

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
SEPTEMBER 10, 2014 - 7:00 p.m.

Present:

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

Kelly S. Ward, Administrator* excused
Stephanie Dominguez, Clerk
Nancy Haines, Treasurer
Tim McDonough, P & Z Director
Bill Chappell, Attorney

1. CALL TO ORDER

Mayor Pro Tem Lopez called the meeting to order at 7:00 P.M.

A. APPROVAL OF AGENDA

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

VOTE: The motion carried, 4-0.

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

3. PRESENTATIONS

A. FOURTH STREET REVITALIZATION AND REDESIGN PLANNING: PHASE I STATUS REVIEW, PRESENTED BY SITES SOUTHWEST.

George Radnovich, with Sites Southwest, discussed Phase I of the Fourth Street Revitalization and Redesign Planning Project.

Trustee Lopez said there are two schools with traffic coming in and out of Fourth Street. He asked if Sites Southwest would be talking to them about the impact.

George Radnovich said they were not included in the business survey, but they did receive the customer survey. He said they could talk to the schools and make a personal invitation to them to attend the charrette.

Trustee Homan asked if the Village's charter schools would be included.

George Radnovich said they included the North Valley Academy and the other schools will be included as well. He also said this Friday and Saturday at the El Camino Restaurant, Sites Southwest is having breakfast meetings with targeted focus groups with some businesses along Fourth Street. Not all businesses have been invited for the focus group because three hundred businesses would be too many, but the businesses that are larger or more accessible like restaurants, have been invited to participate and will discuss things that are asked in the survey.

Trustee Lopez asked if alternative designs would be presented to people.

George Radnovich said more than one design would be presented.

Trustee Rael asked how the engineers identified issues and utilities along Fourth Street if they have not yet been marked.

George Radnovich said they do not have utility issues identified yet. They have met with PNM Electric about ways utilities can be reduced and ways utility lines and telephone poles could be aggravated so there are not as many. He also said the charrette will occur September 23-25 at Village Hall. Announcements will be sent out and available to those who wish to participant. He said a stakeholder meeting will also take place.

Trustee Lewis said having the stakeholder review meetings from 2:00pm-4:00pm is a hard time timeslot for stakeholders to make. He suggested the time be moved during lunch or later in the day.

George Radnovich said the lunch hour would not provide enough time, but perhaps the meeting times should be moved to end of day.

1. **Keith Baird** expressed concern regarding the dissemination of information for the Fourth Street project. He said has not received any information via email about the project. He said the Village website should also take a more proactive approach to provide information to residents and business owners.

2. **Don Bradley** said there is an issue in the Village with individuals using cell phones while driving. He would also like to ensure the Village is compliant with large sign laws.

4. CONSENT AGENDA

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

A. MINUTES – JULY 9, 2014 – REGULAR MEETING

B. DEPARTMENT AND COMMITTEE REPORTS

1. ANIMAL CONTROL – JULY & AUGUST 2014

MOTION: Trustee Rael moved approval of the consent agenda with corrections to the July 9, 2014 minutes. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

5. REPORTS

A. ADMINISTRATOR'S REPORT

Planner McDonough on behalf of **Administrator Ward** reported on the following:

- **Phill Casaus** with the APS Education Foundation sent a thank you letter for the recent donation of computers to Wilson Middle School. The computers will be given to low-income students for family and home use.

B. PLANNER'S REPORT

Planner McDonough reported on the following:

- He has been working with Attorney Chappell in preparation of the Planning and Zoning Commission meeting, which was held last night.
- The Planning and Zoning Commission agenda consisted of site development plans, B&B application, and an appeal of the director's decision regarding the dark skies ordinance.
- Continued efforts on sewer connections cases.

C. LEGAL REPORT

Attorney Chappell reported on the following:

- His office is still working on sewer connections cases.
- Reviewing the franchise agreement with Comcast.
- He is looking at several issues regarding the Municipal Court.

D. PUBLIC SAFETY REPORT

BCSO Sgt. Matt McCoy reported on the following:

- In the past three weeks, BCSO issued 79 citations, most of which were issued on Rio Grande Boulevard.
- No violent crimes were reported in the month of August.
- Assisted with traffic control for a charity bicycle ride event to raise funds for individuals with traumatic brain injuries.

6. FINANCIAL BUSINESS

A. CASH REPORT – JULY AND AUGUST 2014

Treasurer Haines said the ending cash balance as of July 31, 2014, was \$8,104,799.99, which is an increase of \$99,677.50 from the prior month. The unusual or significant item was a payment of \$12,500 to the New Mexico Challenger Center to have the equipment moved into storage. \$113,300 was paid to the Bernalillo County Fire Department for the first quarter for fire and EMS services. The Village received a state grant for fire protection

distribution for \$106,431.00.

Trustee Lopez asked about the \$12,500 payment to store the New Mexico Challenger Center equipment and asked if the Village has a good inventory on the items that went into storage.

Planner McDonough said Administrator Ward was very thorough with the inventory of these items as it was being packed.

MOTION: Trustee Lewis moved approval of the July 2014 Cash Report as presented. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Treasurer Haines said the ending cash balance as of August 31, 2014, was \$7,935,526.89, which is a decrease of \$169,273.10 from the prior month. With the accumulation of the two months, there is still an excess of expenditures over revenues of \$69,595.60. The Village took the fund when the \$106,431.00 was received and distributed back to the Bernalillo County Fire Department services. A principal and interest payment was made for bonds, which was almost \$200,000, which is why there was a deficit in the month of August.

Trustee Rael was excused from the meeting.

MOTION: Trustee Homan moved approval of the August 2014 Cash Report as presented. **Trustee Lewis** seconded the motion.

VOTE: The motion carried unanimously, 3-0.

Board of Trustee Meeting in recess from 7:51 P.M. to 8:01 P.M.

6. PUBLIC HEARINGS AND APPLICATIONS

There are no public hearings.

7. OLD BUSINESS

None

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2014-9-1 ADOPTING THE 2016-2020 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN.

Trustee Lewis asked what “LGD” meant within the Infrastructure Capital Improvement Plan (ICIP).

Planner McDonough said it stands for Local Government Division, which is under the Department of Finance and Administration.

Trustee Lewis asked how the numbers for the budget were generated.

Planner McDonough said the Village had actual estimates for some; other items were based on previous years; property values for Open Space; and a combination of different factors.

Trustee Lopez said when he spoke to Administrator Ward last week about the ICIP, the Village needs to have a game plan to meet with legislators because the Village will be asking for funding for projects probably for the next five years, every year.

Trustee Homan asked if the Village is asking for any Transportation Improvement Program (TIP) projects from Mid Region Council of Governments (MRCOG) for the Fourth Street Improvement Project.

Planner McDonough said Fourth Street might be a possibility for that TIP but that he would discuss that with Administrator Ward. He said, as he recalls, the TIP requires a pre-developed concept for the project prior to them placing it high up on the TIP.

Trustee Homan said, in some respects, yes. A lot of them start off as placeholders as the projects are actually developed. Through the process, they do have updates on values to be used in estimates. She said, at last Friday's meeting, the Transportation Coordinating Counsel provided new budgeting figures for roadwork. They are looking at budgeting updates for the 2035 budget and that is something that should be kept in mind.

Trustee Lopez said there is an outstanding addition to the ICIP of a color-coded map of the Village, which really shows the conditions of the roads.

MOTION: **Trustee Homan** moved approval of Resolution No. 2014-9-1 adopting the 2016-2020 Infrastructure Capital Improvement Plan. **Trustee Lewis** seconded the motion.

VOTE: The motion carried unanimously, 3-0.

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

B. DISCUSSION OF THE FEDERAL INTERNAL REVENUE CODE SECTION 3401, AS IT APPLIES TO THE VILLAGE OF LOS RANCHOS.

Planner McDonough said, in the audit process this year, the auditor informed the Village that the IRS Code now requires the payments to the Village trustees not as per diem, but as wages. The auditor indicated that the Village would need to begin treating those payments as wages, fully taxable, like any other wages.

Trustee Lopez said the same discussion came up with Albuquerque Public School

(APS) Board and they were able to convince the Internal Revenue Service (IRS) that their payments were, in fact, per diem. He would like the Village to work on convincing the auditors and the IRS that it was never intended the payments to be wages, rather it was always intended to be per diem.

Planner McDonough said the Village has already started that process. Stephanie Dominguez, Village Clerk, has been in touch with the New Mexico Municipal League to get some feedback on what other local governments are doing and if they have run into the same rule.

Attorney Chappell said he is not a tax expert but in the experience he has had, it is extremely difficult to justify a per diem unless the person is reasonably expected to spend money out of pocket for services for which the per diem is a reimbursement.

Trustee Lopez said the trustees are driving their own vehicles for inspections, to attend meeting, etc., and the travel would justify the per diem.

Attorney Chappell said if it is a necessary expenditure required in order to do the job, then per diem is intended to be a convenient way of reimbursing.

Treasurer Haines recommends that the Village look at hiring a tax professional that could research this issue before any major decisions are made. She also recommends the Village hold payment to the trustees until it is clearer.

Trustee Homan asked if trustees are considered employees then are they also eligible for Public Employees Retirement Association (PERA).

Treasurer Haines said that part-time status might affect that eligibility.

Attorney Chappell said, typically speaking, determination on the status of an employee verses a non-employee by the IRS does not impact determinations under any other plan. The IRS is only making regulations to get taxes paid. It does not carry over to things that might help, in most cases.

Trustee Lewis asked for more information about a Voluntary Classification Settlement Program.

Treasurer Haines said she has been looking into it and there are certain requirements to even be able to apply for it but that might be the route to go so both parties, the trustees and the Village, are not really affected. She defaults to her recommendation of seeking a tax professional to avoid any speculations.

9. TRUSTEES INFORMAL DISCUSSION

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

10. ADJOURNMENT

The meeting was adjourned at 8:23 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