

1 THE GOVERNING BODY AT THE ORGANIZATIONAL MEETING HELD EVERY
2 TWO (2) YEARS FOLLOWING REGULAR MUNICIPAL ELECTIONS
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4 1. APPOINTMENT OF VILLAGE EMPLOYEES

5 APPOINTED:

- 6 a) Kelly Ward, Village Administrator
- 7 b) Tim McDonough, Planning and Zoning Director
- 8 c) Stephanie Dominguez, Village Clerk

9 CLASSIFIED:

- 10 a) Gil Saavedra, Accountant
- 11 b) Shannon Zamarron, Asst. to Mayor & Administrator
- 12 c) Keen Heinzelman, Code Enforcement Officer
- 13 d) Marcy Bissell, Admin. Asst. to Planning and Zoning
- 14 e) Steve Casias, Maintenance
- 15 f) John McDowell, Animal Control Officer

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17 **MOTION:** **Trustee Homan** moved approval to confirm the appointment of Village
18 Employees as presented by Mayor Abraham. **Trustee Lopez** seconded the motion.

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

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23 C. IN ACCORDANCE WITH THE VILLAGE OF LOS RANCHOS 2013
24 CODIFIED ORDINANCES CHAPTER 9 ARTICLE 2 SECTION 2 (A) MEMBERSHIP.
25 THE PLANNING AND ZONING COMMISSION SHALL CONSIST OF SEVEN (7)
26 MEMBERS WHO SHALL BE APPOINTED BY THE MAYOR WITH THE ADVICE
27 AND CONSENT OF THE MEMBERS OF THE GOVERNING BODY:

28 1. PLANNING & ZONING COMMISSIONERS FOR 2014/2015:

- 29 a) MICHAEL HANNAH
- 30 b) DEBORAH SELIGMAN
- 31 c) SAM GOLLIS
- 32 d) DIANE ALBERT
- 33 e) JOE CRAIG
- 34 f) TIM TOURVILLE
- 35 g) JOSEPH BRAWLEY

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38 **MOTION:** **Trustee Rael** moved approval to confirm the appointment of the Planning
39 and Zoning Commissioners for 2014/2015 as recommended by Mayor Abraham.
40 **Trustee Lopez** seconded the motion.

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

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44 D. BOARD OF TRUSTEE'S NOMINATION OF MAYOR PRO TEM

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46 **MOTION:** **Trustee Rael** moved to nominate Trustee Lopez as the Mayor Pro Tem.
47 **Trustee Homan** seconded the motion.
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1 **VOTE:** The motion carried, 4-0.

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3 E. APPROVAL OF RESOLUTION NO. 2014-3-1 – A RESOLUTION
4 CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE
5 REQUIREMENTS AS REQUIRED BY THE NEW MEXICO OPEN MEETINGS ACT.

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7 **MOTION:** **Trustee Homan** moved to approve Resolution 2014-3-1, A resolution
8 concerning governing body meetings and public notice requirements as required by the
9 New Mexico Open Meetings Act. **Trustee Rael** seconded the motion.

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11 **ROLL CALL VOTE:** Trustee Rael-aye; Trustee Lopez-aye; Trustee Homan-aye;
12 Trustee Lewis-aye.

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

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16 **3. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT] - (PLEASE**
17 **SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER**
18 **PUBLIC COMMENT ON AN ITEM THAT IS NOT ALREADY ON THIS**
19 **AGENDA)**

20
21 There were no public comments.

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23 **4. CONSENT AGENDA**

24 There will be no separate discussion of these items. If discussion is desired, that item
25 will be removed from the Consent Agenda and will be considered separately.

- 26
27 A. MINUTES – FEBRUARY 12, 2014 – REGULAR MEETING
28 B. DEPARTMENT AND COMMITTEE REPORTS
29 1. ANIMAL CONTROL– JANUARY/FEBRUARY

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31 **MOTION:** **Trustee Lopez** moved approval of the consent agenda. **Trustee Homan**
32 seconded the motion.

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

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36 **5. REPORTS**

37 A. MAYOR'S REPORT

- 38 • The Los Ranchos Growers' Market was successful this month.
39 The regular weekly season will begin in May.
40 • The Annual Easter Egg Hunt will take place on Saturday, May
41 19, 2014, at Hartnett Park. It starts at 10:00 A.M.
42 • The Challenger Learning Center of New Mexico is still trying to
43 find someone to take it over. The Village had been talking with
44 Albuquerque Public Schools (APS) about taking it over, but that
45 fell through. APS teaches to state testing and the Challenger
46 Learning Center of New Mexico falls outside of that regulated
47 test. The New Mexico State Museum has expressed interest in it
48 and the Village will be talking to them this week. There is

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similar interest in Alamogordo.

- The Village has met with BCSO Deputy Robin Hopkins several times recently and has delivered a total of approximately \$12,000. She still has big battles in front of her though. We are also trying to organize some type of event with her on October 26, 2014, the anniversary of the day she was shot. The block party could include a running event; it will raise awareness on tourniquet training and public safety and is intended to bring the community together.

B. ADMINISTRATOR'S REPORT

- The survey of Fourth Street is underway. A completed survey should be ready by April 18, 2014. The Fourth Street design award will be ready for the Board next month after the scope of work and contract negotiations are completed.
- The Village has been working hard putting together all the necessary things to ensure a successful farm camp in April. Garden beds are being put in at the Agri-Nature Center and are just about complete.

C. PLANNER'S REPORT

- He is on week 2-1/2 of his new position as Planning and Zoning Director. He commended the Planning and Zoning Assistant, Marcy Bissell, and the previous Planner, Linda Seebach, with organizing the department procedures and records. He said he trained with Linda for four days.
- He said there have been two new house building permits that came in – one in Prado and the other off Pueblo Solano.
- There has also been a conditional use request
- A variance was approved in last night's Planning and Zoning Commission meeting
- Fence permits and demolition permits have been coming through the department

D. LEGAL REPORT

- His office has started working with Planner McDonough in his new position.
- Received normal questions about ordinances
- His office will be responding to sewer connection matters on the Shen case after their attorney filed a statement of issue
- He also filed a docketing statement in the OMNI case in appellate court

E. PUBLIC SAFETY REPORT

- There have been many complaints on Ortega Road about speeding and he has been targeting the area in the early mornings and in the evenings
- He has had a few traffic stops in the area and held field briefings there to show an increase in police presence.
- A gentleman from Los Ranchos Elementary School came to Village Hall to discuss some traffic concerns at the school. He and the gentleman met with the principal of the school to review

1 the concerns. However, when he is at the school monitoring the
2 activity, there are no citable offenses occurring.

- 3 • The bike unit has also been out around Rio Grande Lane due to
4 some mail theft.

5 F. 2014 MUNICIPAL ELECTION REPORT

- 6 • Clerk Dominguez provided an overview of the election results.
7 There were 186 voters with 4,607 registered voters in Los
8 Ranchos. She said she would like to increase voter turnout for
9 the next election. The total voter turnout percentage was 4.0%.
10 The average age was 68 years old, the youngest voter was 19,
11 and the oldest voter was 92. More males voted than females.
12 Precinct 5 substantially had more voters than any other precinct.
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14 **6. FINANCIAL BUSINESS**

15 A. CASH REPORT – FEBRUARY 2014

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18 **Treasurer Haines** presented the cash report. The ending cash balance at February 28,
19 2014, was \$7,169,660.02 and that represents an increase of \$82,791.21. Therefore, the
20 year-to-date excess of revenues over expenditures was \$701,966.51. The major
21 expenditure for the month was the interest payment for the general obligation bonds at
22 \$74,733.75. She said Village accountant, Gil Saavedra, is going out for a Request for
23 Proposal (RFP) for auditors this year. He will first be attending a class on the Audit
24 Rule, and then the RFP will go out. On May 5, the proposals will be reviewed before one
25 is selected and sent to the state auditor.
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27 **MOTION: Trustee Lopez** moved approval of the cash report as presented. **Trustee**
28 **Rael** seconded the motion.
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30 **VOTE:** The motion carried unanimously, 4-0.
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32 **7. PUBLIC HEARINGS AND APPLICATIONS**

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34 A. A REQUEST BY RALPH ABEYTA, BENNY ABEYTA, DAVID J. MONTOYA
35 AND MICHAEL VELASQUEZ FOR AMENDED FINAL PLAT APPROVAL FOR A
36 MAJOR, SIX LOT SUBDIVISION OF LANDS OF MONICO ABEYTA IN THE R-2
37 ZONE OF THE CAMINO REAL CHARACTER AREA AND C-1 ZONE OF THE
38 FOURTH STREET COMMERCIAL CHARACTER AREA. THE PROPERTY IS
39 LOCATED ON THE SOUTH SIDE OF CALLE DEL PAJARITO AND IS LEGALLY
40 KNOWN AS TRACT 163, M.R.G.C.D. MAP NO. 24, BEING THAT CERTAIN
41 PARCEL OF LAND SITUATED IN THE ELENA GALLEGOS GRANT WITHIN
42 SECTION 16 (AS PROJECTED), T11N, R3E, NMPM, VILLAGE OF LOS RANCHOS
43 DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AND BEING
44 IDENTIFIED AS A PORTION OF TRACT 136, M.R.G.C.D. MAP NO. 24, AS SAID
45 TRACT IS BEING DESCRIBED IN THE RECORDS OF THE COUNTY CLERK OF
46 BERNALILLO COUNTY, NEW MEXICO, ON JULY 5, 1967 IN BK. D829, PG. 897.
47 THE PROPERTY CONTAINS 4.7850 ACRES MORE OR LESS.
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49 **Attorney Chappell** swore in those speaking on this agenda item.

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2 **Planner McDonough** said this is a request for an amended final plat. The Planning and
3 Zoning Department recommends approval of the plat with the conditions and findings as
4 shown.
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6 **Agnes Lewis**, 110 Juanita Lane NW, Albuquerque, said she wanted to review the court
7 order and the settlement agreement between Ralph Abeyta the estate of Monica Abeyta
8 because it supersedes the signing of the plat. Ralph is to vacate his deed the state will
9 then issue a deed to Ralph for lots 1 and 2. She said they have already issued deeds to the
10 cousins so all they have to do is take them to be recorded by the county and then they
11 sign the plats as owners. There is a legal thing going on for five years and Ralph is the
12 complainant and the siblings are the defendants. She was told that the title insurance
13 would show just the owners, however, the settlement agreement does not show that on
14 this title because it has not been finalized yet.
15

16 **Trustee Lopez** said that the Village's responsibility is to approve the amended final plat.
17 He asked if with the approval, would there be a court order that settles things between the
18 heirs.
19

20 **Agnes Lewis** said yes.
21

22 **Attorney Chappell** said the plat was originally approved by the Planning and Zoning
23 Commission and came to the Board of Trustees for approval. It was at that time it was
24 determined that the signatures on the plat did not reflect the owner's record of parcel. In
25 this case, he said he recommended the Village file a Notice of Previous Plat as being
26 invalid. The plat has now come back and the records show the owners signing of this
27 particular plat. The only quirk in this is that there is a time frame for the final plat to be
28 recorded after approval of the Board of Trustees and, in essence, the approval today
29 relates back to the conversation of the former plat. From the technical perspective, the
30 plat is not coming forward as quickly as it should have under the ordinance. If it is
31 approved, the understanding is that it is not within the timeframe that is required with the
32 ordinance.
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34 **Trustee Homan** asked Attorney Chappell if he would then suggest making adjustments
35 to the conditions.
36

37 **Attorney Chappell** said no, the conditions have all been discussed and approved. It was
38 only a question of the signatures on the plat, which held up the approval and that the plat,
39 in any way, does not determine ownership. Rather, it simply is the legal document that
40 separates the parcels. The Village will not get involved with the ownership.
41

42 **Ralph Abeyta**, 8513 4th Street NW, said it is a partial of the 4-acres and that Agnes was
43 trying to say that she owned all 4.7 acres, but she does not.
44

45 **MOTION: Trustee Lopez** moved approval of the Amended Final Plat for a major, six
46 (6) lot subdivision in the R-2 Zone of the Camino Real Residential Character Area and C-
47 1 Zone of the Fourth Street Commercial Character Areas. **Trustee Lopez** announced the
48 following conditions:
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- 1 • The Final Plat shall contain all of the required language to be placed on the plat,
2 i.e. Data notes, vicinity map, Public Utility Easement statements, restriction,
3 requirements, legend and certifications, etc.
- 4 • All utility systems shall be underground if PNM permits.
- 5 • Each lot shall connect to public sanitary sewer and water as each lot is developed
6 at the individual lot owner's expense. All the requirements of the
7 Albuquerque/Bernalillo County Water Utility Authority shall be met at the time
8 of installation of the utilities on each lot and governing rules and regulations
9 adhered to and this condition shall be placed on the Final Plat.
- 10 • An NPDES grading and drainage plan for on-site ponding shall be required for
11 each lot at the individual lot owner's expense as it is developed under the
12 Stormwater Management Ordinance in effect at the time of development and this
13 condition shall be placed on the Final Plat.
- 14 • All development shall be carried out in accordance with the applicable state laws
15 and Village ordinances.
- 16 • The previously submitted subdivision Improvement Agreement signed by all
17 Abeyta Subdivision property owners, for the required emergency vehicle turn-
18 around and bollards to be placed around the existing fire hydrants shall remain in
19 effect. The emergency vehicle turn-around shall be installed prior to the approval
20 of the first building plans.
- 21 • The turn-around shall be paved to Village and BCFD private roadway paving
22 standards, but curb and gutter is not required in compliance with the Village
23 rural/agricultural nature. The Village Designated Engineer shall certify all
24 infrastructure installation meets the required standards as per Resolution 2012-1-
25 3.
- 26 • Above conditions # 3 and # 4 of subdivision approval shall be placed in the
27 recorded deeds and be filed as deed restrictions.
- 28 • All property owners shall file quitclaim deeds among all the property owners,
29 whereby each property owner quitclaims to the others any interest in lots that they
30 do not own.

31
32 **Trustee Lopez** announced the following findings:

- 34 • The Amendment to the Plat of Lands of Monico Abeyta is required because
35 the original plat did not meet the statutory and regulatory requirements of
36 having the signatures of all property owners join in the plat.
- 37 • The plat that was approved appears to be deficient only from a clerical basis,
38 and not a substantive one.
- 39 • No conditions of approval or any change to the plat have been made other than
40 to contain the correct signatures of the property owners at the time of Monico
41 Abeyta's death in 2008.
- 42 • The filing of a plat does not affect ownership of the property included within the
43 plat and certainly does not include or affect water rights associated with the
44 platted land. The filing of the plat simply creates legal lots for the lands that were
45 previously conveyed by metes and bounds descriptions, which constituted an
46 illegal subdivision of the property.

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48 **Trustee Rael** seconded the motion.

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2 **VOTE:** The motion carried unanimously, 4-0.
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4 **8. OLD BUSINESS**

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6 A. DISCUSSION AND APPROVAL TO ADOPT AN AMENDMENT TO THE
7 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE
8 ALBUQUERQUE, CHAPTER 9, ARTICLE 2, SECTION 3, DEFINITIONS, SECTION
9 4, GENERAL REGULATIONS, SECTION 5, ESTABLISHMENT AND
10 INTERPRETATION OF ZONES, SECTION 7, A-1 AGRICULTURAL
11 /RESIDENTIAL ZONE, SECTION 8, A-2 AGRICULTURAL/RESIDENTIAL ZONE,
12 SECTION 9, A-3 AGRICULTURAL /RESIDENTIAL ZONE, SECTION 10, R-2
13 RESIDENTIAL ZONE, SECTION 11, R-3 RESIDENTIAL ZONE, SECTION 12,
14 RETAIL/COMMERCIAL ZONE, SECTION 13, GATEWAY DISTRICT ZONE,
15 SECTION 14 FOR THE PURPOSE OF UPDATING AND CLARIFYING THE ZONE
16 CODE.
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18 **Planner McDonough** said this has been in front of the Board before, it was advertised,
19 and the action is to adopt the ordinance. The things that have changed since the last time
20 it was discussed, the sections have been deleted on the Special Use Zones Permit after it
21 was determined how these certain types of conditions could be better addressed and
22 managed. In addition, he presented a brief overview of the few editorial changes that
23 were made and discussed changes to be made with the trustees. The Planning and Zoning
24 Department recommends approval of this ordinance.
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26 **MOTION:** **Trustee Rael** moved to approve Ordinance 248 with the changes as
27 discussed, published, and presented by Planner McDonough. **Trustee Homan** seconded
28 the motion.
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30 **ROLL CALL VOTE:** Trustee Rael-aye; Trustee Lopez-aye; Trustee Homan-aye;
31 Trustee Lewis-abstained.
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33 **VOTE:** The motion carried unanimously, 3-0.
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35 **9. NEW BUSINESS**

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37 A. DISCUSSION AND APPROVAL TO AWARD REQUEST FOR PROPOSAL
38 RFP#2013-02 FOR FOURTH STREET REVITALIZATION AND REDESIGN
39 PLANNING.
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41 *Item deferred to April 9, 2014, Board of Trustee Meeting.*
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44 **10. TRUSTEES INFORMAL DISCUSSION**

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46 Members of the Board discussed various informal topics. No action was taken.
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48 **11. ADJOURNMENT**

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The meeting was adjourned at 8:46 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