

**MINUTES**  
**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE**  
**6718 RIO GRANDE BOULEVARD NW**  
**BOARD OF TRUSTEES REGULAR MEETING**  
**MAY 11, 2016 - 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  
Stephanie Dominguez, Clerk  
Nancy Haines, Treasurer  
Tim McDonough, P & Z Director  
Bill Chappell, Attorney  
Deputy Robin Hopkins, Public Safety Director

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**1. CALL TO ORDER**

**Mayor Abraham** called the meeting to order at 7:03 P.M.

**MOTION: Trustee Lopez** 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)**

**Dan Darnell**, Waste Management of New Mexico, introduced Drew Henderson as the new Operations Improvement Manager.

**3. PROCLAMATIONS**

A. PROCLAMATION PROCLAIMING JUNE 5, 2016 AS GAY, LESBIAN, BISEXUAL, AND TRANSGENDER PRIDE DAY.

**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 – APRIL 13, 2016 – REGULAR MEETING.

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

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

5. **REPORTS**

A. **MAYOR'S REPORT**

**Mayor Abraham** reported on the following:

- This past Saturday was the opening of the Spring Grower's Market.
- I would like to extend my condolences to the family of Pete Vigil.

B. **ADMINISTRATOR'S REPORT**

**Administrator Ward** reported on the following:

- Continuing to work on the Fourth Street Project. Surveys, percolation tests, and subsurface investigation surveys are being completed this week and next.
- Lavender in the Village will be held on July 16, 2016 at the Agri-Nature Center.

C. **PLANNER'S REPORT**

**Planner McDonough** reported on the following:

- Working on updating the zoning code. The Village has executed a contract with a Planner from Placemakers to assist in this process.
- Continuing to work on the stormwater permit.

D. **LEGAL REPORT**

**Attorney Chappell** reported on the following:

- Steady exchange with staff over the past month regarding several issues.

E. **PUBLIC SAFETY REPORT**

**Deputy Hopkins** reported on the following:

- The dayshift deputies attended the Grower's Market on Saturday.

**Sgt. Harren** said Deputy Hopkins is very proactive in the Village. She is very passionate and is responsible for the increased presence of deputies in the Village.

6. **FINANCIAL BUSINESS**

A. **CASH REPORT – APRIL 2016.**

**Treasurer Haines** said the ending cash balance as of April 30, 2016, was \$10,123,621.12 which is an increase of \$32,707.08 from the prior month. The year-to-date excess of revenue over expenditures is \$788,181.08. The unusual or significant items was a payment to Bernalillo County in the amount of \$113,300.00 for Fire Protection and EMS services for the quarter beginning April 1, 2016.

**MOTION:** **Trustee Rael** moved approval of the April 2016 Cash Report as presented. **Trustee Lewis** seconded the motion.

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

B. DISCUSSION AND APPROVAL OF INTERIM BUDGET FOR FISCAL YEAR 2016-2017.

**MOTION:** **Trustee Homan** moved approval of Interim Budget for Fiscal Year 2016/2017 as presented. **Trustee Lopez** seconded the motion.

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

7. **PUBLIC HEARINGS AND APPLICATIONS**

A. A REQUEST BY LOS RANCHOS BREWING, LLC, 3507 CENTRAL AVE. NE, ALBUQUERQUE, NM FOR A SMALL BREWER OFF-SITE LICENSE WITH ON PREMISE CONSUMPTION AND PATIO SERVICE, APPLICATION # 99031 NM ALCOHOL AND GAMING DIVISION. THE PROPERTY USING THE LICENSE IS LOCATED AT 7222 FOURTH ST. NW, AND IS LEGALLY KNOWN AS TRACT B PLAT OF TRACTS A & B LA ESQUINA DE LOS RANCHOS, SITUATE WITHIN THE ELENA GALLEGOS GRANT, SECTION 21, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NM FILED 9/29/2008. THE PROPERTY CONTAINS 1.226 ACRES MORE OR LESS.

*Mayor Abraham requested any individual that will be speaking be sworn in by Attorney Chappell.*

**Planner McDonough** said the Planning and Zoning Commission approved a conditional use on September 8, 2015 for Los Ranchos Brewing, LLC. Los Ranchos Brewing is applying for a small brewer off-site license with on premise consumer and patio service to be located at 7222 Fourth Street NW, Los Ranchos, NM.

**MOTION:** **Trustee Lopez** moved approval of the request by Los Ranchos Brewing LLC, for a small brewer off-site license with on premise consumption and patio service. **Trustee Rael** seconded the motion.

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

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

8. **OLD BUSINESS**

NONE.

9. **NEW BUSINESS**

A. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 7 CRIMINAL CODE, ARTICLE 2 ANIMAL CONTROL, SECTION 1 GENERAL, §7.2.1, SECTION 2 DEFINITIONS, §7.2.2, SECTION 3 ANIMAL CONTROL OFFICER (ACO), §7.2.3, SECTION 4 ADMINISTRATION OF ORDINANCE, §7.2.4, SECTION 5 RABIES, §7.2.5,

SECTION 6 LICENSING AND VACCINATIONS REQUIREMENTS FOR DOGS AND CATS, §7.2.6, SECTION 7 DANGEROUS OR VICIOUS ANIMALS AND ANIMAL BITES, §7.2.7, SECTION 8 ANIMAL CONTROL, §7.2.8, SECTION 9 PROHIBITED ACTIVITIES, §7.2.9, SECTION 10 SPECIALLY PERMITTED ACTIVITIES INVOLVING ANIMALS, §7.2.10 SECTION 11 PROVISIONS RELATING TO LIVESTOCK, §7.2.11 AND SECTION 12 ENFORCEMENT AND PENALTIES §7.2.12.

**Administrator Ward** said there are two goals that guided this provision of the amendment. The first is to align the Village's Animal Control Ordinance with the Bernalillo County Animal Control Ordinance. The Village and Bernalillo County have a positive working relationship, and the County provides relief when the Village's Animal Control Officer is unavailable. The second goal is to incorporate modern animal welfare/care practices. The Animal Control Ordinance has not been updated in twenty years.

**Trustee Rael** a grammatical correction in the definition of animal fighting paraphernalia, a *boxing gloves* should be corrected. The definition of breeder should be expanded to include a broader range of animals. There is a grammatical error under *procedures for animal control officer*.

**Trustee Rael** asked for clarification regarding the prohibition of the sale of cats and dogs.

**Attorney Chappell** said national studies show the sale of puppies in pet shops is the primary cause of puppy mills. That is the basis for this provision.

**Mayor Abraham** asked for clarification between the difference of dangerous and vicious animals. Why would a municipality issue a dangerous animal permit?

**Dominic Tomba** stated a dangerous animal is (1) An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question; or (2) An animal which, when unprovoked, injures a person in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery; or (3) An animal which, because of its poisonous sting or bite, would constitute a significant hazard to the public. The definition of a vicious animal means an animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or extensive corrective or cosmetic surgery) a person or domesticated animal. Vicious animal does not include an animal which bites, attacks or injures a person or animal that is unlawfully upon its owner's premises. The provocation of an animal by a person is an affirmative defense to a charge of keeping or harboring a vicious animal.

**Mayor Abraham** said there may be a semantics issue with regard to the definition of dangerous and vicious.

**Lynda Miller**, 508 Chamiso Lane NW, said we wanted to provide our support and urge the Trustees to adopt the ordinance. Our first concern is that canines and felines are

treated humanely, and the second is that animals and people remain safe.

**Lynn Miller**, 508 Chamiso Lane NW, has question regarding the allowance of dogs being chained as long as they are on a trolley system. We are worried that the trolley system is another pass to allow dogs to be chained up, which we do not believe is humane.

**Dominic Tomba** said this is for residences that do not have fully enclosed spaces for their dogs.

**Lynn Miller** stated there is not a definition of a trolley system.

**Mayor Abraham** said he is concerned that there is not a time limit on how long a dog may be tethered.

**Lydna Miller** and **Lynn Miller** said they support the prohibition of any type of tethering or chaining.

**Dominic Tomba** said while it is not a state law, many municipalities have implemented time limits for tethering dogs.

**Mayor Abraham** said he would like to strike the tethering provision.

**Katie Flamm**, 524 Chamiso Lane, I would like to question the definition of bite. My husband was bit by a dog, but since he was wearing pants it did not break skin. Who is responsible for ensuring the fences are secure at the Homestead mobile home park?

**Administrator Ward** said the current ordinance does not allow us to determine if the fence is adequate, we can only act if the animal is not longer on the property. The new ordinance would allow the animal control officer to determine the adequacy of a secure enclosure.

**Barb Leviton**, 6430 Rio Grande Blvd, said the animal control officer is able to grant waivers. Is there some secondary review of these waivers?

**Administrator Ward** said we will review the waiver provision and strengthen the public notice requirements of granting a waiver.

**David Keil**, El Paraiso, I am a part-time resident of the Village. I wanted to speak in support of the revised version of the penalty provision. Under the current ordinance, the Animal Control Officer is very limited on how they can address barking dogs.

**MOTION:** **Trustee Homan** moved to advertise the ordinance in summary with the discussed corrections. **Trustee Rael** seconded the motion.

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

*\*Meeting in recess from 9:00p.m. to 9:05p.m.*

**B. DISCUSSION AND APPROVAL OF A COST SHARE AGREEMENT BETWEEN THE VILLAGE OF LOS RANCHOS, THE COUNTY OF BERNALILLO, AND THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY FOR THE DESIGN AND CONSTRUCTION OF THE ORTEGA AND GARDUÑO STORM DRAIN PROJECT.**

**Administrator Ward**, over the past few years we have discussed this project. Ultimately the north valley drainage plan was to utilize the open space, currently being farmed, as a retention pond. The Board determined this was not the best course of action for the Village. The County has continued to work on how to address the storm drainage issues of the north valley, and has taken the lead on the project.

**Trustee Lopez** asked if the Fourth Street Project will include drainage plans.

**Administrator Ward** said phase one of the project will implement a low-impact drainage system. As that project extends further north, we will continue to implement a low impact system, if we find that it is successful.

**Trustee Lopez** said he is concerned because there is flooding on Ortega Road, which is why I like the approach the County is taking. AMAFCA is offering a substantial amount of money to the project. AMAFCA is asking if the Village is willing to participate.

**Mayor Abraham** said he is not willing to sacrifice the open space to a drainage pond, which was in the previous proposal.

**Roger Paul**, Deputy County Manager of Bernalillo County Public Works, said there is flood plain north of paseo that we would like to address. We are approaching the eight year anniversary of the original agreement. There was no ability to move forward in the previous agreement since the County was not the lead agency. There are other options that we are considering. We are asking the Board to approve the previous agreement with a few changes, such as Bernalillo County acting as the lead agency. Our preference is to work with the Village as a cooperating partner rather than the permitting agency. There is a benefit to provide drainage for the Village and the Fourth Street Project brings a new dynamic that was not considered in the original plan. Without having the authority as the leading agency, we are limited in our ability to move forward.

**Nolan Bennett**, Bernalillo County Public Works, said we are open to multiple drainage options. We did not want to move forward with the project without involving the Village.

**Trustee Lopez** asked if the project will use an on call engineer or will a request for proposal will be issued.

**Nolan Bennett** said the project will use the current on call engineer list with the County. There is a process to select an engineer from the on call list.

**Trustee Lopez** said the agreement calls for a technical advisor. Who will that be?

**Mayor Abraham** stated that we have not selected an advisor.

**Trustee Lopez** said as a Trustee I do not think that it is a conflict of interest to act as the technical advisor.

**Administrator Ward** said Planner McDonough should serve as the staff advisor in order to provide some degree of separation.

**Nolan Bennett** said we have looked at different options such as taking drainage east to the Alameda drain. The main focus is to remove drainage from Garduno Road. The vast majority of the flood plain is located in unincorporated Bernalillo County.

**Mayor Abraham** said there is no motivation for the Village to provide open space to serve as a flood plain.

**Attorney Chappell** said this appears to be a finalized agreement and does not see a provision that requires design and construction plans to be approved by the Village. The agreement should be more specific that states the proposal is going to involve Village property or facilities as part of the solution, that the Village has the ability to veto the proposal.

**Roger Paul** said the Village is the permitting authority.

**Mayor Abraham** stated he does not support the contract as presented given the Village does not have the ability to approve the final design or construction of the project that includes Village property or right of ways.

**Trustee Lopez** asked if the agreement can be revised.

**Roger Paul** said the agreement can be revised and re-presented to the Village for approval.

**MOTION:** **Trustee Lopez** motioned to defer agenda Item 9.B. to the June 8, 2016 Board of Trustees Meeting. **Trustee Rael** seconded the motion.

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

**10. TRUSTEES INFORMAL DISCUSSION**

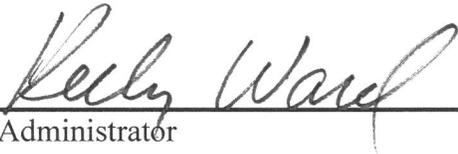
Members of the Board discussed various informal topics. No action was taken.

**11. ADJOURNMENT**

The meeting was adjourned at 9:55 P.M.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this **8<sup>th</sup>** day of **June** 2016.

ATTEST:

  
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Kelly Ward, Administrator