

# MINUTES

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD N.W.  
BOARD OF TRUSTEES REGULAR MEETING  
JANUARY 08, 2014 - 7:00 p.m.

**Present:**

Larry P. Abraham, Mayor	Kelly S. Ward, Administrator
Don Lopez, Trustee / Mayor Pro Tem	Stephanie Dominguez, Clerk
Pablo Rael, Trustee	Nancy Haines, Treasurer
Mary Homan, Trustee	Linda Seebach, P & Z Director
Tim McDonough, Trustee	Bill Chappell, Attorney
	Mathew McCoy, BCSO Sgt.

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

**MOTION: Trustee Lopez** moved approval of the closed meeting statement. **Trustee Homan** seconded the motion.

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

**Mayor Abraham** requested a motion for approval that the Village of Los Ranchos Attorney, Mayor, and Administrator be authorized to proceed with the threatened and pending litigation discussed in the closed meeting held on January 8, 2014 at 6:30 p.m., within the parameters set by the Board of Trustees.

**MOTION: Trustee Rael** moved approval of the closed meeting statement. **Trustee McDonough** seconded the motion.

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

## **1. CALL TO ORDER**

**Mayor Abraham** called the meeting to order at 7:14 P.M.

### **A. APPROVAL OF AGENDA**

1       **MOTION: Trustee Homan** moved approval of the agenda, with item 8.F deferred to  
2 the February 12, 2014 Board of Trustee Meeting. **Trustee McDonough** seconded the  
3 motion.

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

6  
7       **2. PUBLIC COMMENT PERIOD**

8  
9       1.       **Camille Varoz, 427 El Paraiso Rd NW**, said she is part of the El Paraiso  
10 Neighborhood Association and grew up in the North Valley. She said El Paraiso is very  
11 nice and wants to keep that integrity of the neighborhood. She said although change is  
12 inevitable, things in her neighborhood are deteriorating, and is concerned about some of her  
13 neighbors' properties and the activity occurring there. She requested the definition of a  
14 Single Family Home, how it can be interrupted if there is concern amongst the  
15 neighborhood of a particular house, and how that information can be received in the  
16 appropriate manner. She asked if the El Paraiso Neighborhood Association can enforce it  
17 though their covenants or if they could look to the Village for help.

18  
19       **Mayor Abraham** suggested she give the address of the house she is concerned about to the  
20 Village's Code Enforcement Officer, Keen Heinzelman, or to Sergeant Matt McCoy with  
21 the Bernalillo County Sheriff's Office for the Village.

22  
23       2.       **Josef Ling, 1761 Dietz Loop NW**, speaking on behalf of the Dietz Neighborhood  
24 Coalition, said he would like to talk about a conditional use permit, CU0875, issued to the  
25 Montano Land Company. He wants to inform the Board of Trustees of the neighborhood's  
26 recent experience with Village staff enforcing the conditional use permit, wants to review  
27 requests on improving exactly how the permit might be enforced in the future, and is  
28 seeking advice from the Board on how to improve response time when there are violations  
29 in the future. He read from a November conditional use letter to the Montano Land  
30 Company, which states that the back south parking lot is a shared parking lot between the  
31 Unser Museum and the Challenger Learning Center School, utilization of the parking lot is  
32 a violation of the condition, student enrollment shall not exceed 135 students at the site,  
33 school activities should not include any outdoor activities such as band, and ingress and  
34 egress on the property should take place through the Montano entrance. He said since this  
35 permit has been approved, there have been two schools in the Unser campus – the  
36 Cottonwood Classical School and the New Mexico International School. He said the Dietz  
37 Neighborhood Coalition has noted a couple of violations with the Cottonwood Classical  
38 School including holding their physical education class on the ditch next to their  
39 neighborhood, they have documented and photographed teachers organizing the building of  
40 wooden structures on the ditch next to their neighborhood, and as the neighborhood  
41 prepared to contact the Village about the violations, the school relocated. This fall, the  
42 New Mexico International School moved in and the neighbors started noting violations in  
43 the conditional use permit. First, they were holding rotational physical education classes  
44 and recreation time in the south parking lot, they noted that enrollment was exceeding 135  
45 students and, as a result, 60 of the students had to overflow into the Challenger facility. He  
46 said a number of neighbors contacted the Village about the noise levels. He said that their  
47 impression was that no one at Village Hall seemed to be aware that a new school had  
48 moved in or that student enrollment extended beyond the requirements. Someone from the  
49 Village came out and measured the noise levels and logged 80 decibels. On November 15,

1 2013, the Village sent a letter to the Montano Land Company, clarifying how they violated  
2 conditions of the permit. He said the school vacated prior to any action being taken. He  
3 said Village staff was very helpful and informative, however, given the staff at Village Hall  
4 seemed unaware of the new tenants and it took over half the school year for any action to  
5 be taken, there was no full resolution really given in a timely manner. Because of this, he  
6 is requesting that future permit violations be handled more quickly. He suggested that the  
7 Village require the Montano Land Company to provide evidence that Unser campus tenants  
8 have received and are aware of the conditions listed in the site development plan, or the  
9 Village themselves be required to provide the conditions listed in the site development plan  
10 to the tenants prior to occupancy. He said the neighborhood would also like the Village to  
11 monitor the tenants and ensure they are compliant with the site development plan and the  
12 conditional use permit. Also, he said the conditional use permit uses the language “may be  
13 revoked” or “may be terminated”. They would like to see the wording changed to “shall be  
14 revoked” or “shall be terminated”. Finally, the neighborhood is asking that the Board of  
15 Trustees respond with a written response to their concerns and requests.  
16

17 3. **Rachel Mittleman, 1761 Dietz Loop NW**, said she works at home and has been  
18 very frustrated with the situation. She said it has impacted her work, health, and quality of  
19 life. There are a lot of implications for a number of neighbors around the school. She said  
20 there was never meant to be a school built there and they would have never moved in if  
21 they knew a school would be behind their home. She said she has video of 40 children  
22 playing outside and she cannot leave her windows open due to the noise levels. She said  
23 she has seen the physical education classes start at 7:30 A.M. and sometimes do not end  
24 until 5:30 P.M. The elementary school had an after school program through the Children,  
25 Youth, and Families Department (CYFD) from 3:30 P.M. – 5:30 P.M. She said it is not  
26 just 40 children, sometimes it is 60 children, which increases the noise levels. She said the  
27 facility has a multi-purpose room and is requesting that the school hold their physical  
28 education classes or recreation classes indoors.  
29

30 4. **Marcia Miolano, 1744 Dietz Loop NW**, said that when she found out the school  
31 was going in that location, they were very happy because it is a good facility and were told  
32 that the children would be taken to the Bosque School for their outdoor activities.  
33 However, more and more they were outside. But when the new school came in, the noise  
34 levels were pretty constant. She said parents also use the ditches as drop off spots and does  
35 not feel like it is a good idea for the kids or the parents to be using this area.  
36

37 5. **Sondra Slivon, 1747 Dietz Loop NW**, said she lives directly across the ditch from  
38 the school. She is an employee of Albuquerque Public Schools (APS), loves schools, and  
39 loves children. Last year, she said she was working from home trying to write a book and  
40 the noise levels were very high and often had to seek refuge from the noise. She said that  
41 she does not want the Board to think they are anti-school or anti-educators or against  
42 children playing outside, but does not believe the site for the school is an appropriate one  
43 since the conditional use permit says that outdoor activity at this school is prohibited. She  
44 said she enjoys the Village because of the dark skies, the rural feel, the quietness, the  
45 lavender festival, and etc. She explained that she wants to preserve the value of her home  
46 with a good quality of life.  
47  
48  
49

1 **3. CONSENT AGENDA**

2  
3 There will be no separate discussion of these items. If discussion is desired, that item  
4 will be removed from the consent agenda and will be considered separately.  
5

6 A. MINUTES – December 11, 2013 – REGULAR MEETING

7 B. DEPARTMENT AND COMMITTEE REPORTS

8 1. ANIMAL CONTROL  
9

10  
11 **MOTION: Trustee Rael** moved approval of the consent agenda, with changes to the  
12 minutes. **Trustee Lopez** seconded the motion.  
13

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

17 **4. REPORTS**

18  
19 **A. MAYOR'S REPORT**

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

- 21 • The Los Ranchos Growers' Market is Saturday, January 11, 2014, from  
22 10:00 A.M. – Noon.
- 23 • Deputy Robin Hopkins, Bernalillo County Sheriff's Office, is now at  
24 home, going to physical therapy several times per week, has a long road  
25 to recovery, and is still looking at a few more surgeries.
- 26 • There is an upcoming election with three people running for two trustee  
27 positions. The judge is up for re-election and is running unopposed.
- 28 • Planning and Zoning Director, Linda Seebach, has been with the Village  
29 for 9 years and will be retiring soon and her last day will be March 3.  
30

31 **B. ADMINISTRATOR'S REPORT**

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

- 33 • On December 20, the Village received five bids for the Fourth Street  
34 survey in response to the Request for Proposal (RFP).
- 35 • Today was the RFP deadline for the design of Fourth Street and the  
36 Village received six bids.
- 37 • He met with the Albuquerque Metropolitan Arroyo Flood Control  
38 Authority (AMAFCA) and Bernalillo County regarding the Garduno  
39 Storm Drain Project. Bernalillo County would like to resurrect that  
40 project and AMAFCA wants to redraft the North Valley Drainage  
41 Management Project. Bernalillo County is proposing they take a  
42 second look at what the Village did on the drainage study on Ortega  
43 and Garduno Road and see if the existing ponds on the Paseo del Norte  
44 right-of-way will accommodate the amount of water being discussed.  
45 He said, ultimately, he thinks they are still coveting that territory for  
46 the North Valley drainage area and in 12-18 months he should know  
47 what that will look like. A field trip is also being proposed with  
48 AMAFCA, Bernalillo County, and the Village to a new AMAFCA

1 project that was completed last year which incorporates an alfalfa  
2 field and retention pond in the South Valley.

3  
4 **C. PLANNER’S REPORT**

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

- 6 • The end-of-year Planning and Zoning reports were provided to the  
7 Board of Trustees
- 8 • The Village has been invited to join the Stormwater Quality Team,  
9 which hopefully means the membership fees have been lowered. The  
10 first meeting the Village will attend will be on January 15.

11  
12 **D. LEGAL REPORT**

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

- 14 • There were a couple of judgments from sewer cases where people did  
15 not answer. In the case of Steve Curtis, his place is under construction  
16 after two lawsuits, so it should be resolved fairly quickly.
- 17 • On January 21, the OMNI Corporation hearing will take place to see if  
18 the judge will revise or settle the zoning decisions.
- 19 • Regarding the drainage issue that Administrator Ward discussed, the  
20 new drainage permits that are being tested and put in place, the Village  
21 may want to consider additional impacts it will have in Los Ranchos in  
22 terms of responsibilities.
- 23 • In the Shen case, Mr. Shen’s attorney filed a motion to dismiss his  
24 appeal. Before the Village responded, the judge has denied the motion.

25  
26 **E. PUBLIC SAFETY REPORT**

27 **BCSO Sgt. Matt McCoy** reported on the following:

- 28 • He presented the Village activity report for the month of December  
29 2013. 385 calls were answered in the Village ranging from property  
30 crimes to traffic stops. Three violent crimes took place in the Village,  
31 which were all assaults. There were 10 crash reports, 16 property  
32 crimes not including burglaries, and 3 burglaries – one residential, one  
33 commercial, and one automobile. There is a bait car placed in the  
34 Village that was out for two weeks on Fourth Street with no activity. It  
35 has now been moved elsewhere in the Village and will be monitored.
- 36 • A New Mexico State Police officer was riding his police motorcycle and  
37 was involved in a crash on Fourth Street today. Due to the necessary  
38 crash reconstruction, all of Fourth Street was shut down.
- 39 • There was also a minor crash today on Rio Grande Boulevard and  
40 Chavez Road around 4:15 P.M.

41  
42 **5. FINANCIAL BUSINESS**

43  
44 **A. CASH REPORT –December 2013**

45  
46  
47 **Treasurer Haines** reported that the Village’s ending cash balance as of December 31,  
48 2013, was \$6,953,338.34, which represents an increase of \$200,189.23 from last month.

1 The year-to-date excess of revenues over expenditures is \$485,644.73. There were no  
2 unusual or significant items this month.

3  
4 **MOTION: Trustee McDonough** moved approval of the cash report as presented.  
5 **Trustee Homan** seconded the motion.

6  
7 **VOTE:** The motion carried unanimously, 4-0.

8  
9 *Meeting in recess from 7:45 P.M. to 8:05 P.M.*

10  
11 **6. PUBLIC HEARINGS AND APPLICATIONS**

12  
13 A. A REQUEST BY AKITA CORPORATION, DOING BUSINESS AS OM, FOR  
14 A RESTAURANT BEER AND WINE LICENSE WITH ON-PREMISE  
15 CONSUMPTION ONLY AND A WAIVER AS THE RESTAURANT IS WITHIN 300  
16 FEET OF A SCHOOL IN THE C-1 ZONE OF THE FOURTH STREET  
17 COMMERCIAL CHARACTER AREA, APPLICATION #A-892480, NM ALCOHOL  
18 AND GAMING DIVISION. THE APPLICANT CURRENTLY HAS LICENSE NO.  
19 30851 AT THIS LOCATION BUT HAS ADDED AN OFFICER TO THE  
20 CORPORATION, THEREFORE THIS IS CONSIDERED NEW OWNERSHIP. THE  
21 PROPERTY IS LOCATED AT 7520 4<sup>TH</sup> STREET NW, SUITE A AND IS LEGALLY  
22 KNOWN AS TRACT A, CORRECTION PLAT OF RINCONES DE LOS RANCHOS  
23 WITHIN SECTION 21, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS DE  
24 ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, OCTOBER 2007. THE  
25 PROPERTY CONTAINS 2.2073 ACRES MORE OR LESS.

26  
27 **Attorney Chappell** sworn in **Linda Seebach and Khaddga Basnet**.

28  
29 **MOTION: Trustee Lopez** recommends approval of Application A-892480 for a  
30 restaurant and beer and wine license for on-site consumption in the C-1 Zone of the  
31 Fourth Street Commercial Character Area with a waiver from the 300 foot distance from  
32 a school to allow point of sale distance to school building in excess of 300 feet. **Trustee**  
33 **Lopez** announced the following findings:

- 34  
35
- 36 • Public notice requirements have been met as per the New Mexico Alcohol  
37 and Gaming Division by the publication in the Albuquerque Journal on  
38 December 27, 2013 and January 1, 2014.
  - 39 • Public Notice was sent by mail to all neighbors within 300 feet of the  
40 property on December 20, 2013.
  - 41 • The applicant received notice of date, time, and place of the public hearing  
42 by certified mail as required.
  - 43 • The property is located in the C-1 Zone of the Fourth Street Commercial  
44 Character Area and corridor, bars and lounges, wineries, and brew pubs  
45 are a Conditional Use in the C-1 Zone.
  - 46 • Conditional Use Permit CU-12-10 was approved on November 6, 2012  
47 with the condition no alcohol would be served Monday through Friday  
48 before 5:00 P.M., when school is in session. The Conditional Use  
49 continues with the premises.
  - The 2020 Master Plan Overall Village Goals 1.2.2. The Goal is to create

1 and promote the Village as a destination point where visitors and residents  
2 alike want to be and can take part in the Village lifestyle.

- 3 • Section 8, 8.2.1 Commercial Objectives: Create a business climate in  
4 which businesses flourish; Focus Village commercial activities in the  
5 Village Center, Fourth Street and the Transit District; Make the Village a  
6 shopping destination; Encourage stores of a unique character that  
7 harmonize with the scale and nature of the Village whether local  
8 businesses, national businesses, or new, compatible commercial activities.  
9

10 **Trustee Rael** seconded the motion.

11  
12 **VOTE:** The motion carried, 4-0.

13  
14  
15 **7. OLD BUSINESS**

16  
17 A. DISCUSSION AND APPROVAL TO ADOPT AN AMENDMENT TO THE  
18 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE  
19 ALBUQUERQUE CHAPTER 9, SECTION 1, SUBDIVISION, VACATION, AND  
20 DEVELOPMENT ADDING A NEW DEFINITION OF SUBDIVISION, DELETING  
21 OUTDATED REQUIREMENTS AND MAKING CERTAIN CORRECTIONS  
22 RELATED TO DEPARTMENTS OR PERSONNEL TITLES. *Deferred from December*  
23 *11, 2013 Board of Trustee meeting.*  
24

25 **Planner Seebach** said this is the first of a lot of housekeeping ordinances that will be in  
26 front of the Board of Trustees. The definition of subdivision changed and so did other  
27 minor changes with Attorney Chappell's recommendation.  
28

29 **Trustee Rael** asked that the definition for 9.1.5 H, be clarified further to include other  
30 entities such as gas or electric.  
31

32 **Trustee Homan** agreed with Trustee Rael's request.  
33

34 **Planner Seebach** said further clarification on the definition would be made.  
35

36 **Attorney Chappell** said that under state law, the clarification would be allowed but as  
37 written, he believes it is all-inclusive.  
38

39 **Trustee Rael** referred to Section L that discusses irrigation easement and asked if it is  
40 necessary to include.  
41

42 **Attorney Chappell** said the definition that is cited is specifically relating to AMAFCA  
43 and MRGCD, which is a little different than just an access easement. He said he recalls  
44 this language being referenced somewhere else as well.  
45

46 **Trustee Homan** asked why the number of copies is being stricken from the application  
47 in section 9.1.8.  
48

1 **Planner Seebach** said because the number of copies required changes. She wants to  
2 ensure that copies are not wasted, yet there will always be enough to be reviewed.  
3

4 **Trustee Rael** asked Planner Seebach to clarify the definition of public right-of-ways,  
5 public areas, and dedicated streets under Section 11.B.  
6

7 **Planner Seebach** said a public dedicated street is not necessarily a street that is dedicated  
8 to the Village.  
9

10 **Attorney Chappell** said there can be a public street but if there is a dedication on a plat,  
11 generally it needs to be dedicated so someone has control of it. He suggested just that  
12 one sentence be stricken so the street can be accepted but not necessarily for maintenance  
13 purposes.  
14

15 **MOTION: Trustee Homan** moved approval of Ordinance 242 with the suggested  
16 changes as discussed. **Trustee McDonough** seconded the motion.  
17

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

20 **ROLL CALL VOTE: Trustee Rael-aye; Trustee Lopez-aye; Trustee Homan-aye;**  
21 **Trustee McDonough-aye.**  
22  
23

24 B. DISCUSSION AND APPROVAL TO ADOPT AN AMENDMENT TO THE  
25 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE  
26 ALBUQUERQUE CHAPTER 9, SECTION 2, 9.2.25 APPLICATION AND  
27 APPROVAL PROCESS, REORGANIZING AND RENUMBERING, CHANGING  
28 ALLOWABLE AREA FOR HOME OCCUPATIONS, ADDING CLARIFICATION TO  
29 CERTAIN ITEMS, DELETING OUTDATED REQUIREMENTS AND MAKING  
30 CERTAIN CORRECTIONS RELATED TO DEPARTMENTS OR PERSONNEL  
31 TITLES. *Deferred from the December 11, 2013 Board of Trustee meeting.*  
32

33 **Planner Seebach** said it is a re-organizational amendment with everything under the  
34 appropriate sections. The home occupation allowable area has changed from 25% of the  
35 dwelling and 1,000 square-feet of an accessory building with a limitation of 500 square-  
36 feet of the residence and/or 1,000 square-feet of an accessory building with Planning and  
37 Zoning Commission approval for use as an accessory building. Under variances, there  
38 were regulations contained in the definition that were not in the variance and regulation,  
39 by definition, is not appropriate so she moved them from the definitions section into the  
40 variances section. She said other clean-ups were made including department titles and  
41 references to personnel. She also updated regulations to reflect current procedures for  
42 noise permits.  
43

44 **Trustee Lopez** asked Planner Seebach to explain Attachment 9.2.5.  
45

46 **Planner Seebach** said it is part of the site development plan and specifications for the  
47 streets.  
48

49 **Attorney Chappell** referred to page 2 of 23 sub paragraph 6 and said the wording may

1 be incorrect. He said that the accessory building of 1,000 square-feet or less seems to be  
2 somewhat confusing. He suggested that “or less” be stricken. He said it has to go to the  
3 Planning and Zoning Commission.  
4

5 **Administrator Ward** asked if the “or less” is dropped from the wording, should there be  
6 a maximum square-footage defined for an accessory building?  
7

8 **Planner Seebach** said it is defined on the next page.  
9

10 **Trustee Homan** asked that it be corrected in various other places so the content is  
11 consistent.  
12

13 **MOTION: Trustee Rael** moved approval of Ordinance 243 with the suggested changes  
14 as discussed. **Trustee McDonough** seconded the motion.  
15

16 **VOTE:** The motion carried unanimously, 4-0.  
17

18 **ROLL CALL VOTE: Trustee Rael-aye; Trustee Lopez-aye; Trustee Homan-aye;**  
19 **Trustee McDonough-aye.**  
20

21  
22 C. DISCUSSION AND APPROVAL TO ADOPT AN AMENDMENT TO THE  
23 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE  
24 ALBUQUERQUE CHAPTER 5, SECTION 5.1.4 AMENDMENTS AND  
25 EXCEPTIONS TO PROVISIONS OF THE IFC CLARIFYING REQUIREMENTS FOR  
26 AUTOMATIC SPRINKLER SYSTEMS.  
27

28 **Planner Seebach** said line 12 had been left out and has now been added. Garages do not  
29 need sprinklers and that clarification was made. The current Fire Code does not say what  
30 the Village intended for the exemption of 3,000 square feet for new home construction,  
31 only the addition or remodel of 3,000 square feet. The 3,000 square foot exemption was  
32 to alleviate hardship for the smaller homeowners. It also clarifies the non-combustible  
33 construction categories.  
34

35 **Attorney Chappell** asked if the source had been identified for the ordinance so the  
36 references make sense.  
37

38 **Planner Seebach** said the amendment comes out of the International Fire Code that  
39 adopts the 2003 Fire Code.  
40

41 **Trustee Homan** asked if the sprinkler requirement is only on structures that are 3,000  
42 square-feet or more.  
43

44 **Administrator Ward** said yes.  
45

46 **MOTION: Trustee Homan** moved approval of Ordinance 244 with the suggested  
47 changes as discussed. **Trustee Rael** seconded the motion.  
48

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

1  
2 **ROLL CALL VOTE: Trustee Rael-aye; Trustee Lopez-aye; Trustee Homan-aye;**  
3 **Trustee McDonough-aye.**  
4

5  
6  
7 **8. NEW BUSINESS**  
8

9 A. DISCUSSION AND APPROVAL OF A MUTUAL AID AGREEMENT  
10 BETWEEN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE AND THE  
11 BERNALILLO COUNTY SHERIFF'S OFFICE FOR THE PURPOSE OF  
12 COORDINATING AND COOPERATING IN LAW ENFORCEMENT MATTERS  
13 WITHIN THE VILLAGE IN AN ORDERLY, EFFICIENT, AND EFFECTIVE  
14 MANNER WITHIN THE JURISDICTIONS OF THE RESPECTIVE PARTIES;  
15 AUTHORIZING THE MAYOR TO THE SIGN THE MUTUAL AID AGREEMENT.  
16

17 **Administrator Ward** said a mutual aid agreement allows for the Bernalillo County  
18 Sheriff's Office to enforce Village ordinances within Los Ranchos. This would be  
19 utilized as a tool for Bernalillo County to conduct their public safety function efficiently  
20 and be able to cite Village ordinances and have the jurisdiction to be able to do that.  
21

22 **Trustee Rael** said it states, "Village's law enforcement personnel" but the Village does  
23 not have law enforcement personnel.  
24

25 **Administrator Ward** said it was a template taken from the New Mexico Department of  
26 Public Safety, used with all jurisdictions throughout the state, so some of the language  
27 may not apply. However, a paragraph was inserted above that clarifies that the Village  
28 does not have law enforcement personnel.  
29

30 **Trustee Rael** said that the parties in this agreement are not obligated to provide the aid  
31 requested by a party, if that party would be endangering the law enforcement protection  
32 of its own jurisdiction under the existing circumstances. Furthermore, each party is to be  
33 the sole and separate judge as to when circumstances preclude it from rendering aid to the  
34 other party unless that party is obligated under a separate agreement. He said it should  
35 not be determined by the fact that their jurisdiction is in Bernalillo Count, but it should be  
36 the circumstance of the moment.  
37

38 **Attorney Chappell** said it appears that there is an agreement with the Bernalillo County  
39 Sheriff's Office for law enforcement. There is another agreement that talks about a  
40 deputy assigned to the Village. The agreement is not something that commits the  
41 Bernalillo County Sheriff's Office to do more; it is an agreement that gives them the  
42 authority to enforce Village ordinances. It is not saying they must enforce them, rather it  
43 allows them to enforce them.  
44

45 **Administrator Ward** said there are two agreements that specify the Village's  
46 relationship with the Bernalillo County Sheriff's Office, but this agreement does not  
47 impact those two.  
48  
49

1       **MOTION: Trustee McDonough** moved approval of the Mutual Aid Agreement  
2 between the Village of Los Ranchos and the Bernalillo County Sheriff's Office. **Trustee**  
3 **Lopez** seconded the motion.  
4

5       **VOTE:** The motion carried unanimously, 4-0.  
6

7  
8       B.       DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO  
9 THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE  
10 ALBUQUERQUE CHAPTER 3, ARTICLE 1, ADDING SECTION 3.1.7 PENALTIES.  
11

12       **Planner Seebach** said the current version of the codified ordinance does not include a  
13 penalty clause for business registration violations, so one was added.  
14

15       **Trustee Homan** said that the Village should still try to pursue mediation or a friendly  
16 resolution to that penalty.  
17

18       **Attorney Chappell** said if there is no penalty for failure to comply, then the Village is in  
19 no position for negotiation in mediation.  
20

21       **MOTION: Trustee Homan** moved approval to advertise the ordinance in summary.  
22 **Trustee McDonough** seconded the motion.  
23

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

26  
27       C.       DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO  
28 THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE  
29 ALBUQUERQUE CHAPTER 9, ARTICLE 2, PLANNING AND ZONING  
30 COMMISSION §9.2.2(A) CHANGING MEMBERSHIP, §9.2.2(D) AUTHORITY  
31 DELEGATED, AND GENERAL PROCEDURAL REGULATIONS.  
32

33       **Planner Seebach** said this is another housekeeping amendment. The Planning and  
34 Zoning Commission was established under Mayor Hooker's administration by Ordinance  
35 No. 186, 12-10-2003 after the adoption of Ordinance 183 which was the Village's first  
36 comprehensive zoning code. At that time it was believed that a Planning and Zoning  
37 Commission should relieve the Board of Trustees of many of the more common zone  
38 hearings and applications. However, there were also other issues delegated to the  
39 Commission that rightfully belong to the Board of Trustees. This amendment places  
40 those issues back under the Board of Trustee's jurisdiction. The staggered terms in the  
41 ordinance have not worked the way it was meant too and said it would be best to appoint  
42 Planning and Zoning Commissioners to a one year term with reappointment for each year  
43 thereafter.  
44

45       **Trustee Rael** asked Planner Seebach to clarify the terms.  
46

47       **Planner Seebach** said that every year the Mayor would have to appoint the Planning and  
48 Zoning Commissioners.  
49

1       **MOTION: Trustee Rael** moved approval to advertise the ordinance in summary.  
2       **Trustee Lopez** seconded the motion.

3  
4       **VOTE:** The motion carried unanimously, 4-0.

5  
6       D.     DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO  
7       THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE  
8       ALBUQUERQUE CHAPTER 9, ARTICLE 6, WIRELESS TELECOMMUNICATIONS  
9       FACILITIES GRANTING THE BOARD OF TRUSTEES APPROVAL OF  
10      FACILITIES.

11  
12      **Planner Seebach** said the Wireless Telecommunications Ordinance 181 granted the  
13      authority to approve wireless communication facilities to the Planning and Zoning  
14      Commission with no input from the Board of Trustees except on appeal. This  
15      amendment gives approval to the Board of Trustees.

16  
17      **Trustee Rael** referred to Section 9.6.5 Review and Approval Authority. No person shall  
18      construct or expand a wireless telecommunications facility without the approval of the  
19      Planning Director or the Board of Trustees.

20  
21      **Planner Seebach** said they come in for a change out with no changes.

22  
23      **Administrator Ward** said he thought that was for an expansion. When you go to new  
24      construction, then there is the Board of Trustees.

25  
26      **MOTION: Trustee Rael** moved approval to advertise the ordinance in summary.  
27      **Trustee Homan** seconded the motion.

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

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32      E.     DISCUSSION AND APPROVAL OF PRECINCT AND ABSENTEE BOARD  
33      MEMBERS AND COMPENSATION FOR THE MARCH 4, 2014 REGULAR  
34      MUNICIPAL ELECTION.

35  
36      **Village Clerk Dominguez** presented her recommendation for absentee precinct board  
37      members. She said all of the constituents have participated in elections before and said  
38      she is looking forward to working with each individual during this election.

39  
40      **Trustee Lopez** asked if Margaret Bell would be working the election this year.

41  
42      **Village Clerk Dominguez** said Margaret Bell is unavailable.

43  
44      **MOTION: Trustee Lopez** moved approval of the Precinct and Absentee Board  
45      members and compensation for the March 4, 2014 Regular Municipal Election. **Trustee**  
46      **Rael** seconded the motion.

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

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F. DISCUSSION AND APPROVAL TO AWARD REQUEST FOR PROPOSAL RFP# 2013-03 FOR TOPOGRAPHICAL AND RIGHT-OF-WAY SURVEY OF FOURTH STREET FROM SCHULTE ROAD NORTH TO ORTEGA ROAD. *Deferred to the February 12, 2014 Board of Trustee meeting.*

**9. TRUSTEES INFORMAL DISCUSSION**

Members of the Board discussed various informal topics. No action was taken.

**10. ADJOURNMENT**

The meeting was adjourned at 8:54 P.M.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
Stephanie Dominguez, Village Clerk