effort to eliminate paper waste.

26  
27 **A. APPROVAL OF AGENDA**

28  
29 **MOTION: Trustee Rael** moved approval of the agenda with agenda item 6.C. deferred  
30 to the next Board of Trustees meeting. **Trustee Homan** seconded the motion.

31  
32 **VOTE:** The motion carried, 4-0.

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34  
35 **2. PUBLIC COMMENT PERIOD**

36 **David Baird**, 8203-C Guadalupe Trail NW. He said he is trying to get more involved in  
37 the community, especially on Fourth Street. Mr. Baird said he would like to see Fourth  
38 Street change into a safer, better, prettier street. He said he would also like to see  
39 someone who is independent from Los Ranchos cover news and events in the Village,  
40 other than just the Village Vision Magazine. Mr. Baird said that Rio Grande Boulevard is  
41 going well, but he feels that Fourth Street is missing.

42  
43 **Trustee Rael** asked Mr. Baird what his visions on Fourth Street would be.  
44  
45

1 **David Baird** said he would first like to see safety improvements, then beautification. He  
2 said that Fourth Street is more of a through street, not a main street for Los Ranchos. He  
3 said he envisions kids being able to walk to school around Fourth Street and much more  
4 shopping.

5  
6 **Mayor Abraham** said there is a Los Ranchos Chamber of Commerce meeting scheduled  
7 for Thursday, September 19, 2013, at 9:00 A.M. at Village Hall where a briefing of  
8 Fourth Street Improvement plans will be presented.

9  
10  
11 **3. CONSENT AGENDA**

12 There will be no separate discussion of these items. If discussion is desired, that item  
13 will be removed from the consent agenda and will be considered separately.

14  
15 A. MINUTES – AUGUST 14, 2013 – REGULAR MEETING

16 B. DEPARTMENT AND COMMITTEE REPORTS

17 1. ANIMAL CONTROL

18  
19 **MOTION: Trustee McDonough** moved approval of the consent agenda with no  
20 changes. **Trustee Homan** seconded the motion.

21  
22 **VOTE:** The motion carried unanimously, 4-0.

23  
24  
25 **4. REPORTS**

26 A. MAYOR'S REPORT

27 **Mayor Abraham** reported on the following:

- 28
- 29 • The retirement party for Village Clerk, Annabelle Silvas, was very  
30 nice and appreciated the Trustees attendance.
  - 31 • The new Village Clerk, Stephanie Dominguez, will be starting next  
32 week. She has worked with Bernalillo County's Fire and Rescue  
33 Department, she comes highly recommended, and she has a Bachelor's  
34 degree in Economics, and is working on a Master's degree in Public  
35 Administration.
  - 36 • There is a groundbreaking ceremony on Thursday at 2:00 P.M. for the  
37 Montano Transportation Center with the City of Albuquerque. There  
38 will be a new rail station at Second Street and Montano Road.
  - 39 • The Los Ranchos Growers' Market hours moved an hour later, from  
40 8:00 A.M. – 12:00 P.M. Their attendance has been up and things are  
41 going well.
  - 42 • There have been some meetings with the Lavender Festival committee  
43 about this year's event as well as plans for next year's event.
  - 44 • There is a meeting with the Los Ranchos Chamber of Commerce on  
45 Thursday, September 19, 2013, at 9:00 A.M. at Village Hall.

- 1 • The North Fourth Holiday Stop and Shop committee has been meeting
- 2 at Village Hall to get this year's event going. This year's event will
- 3 take place on December 7-8, 2013. Village Hall will be underwriting
- 4 some of the advertising and will be promoting it in the Village Vision.
- 5 • Negotiations continue with Bernalillo County Sheriff's Office, Sheriff
- 6 Dan Houston, and their relationship with the Village, making sure that
- 7 Los Ranchos is patrolled and service continues to be given during
- 8 emergency situations.

9 B. ADMINISTRATOR'S REPORT

10 **Administrator Ward** reported on the following:

- 11 • The Village's audit report is complete. There should be a draft
- 12 prepared and ready by next week and an exit conference is scheduled
- 13 for Friday, September 20, 2013, at 10:00 A.M. in which Trustee
- 14 McDonough is scheduled to attend. The Village does not expect any
- 15 findings in the report.
- 16 • The Village received a local funding agreement from the New Mexico
- 17 Department of Transportation on the \$681,000 Fourth Street
- 18 Improvement project. As soon as a fully executed copy is received,
- 19 the Village will bring it before the Board.
- 20 • The Los Ranchos Citizen Corps had a disaster awareness booth at the
- 21 last Los Ranchos Growers' Market. There were some training
- 22 presentations that were delivered, ideas for a "go-bag" in case of
- 23 evacuations, and how to care for your animals in case of an
- 24 emergency.
- 25

26 C. PLANNER'S REPORT

27 **Planner Seebach** reported on the following:

- 28 • The EPA permit has been postponed until further notice.
- 29 • The Calle del Pajarito Neighborhood Association Partnership meeting
- 30 was on Saturday, September 7, 2013, and went well. There are
- 31 landscape design students that are there for planning, a professional
- 32 green landscape designer will be involved, and someone from the
- 33 Storm Water Management team was there that will bring valuable
- 34 knowledge to the table. The neighbors participated and this project
- 35 will push forward.
- 36 • Planner Seebach completed the North Rio Grande Character Area
- 37 study and provided a copy of it to all of the Trustees. She requested
- 38 they review the study and provide feedback at a later time.
- 39

40

41

1 D. LEGAL REPORT

2 **Attorney Chappell** reported on the following:

- 3
- 4 • There is an appeal pending by Bill Shen on the sewer connection.
- 5 They requested a 2-week extension, which was granted, and the Shen's
- 6 came back today requesting to include the recording of the minutes,
- 7 instead of just a transcript, in their case because they said that some of
- 8 the back and forth conversation was missed. Attorney Chappell said
- 9 that he has not responded to that yet because he would like the written
- 10 minutes to be the official record but has not determined yet if that is a
- 11 sustainable position.
- 12 • The other legal matter is with OMNI Corporation that was tried in
- 13 June, where judgment is pending. He said, apparently the opposing
- 14 council of OMNI Corporation believe the court has continued
- 15 supervision of the Village's procedures and keeps filing motions.
- 16 Attorney Chappell said that, hopefully, Judge Brickhouse will rule,
- 17 which is supposed to be done in 30 days.
- 18 • He has been working on itemizing the Village's codification
- 19 • His office has also been working on an illegal subdivision problem
- 20 they are looking at.

21 5. FINANCIAL BUSINESS

22

23 A. CASH REPORT – AUGUST

24

25 **Treasurer Haines** reported that the Village's ending cash balance as of August 31, 2013,

26 was \$6,412,948.23, which represents a decrease of \$18,849.10 from last month. The

27 year-to-date deficit of expenditures over revenues is \$54,745.28. Under the unusual and

28 significant items, the receipt of the fire protection distribution of \$101,000 came in but it

29 immediately went out. Then, the General Obligation Bonds of \$177,000 is actually what

30 contributed to the \$18,849.10 deficit. As the Village receives property taxes from the

31 county, it will even out this timing issue.

32

33 **Trustee Lopez** asked how gross receipts were coming in for the first couple of months in

34 the fiscal year.

35

36 **Treasurer Haines** said it is not too bad and is following pretty closely with what was

37 expected.

38

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

40 seconded the motion.

41

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

43

44

45

46

1 **6. PUBLIC HEARINGS AND APPLICATIONS**

2  
3 **A. REQUEST BY RALPH ABEYTA, BENNY ABEYTA, DAVID J.**  
4 **MONTOYA AND MICHAEL VELASQUEZ FOR AMENDED FINAL PLAT**  
5 **APPROVAL FOR A MAJOR, SIX LOT SUBDIVISION OF LANDS OF MONICO**  
6 **ABEYTA IN THE R-2 ZONE OF THE CAMINO REAL CHARACTER AREA**  
7 **AND C-1 ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER**  
8 **AREA. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF CALLE DEL**  
9 **PAJARITO AND IS LEGALLY KNOWN AS TRACT 163, M.R.G.C.D. MAP NO.**  
10 **24, BEING THAT CERTAIN PARCEL OF LAND SITUATED IN THE ELENA**  
11 **GALLEGOS GRANT WITHIN SECTION 16 (AS PROJECTED), T11N, R3E,**  
12 **NMPM, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO**  
13 **COUNTY, NEW MEXICO, AND BEING IDENTIFIED AS A PORTION OF**  
14 **TRACT 136, M.R.G.C.D. MAP NO. 24, AS SAID TRACT IS BEING DESCRIBED**  
15 **IN THE RECORDS OF THE COUNTY CLERK OF BERNALILLO COUNTY,**  
16 **NEW MEXICO, ON JULY 5, 1967 IN BK. D829, PG. 897. THE PROPERTY**  
17 **CONTAINS 4.7850 ACRES MORE OR LESS. THIS ITEM HAS BEEN**  
18 **INDEFINITELY POSTPONED FROM THE AUGUST 13, 2013 MEETING.**

19  
20 **MOTION: Trustee Homan** moved approval to indefinitely defer the agenda item.  
21 **Trustee Rael** seconded the motion.

22  
23 **VOTE:** The motion carried unanimously, 4-0.

24  
25  
26 **7. OLD BUSINESS**

27  
28 There was no old business.

29  
30  
31 **8. NEW BUSINESS**

32  
33 **A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE ADOPTING**  
34 **THE NUMBERING SYSTEM FOR THE 2013 CODIFICATION OF THE**  
35 **VILLAGE OF LOS RANCHOS DE ALBUQUERQUE ORDINANCES**

36  
37 **Administrator Ward** said the first 400 pages of the Board of Trustees packet are this  
38 particular agenda item. The Village simply has taken the ordinances, as passed to date,  
39 and are renumbering them and organizing them as part of the codification. No changes to  
40 the language have been made, just the numbering system.

41  
42 **Trustee McDonough** said that he noticed some wording changes and asked for  
43 clarification on what is being voted on tonight – the numbering changes or the wording  
44 changes.

45  
46 **Attorney Chappell** asked Trustee McDonough if he was looking at the codification or  
47 the technical changes, because there are two different ordinances before them.

48  
49 **Trustee McDonough** said it was the numbering ordinance.

1  
2 **Attorney Chappell** said that where there were some ordinances that were passed and one  
3 of them does not have a specific repeal of the other ordinance, only the latest wording  
4 was used of the same provision, which is why it is highlighted in their packet.  
5

6 **Trustee McDonough** said he has some minor corrections, but he will give them to  
7 Attorney Chappell after the meeting.  
8

9 **Attorney Chappell** said the corrections that Trustee McDonough has would be better  
10 suited under agenda item 8.B.  
11

12 **Trustee Rael** moved to adopt the numbering system for the 2013 codification of the  
13 Village of Los Ranchos de Albuquerque ordinances. **Trustee Lopez** seconded.  
14

15 **VOTE:** The motion carried unanimously, 4-0.  
16

17 **ROLL CALL VOTE:** **Trustee McDonough-aye; Trustee Homan-aye; Trustee**  
18 **Lopez-aye; Trustee Rael-aye.**  
19

20  
21 **B. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE**  
22 **ADOPTING THE TECHNICAL CORRECTIONS FOR THE 2013**  
23 **CODIFICATION OF VILLAGE OF LOS RANCHOS DE ALBUQUERQUE**  
24 **ORDINANCES**  
25

26 **Administrator Ward** asked Mayor Abraham if this is the agenda item he wants to defer  
27 until next month's Board of Trustees meeting.  
28

29 **Mayor Abraham** said he would feel more comfortable if everyone had the chance to  
30 review it and provide feedback at next month's meeting.  
31

32 **Attorney Chappell** said that if anyone has any comments or questions about it, they will  
33 be reflected in the Board packets by next month's meeting. He said the main thing is to  
34 get the numbering and the organizational aspect of it down so that when an ordinance is  
35 passed, they fall correctly in place with a codified number.  
36

37 **Trustee Homan** made a motion to defer to next month. **Trustee Lopez** seconded.  
38

39 **VOTE:** The motion carried unanimously, 4-0.  
40  
41  
42  
43  
44  
45

46 **C. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE**  
47 **RELATED TO THE PICKETING OR DEMONSTRATING IN A RESIDENTIAL**  
48 **ZONE.**  
49

1 **Administrator Ward** said that a few weeks ago, in the media, a protest took place in  
2 what was then reported as the unincorporated part of Bernalillo County, but it was  
3 actually the Village of Los Ranchos. The media reported that Bernalillo County is  
4 considering an ordinance, like the City of Albuquerque, where there is one that prevents  
5 picketing and demonstrating in a residential area. Bernalillo County is considering a new  
6 ordinance that bans demonstrating or picketing within a residential area. The Village of  
7 Los Ranchos was, obviously, made aware that the Village of Los Ranchos does not have  
8 a similar ordinance and there was a call for Los Ranchos to consider it. Before the Board  
9 right now, is the Village's attempt to limit the demonstrating or picketing in a residential  
10 zone within the Village of Los Ranchos. This ordinance is numbered as if it were going  
11 to go into the newly adopted codified ordinance system. The state law says that  
12 ordinances can be adopted with a 15-day public notification, which has been done in this  
13 case, and if the Board is prepared to adopt this ordinance, then the Village can legally  
14 move forward. There is some sense of urgency for the people who are interested in the  
15 topic.

16  
17 **Mayor Abraham** said this agenda item can be discussed and said it is important for a  
18 municipality to have something like this on the books, especially for residential areas so  
19 they have some peace of mind. He said the incident several weeks ago was an emotional  
20 one and that he has spoken with the resident that was picketed. At some point, the  
21 commercial area should also be addressed.

22  
23 **Jeff McDermott**, resident of 1711 Dietz Place NW, said he is the next door neighbor of  
24 the targeted family from the incident that occurred several weeks ago. He thanked the  
25 Mayor for his very prompt manner in addressing this issue. He said the picketers took  
26 over a section of the neighborhood with their protests. Mr. McDermott said he has a  
27 background in law enforcement, 30 years full-time in Chicago, Illinois, with a lot of  
28 similar high-profile residents as Los Ranchos that were in an upper-middle class  
29 community. He said, in the 60s and 70s, there were many demonstrations in Chicago that  
30 were really ugly. He said that although the demonstration a few weeks ago in Los  
31 Ranchos were fairly tame, it still upset the neighborhood. He said there are safety  
32 concerns beyond the incident though. He said their streets are very narrow residential  
33 streets and dedicated sidewalks in the area, and when the picketers are bussed in with  
34 various vehicles, it limits the street to where a rescue or fire engine would not be able to  
35 have access. He said he supports this ordinance. He added that since Bernalillo County  
36 Sheriff's Office oversees the Village for policing, he has some concerns about what kind  
37 of enforcement action could be taken with an ordinance like this. He said some logistical  
38 organization would need to take place between Los Ranchos and the Bernalillo County  
39 Sheriff's Office.

40  
41 **Mayor Abraham** said the whole situation caught people off guard and, due to the fact of  
42 where the house is located, the Albuquerque Police Department and the Bernalillo  
43 County Sheriff's Office did not realize that the property was actually located in the  
44 Village of Los Ranchos. He said that the ordinance Bernalillo County is trying to pass on  
45 picketing and demonstrating will not affect the residents that they have been talking  
46 openly about because the residents live in the Village of Los Ranchos and their ordinance  
47 would only be applied to those living in unincorporated Bernalillo County. Since this  
48 incident, though, the Village has had a few strategic meetings with the Bernalillo County  
49 Sheriff's Office and there is a better plan in place, but everyone was a little confused and

1 did not know whom to call.

2  
3 **Jeff McDermott** said that the intimidation value on the targeted family is something to  
4 consider because if the demonstrators get frustrated and they do not succeed in getting the  
5 chain in public policy that they are looking for, the demonstrations become increasingly  
6 more sophisticated and more violent. It is something we do not want to see in the  
7 Village.

8  
9 **Mayor Abraham** said the Village tried to carefully craft the ordinance so that it is  
10 enforceable. He said this can be a constitutional issue at times and the Village's attorney  
11 can speak to how public streets are looked at as a place where the public can assemble.

12  
13 **Attorney Chappell** said he crafted this ordinance at the Mayor's request. He said that  
14 when an ordinance such as this one is crafted, constitutional issues of free speech come  
15 into play. In order to be enforceable, it must be reasonable. You cannot restrict free  
16 speech, but sometimes you can restrict where it is done and it must be content neutral. In  
17 this particular case that happened recently, it was because of a late-term abortion clinic,  
18 which is where many of the cases come up in recent years. One court said that more  
19 restriction could be done in a residential area that you would not expect in other areas.  
20 One case said that even at abortion clinics, picketing could not be prohibited, but that a  
21 line is established that cannot be crossed where it might intimidate or restrict patients  
22 going to that clinic. There is one ordinance that talked about approaching within so many  
23 feet of someone to handout material, but that ordinance did not stand the test. Most of  
24 the ordinances that had been enforced also have an element of traffic restrictions but  
25 frankly, there are certain areas to where they are to be enforced and other areas where  
26 they are not to be enforced. In terms of blocking emergency equipment and such, that  
27 can be prohibited without an ordinance because it falls under nuisance and safety issues.  
28 This ordinance does not deal with parking down the street because that is too broad; it is  
29 specific to picketing in a residential street and is one of the things that have been upheld.

30  
31 **Mayor Abraham** said that he felt the Village needed to be consistent with enforcement  
32 and guidance when it comes to ordinances like this.

33  
34 **Trustee Homan** made a motion to adopt Ordinance 241 relating to the picketing or  
35 demonstrating in a residential zone. **Trustee Lopez** seconded the motion.

36  
37 **Administrator Ward** asked if this would be Ordinance 241 since Ordinance 240 was  
38 deferred indefinitely and taken off the agenda.

39  
40 **Attorney Chappell** said Ordinance 240 would come back because once it is adopted; it  
41 was introduced in the proper numbering system.

42  
43 **Trustee McDonough** said that he, in no way, supports the picketing that occurred in the  
44 neighborhood recently, and he said there are a number of examples where picketing is  
45 done in poor taste. For example, people who come out and picket the funerals of soldiers  
46 who died in action and, who are apparently, in their constitutional or civil right of free  
47 speech. He said this ordinance is an awfully broad statement saying that people cannot  
48 practice their civil rights within the Village of Los Ranchos residential districts. He said  
49 he is pretty uncomfortable with this message and is concerned with taking regulatory

1 actions to limit constitutional civil rights. He asked if other cities have a similar  
2 ordinance that has been challenged in court where these ordinances are constitutionally  
3 supported.  
4

5 **Attorney Chappell** said no, not with these specific words. He said the Village is trying  
6 to limit it if the protest was targeted toward a particular residence. It does not say that  
7 people cannot march down the street but if a specific residence is targeted and  
8 intimidated, then this ordinance would come in to play. The City of Albuquerque has  
9 similar residence limitations in their ordinance. Attorney Chappell said he did not find a  
10 specific case that said it was enforceable but he did find a case that said restrictions and  
11 residential zones can be greater than non-public areas because there is an expectation of  
12 tranquility. He said he concurs with Trustee McDonough that this issue is a very slippery  
13 slope but by limiting it to a specific residence in a residential zone, and making it content  
14 neutral, then it is as close to the constitutional test as it can come. Whether it would stand  
15 up ultimately, he is not sure but it would likely come down to the political bias to the  
16 judge that hears it in court.  
17

18 **Mayor Abraham** said he appreciates where Trustee McDonough is coming from, but the  
19 resident had expressed a lot of fear and panic when this happened. He said he feels that  
20 residents should feel assured that their home is protected in some way by government.  
21

22 **Trustee McDonough** said that he had understood that it would constitute assault if the  
23 individual believes that there is a threat upon them, whether the instigator is actually  
24 threatening or if there is a perception of threat, it constitutes assault, which can be  
25 handled under assault laws. As far as the issues about blocking traffic and such, there are  
26 legitimate public safety issues that could be handled as public safety issues without a  
27 blanket prohibition of free speech.  
28

29 **Mayor Abraham** said he agrees but feels the need for consistency between a city and an  
30 unincorporated county, whether it is enforceable or not, otherwise it says that the  
31 government body at the Village of Los Ranchos does not care about their residents.  
32

33 **Valentina de Cruz**, resident of 1816 Dietz Loop NW who lives across the street from the  
34 targeted residence, said it was emotional and is still hard to sleep at night because of post  
35 traumatic stress she experienced, photos were being taken of her by the picketers when  
36 she asked them to leave. She said that she respects first amendment rights but feels that  
37 everyone is entitled to choose, but her needs for safety and feeling secure in her  
38 neighborhood are very important to her. She said she's lived in the house for over 32  
39 years but never could have imagined something as traumatizing as this. She said, to her,  
40 this ordinance would not be to silence people, but how it is being done and the respect  
41 given to the residents as human beings. She said she deserved to be protected and to be  
42 heard. She said it's unacceptable and feels very sad for her neighbor that was targeted,  
43 especially because they have small children.  
44

45 **Trustee McDonough** said that he understands the stress and anxiety of this particular  
46 demonstration. He said that this goes beyond just protection of Village residents and that  
47 it very much makes a statement that the Village will not allow free speech within a  
48 residential area.  
49

1       **Mayor Abraham** said that it is the same ordinance that the unincorporated Bernalillo  
2 County is adopting and is in the books in the City of Albuquerque.

3  
4       **Trustee McDonough** said that does not make it constitutionally correct. He said they  
5 might have it, along with other ordinances that are wrong, but does not think that just  
6 because they do it means Los Ranchos should too. He said people have a right to speak  
7 their mind in a peaceful and conscientious manner. With this ordinance, people cannot  
8 do that and cannot make their own statement saying they disagree. He said people who  
9 are demonstrating could not create a threat on another person because it is assault.

10  
11       **Mayor Abraham** said the Village Hall and property along Rio Grande Boulevard was  
12 picketed. The ACLU felt that some picketers were allowed to get closer to the home than  
13 others. The concern was over unequal treatment between the people who were protesting  
14 and the people who were supporting, which is why it has spent six years in the Supreme  
15 Court because one resident gave permission for the kids who were in favor of the  
16 President of the United States to be on their residential property where as others were  
17 targeted that they had to be 150-feet away on the street. He said the issue is about one  
18 group assembling around one single residence and then affecting all the surrounding  
19 neighbors. The Village should not allow this, which is specific to one residence. He said  
20 that people's homes should be a place where people go to for a sense of calm. People  
21 should not have to worry if their neighbors have a different lifestyle and if that would  
22 disrupt their peace and tranquility of their own home.

23  
24       **Trustee Rael** asked if someone was supporting what was being protested and the resident  
25 was agreeable with him or her being there, would this ordinance support that?

26  
27       **Attorney Chappell** said the ordinance does refer to consent of the owner, so if someone  
28 could consent, it is illegal unless all of the residents consent.

29  
30       **Trustee Homan** said, if someone asks to picket at her house and she agrees, it would still  
31 impact her neighbors.

32  
33       **Attorney Chappell** said this ordinance does not protect the parking down the street,  
34 because that was not the intent of the ordinance. He said Trustee McDonough used a  
35 different approach, a health and safety point of view. There are two ways to approach it.  
36 One is to be very limited and content neutral. If there is a different approach, he thinks it  
37 would be the nuisance ordinance, which says if someone starts blocking streets so that  
38 emergency equipment cannot come through, then there is already an ordinance in place to  
39 protect people.

40  
41       **Trustee Rael** asked if, with this ordinance, residents can allow supporters to picket but  
42 can turn away non-supporters?

43  
44       **Attorney Chappell** said he did not believe so because the word picketing would include  
45 both sides.

46  
47       **Janet Miller**, resident of 1718 Dietz Place NW, said that the picketing incident happened  
48 very quickly. She said she saw two very large vans parked down the street. Then,  
49 suddenly a very well orchestrated demonstration was in progress and it was very

1 frightening. She said she was ashamed of them and said she does not believe in abortion  
2 and could side with the picketers, but the way they went about it was horrible. They had  
3 blow horns and knew exactly what they were saying. She said her heart ached for the  
4 targeted family and she was not sure if they were home at that time or not. She said the  
5 whole thing was very emotional and lasted over two hours. She said that when police  
6 showed up, she thought it would stop, but nothing changed. The picketing continued and  
7 went on, and on, and on.

8  
9 **Mayor Abraham** said that just because this ordinance might be passed does not mean  
10 that anything different would happen. He said the Village is trying to put one tool in the  
11 toolbox that gives our municipality at least one more tool to try and give residents peace  
12 of mind. He said by having this ordinance on the books, it would give the Village the  
13 ability to cite. He said he would hate for picketers to be able to stand on the Village's  
14 side of the street because Los Ranchos does not have an ordinance in the books but the  
15 City of Albuquerque does and so does Bernalillo County.

16  
17 **Jeff McDermitt** said that assault is a misdemeanor and, in New Mexico, there is a  
18 different way of doing things here. A law enforcement officer has to personally witness a  
19 misdemeanor committed in his presence with the exception of domestic violence and  
20 DWI. That means that if a resident, such as a neighbor or the targeted family, wants to  
21 pursue a trespass charge or an assault charge, and a law enforcement officer can stand  
22 right there witnessing and hearing it, the burden becomes then on the victim complaining  
23 to go through the Defense Attorney's Office, file a complaint, and prosecute the  
24 individual, which he said is really not practical. He said it is not practical with the  
25 standpoint to the resident and it is something that the D.A.'s Office will not be too eager  
26 to act on, given the case load they carry.

27  
28 **Attorney Chappell** said someone can file a misdemeanor complaint to the D.A.'s Office  
29 or they can go directly to the metro court and file a criminal complaint, or they could go  
30 to the municipal court in the Village and can file a criminal complaint.

31  
32 **Jeff McDermitt** said that anyone ever trying to make a physical arrest under picketing  
33 circumstances, especially when they were outnumbered, the loud noise, the confusion,  
34 and the tension gets very dicey.

35  
36  
37 **Attorney Chappell** said this ordinance would not shift the prosecutorial burden unless  
38 there is a law enforcement officer there. It is still based upon the citizen filing a  
39 complaint and the ordinance will not change that process.

40  
41 **Robert Miller**, resident of 1718 Dietz Place NW, said the neighborhood was assaulted  
42 during the incident while the demonstrators were there for two hours, being loud,  
43 shouting the same things over and over again. He said he does not know how this type of  
44 thing can be addressed in an ordinance. He said everyone talks about the demonstrator's  
45 civil rights, but asked what civil rights the residents have because he said the  
46 neighborhood's rights are being infringed upon.

47  
48 **Trustee McDonough** asked Attorney Chappell if there are communities who require  
49 groups to get permits to demonstrate.

1  
2 **Attorney Chappell** said there are many communities who have permit requirements, but  
3 some of those permit requirements have been held unconstitutional because of the criteria  
4 to get the permit. But, a notification permit is generally something courts have enforced.  
5

6 **Trustee McDonough** asked if the Village should put in a requirement for a notification  
7 permit of 24-48 hours in advance so that the Village can notify the sheriff's office the  
8 demonstration is going to occur, then law enforcement could take some action and get  
9 over there to make sure that civil rights, noise ordinances, and safety issues are not  
10 violated and so picketers can peacefully demonstrate, make their point without  
11 intimidating and still find a way to not step on people's constitutional rights in a way that  
12 still makes them respect the community. He said that he clearly is uncomfortable with  
13 the ordinance.  
14

15 **Trustee Rael** said his problem with the ordinance is that he does not feel that residents  
16 should be allowed to have people who are in favor of something allowed to demonstrate  
17 but those who are opposed not be allowed. He said it should be equal on both sides and  
18 all sides should be treated equally under the ordinance.  
19

20 **Attorney Chappell** said the consent issue might need to be clarified in the ordinance.  
21

22 **Mayor Abraham** said he has a problem with what type of community it should be  
23 because if the government cannot protect its residents from any type of picketing, then  
24 all the Village will be is gated communities and that is the last thing wanted. He said he  
25 does not want residents to be subjected to 30, 60, 80 people standing in the street and  
26 yelling at whomever is inside their house.  
27

28 **Trustee Homan** said the issue is that the Village cannot force the outcome that everyone  
29 wants because there are some real issues in Los Ranchos because of the way the Village  
30 has grown with commercial areas, residential areas, and areas that have a combination of  
31 the two. She said there is not one-size fits all ordinance that can be developed.  
32

33 **Attorney Chappell** said it is a very fuzzy area and the ordinance may need to be refined.  
34

35 **Trustee Rael** said he would like to see the sentence stricken that said without the express  
36 permission of the owner or occupant of that resident, so it makes it equal.  
37

38 **Trustee McDonough** asked how the ordinance was noticed 15-days ago.  
39

40 **Administrator Ward** said it was noticed in the Albuquerque Journal legal and the  
41 document was available for public viewing at Village Hall.  
42

43 **Trustee Rael** asked that the ordinance be changed to show a period after "residential  
44 zone."  
45

46 **Administrator Ward** said the same changes needed to be made on the next paragraph.  
47

48 **Trustee Homan** said she is seeing a great effort but it will come down to how quickly  
49 law enforcement can get there to enforce the rule.

1  
2 **MOTION: Trustee Homan** motioned to pass the ordinance with the discussed  
3 amendments. **Trustee Lopez** seconded the motion.  
4

5 **Trustee Homan** revised her motion and said items need to be addressed. She said a lot  
6 of changes are to be made to the ordinance and it needs to be correct. Trustee Homan  
7 requested to defer discussion on this until the next meeting so it can be reviewed and  
8 corrected.  
9

10 **Mayor Abraham** said the timing and importance of this ordinance is imperative,  
11 otherwise additional demonstrations may still occur.  
12

13 **Trustee Homan** asked Attorney Chappell if the Board were to adopt the ordinance and  
14 then revise it in a month, would it cause a real issue?  
15

16 **Attorney Chappell** said ordinances can be amended by the Board at anytime at their  
17 discretion.  
18

19 **Trustee McDonough** said that the penalty for violating the ordinance is a misdemeanor.  
20 He also said if they are ordered to disperse, and they do not, it is another misdemeanor  
21 and does not feel that this will change their behavior.  
22

23 **RE-MOTION: Trustee Homan** motioned to adopt Ordinance 241 related to the  
24 picketing or demonstrating in a residential zone with the proposed amendment to 7.6.2  
25 striking the clause, "Without the express prior consent to the owner or occupant of that  
26 residence" and the compiling clause severability statement so that it indicates that it is  
27 from the 2013 codified municipal code. She also said she does not believe this is the  
28 perfect tool however, she said she believes one is needed to start with. She said this can  
29 provide the initial tool for the Village but emphasized that the governing body needs to  
30 go back and readdress the issue because it has some problems. She said it would not  
31 protect all of the Village residents due to how the Village is set-up with a mix of  
32 businesses and residents next to each other. She said she would like to see something  
33 that protects Village residents without stopping any civil liberties. **Trustee Lopez**  
34 seconded.  
35

36 **VOTE:** The motion carried, 3-1.  
37

38 **D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2013-9-1**  
39 **ADOPTING THE 2015-2019 INFRASTRUCTURE CAPITAL IMPROVEMENT**  
40 **PLAN.**  
41

42 **Administrator Ward** said it is a new format for DFA this year because they are trying to  
43 incorporate a few items that have come down from the administration requiring things be  
44 timely and things are taken care of on a year-to-year basis. He said if there are findings  
45 that are critical, this document ensures compliance with the division. He said number one  
46 ranked item is the Fourth Street Improvement renovation and repair where the Village is  
47 anticipating to have about \$1.6 million or \$1.7 million dollars to fund Fourth Street this  
48 year or next year, which will only get the Village so far down the road depending how  
49 much will be improved. The idea is that the Village continues the improvements all the

1 way up Fourth Street. He said this incorporates additional chunks of money during the  
2 remaining fiscal years that are indicated in the plan. He said the numbers are gauged by  
3 tentative costs out of Tierra West, based on the layout of Fourth Street from Schulte to  
4 Pueblo Solano and, taking logical sections, it is about 800-feet and \$600,000. To get all  
5 the way to Ortega, based on that number, it is about another \$6,000,000. He said the item  
6 ranking number two is new acquisition of open space. Funding to date is the amount of  
7 money that has been set aside for the past few fiscal years about \$300,000 per year. At  
8 the end of this fiscal year, the Village would have money designated for open space at  
9 \$1.2 million and based on the amount of money spent per acre on the Agri-Nature Center,  
10 it will be expanded with the rest of the 20-acres that the Anderson's own, it would be at  
11 \$6.2 million. Repair of the Agri-Nature Center for building, there is a number of around  
12 \$500,000 as the third item on the list. The other item includes renovation of Village Hall  
13 at approximately \$115,000. Item number five is public safety enhancements with about  
14 \$400,000 in road improvement, and there is a plan to do ongoing maintenance. The last  
15 project, as it is ranked for 2015, is Village Community Center on Green Valley.

16  
17 **Trustee Rael** asked why money is going to be used on the Village Community Center on  
18 Green Valley when it is not being used and asked if the property was going to be sold.

19  
20 **Administrator Ward** said the item is certainly open for discussion.

21  
22 **Trustee Lopez** said he thought the property was being used for Girl Scouts and Boy  
23 Scouts.

24  
25 **Administrator Ward** said those groups do use it.

26  
27 **Mayor Abraham** said the Board might want to consider moving that money for Agri-  
28 Nature Center improvements or somewhere else.

29  
30 **Trustee McDonough** said he stopped by the Village Community Center on Green Valley  
31 the other day and the Girl Scouts and Boy Scouts have all of their things out and seemed  
32 to have established it as their sense of place. He said it would be hard to duplicate in  
33 another building.

34  
35  
36 **Trustee Rael** said that as long as there was a need and it was being used, he did not have  
37 a problem with it.

38  
39 **Trustee Homan** said it does need some improvements. She said the area where the  
40 basketball court is, has broken surfaces and is full of weeds and such.

41  
42 **Mayor Abraham** said the Village should take inventory of all the property it owns, put it  
43 on a prioritization schedule and go from there.

44  
45 **Administrator Ward** said if the improvements for Village Community Center need to be  
46 scratched off the list, then it can be revisited later. He said that he has already started an  
47 inventory of properties in the Village with a list of things that need to be done, condition  
48 levels, and etc. He also said that one of the things they suggest with the ICIP process is  
49 using their software to keep track of all properties and inventory. He said he found it a

1 little cumbersome when Microsoft Excel seems to be more user-friendly, which is why it  
2 is not all on the list yet, but it can be.

3  
4 **Trustee Lopez** asked when the \$681,000 from the legislative bill has to be expended and  
5 what is the deadline?

6  
7 **Administrator Ward** said it is a three-year deadline. He said one of the things changing  
8 is that the Village has to produce quarterly reports back to the New Mexico Department  
9 of Transportation (NMDOT) online system of project statuses and they will be quick to  
10 pull back money if it is there.

11  
12 **Trustee Rael** asked, regarding the Fourth Street Improvement Project, if the street was  
13 going to be done in sections and, if so, when one section is being done, would there be no  
14 activity going on in the other sections?

15  
16 **Administrator Ward** said that is something that would need to be brought back to the  
17 Board for discussion based on the amount of changes decided for Fourth Street. He also  
18 said that he has been in some discussions with Bernalillo County and they have said that  
19 whatever the Village does on Fourth Street, they plan on matching it going all the way  
20 North to Alameda.

21  
22 **MOTION: Trustee McDonough** moved approval of Resolution No. 2013-9-1 adopting  
23 the 2015-2019 Infrastructure Capital Improvement Plan. **Trustee Rael** seconded the  
24 motion.

25  
26 **VOTE:** The motion carried unanimously, 4-0.

27  
28  
29 **9. TRUSTEES INFORMAL DISCUSSION**

30  
31 Members of the Board discussed various informal topics. No action was taken.  
32  
33  
34  
35

36 **10. ADJOURNMENT**

37  
38 The meeting was adjourned at 9:18 P.M.

39  
40 **APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this  
41 \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
42  
43  
44  
45

46 **ATTEST:**  
47  
48  
49

1 \_\_\_\_\_  
2 Stephanie Dominguez, Village Clerk  
3  
4