

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
JUNE 8, 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 *excused
Nancy Haines, Treasurer
Tim McDonough, P & Z Director
Bill Chappell, Attorney
Deputy Robin Hopkins, Public Safety Director

1. CALL TO ORDER

Mayor Abraham called the meeting to order at 7:00 P.M.

MOTION: Trustee Lopez moved approval of the agenda with agenda item 8.B. deferred to the July 13, 2016 Board of Trustees Meeting. Trustee Rael 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)

David Baird, 8711 Guadalupe Trail, said we have been looking forward to proving accusations against our family are false. This has been going on for sixteen months without any kind of proceeding. I am tired of accusations and threats that are made from the Village during that period of time. One of the big reasons all this is going on is because of a dog I have named Buster, he is a joy or was a joy, in every part of his nature except when thunder was around. He has had a heart attack due to one of these early storms, and he is now deceased. I have clearly had enough of the Village and their attempt to label that dog a bad dog. The amount of time it has taken for us to try to prove that he was not is uncalled for. Hopefully, the Village will become a more pet friendly environment, rather than the opposite which seems to be the way it is going.

Camille Varoz, 427 El Paraiso Road NW, said I hope I am going to be diplomatic about this. I have not been to some meetings in reference to our Village for a while. My point of reference here is in reference to communication. There have been times I have called the Village to speak with the Village Administrator or with the Planning and Zoning Administrator and left messages and have not received return calls. The nature of my calling has varied with different situations. In reference to communication, I have some

items outlined: On June 1, 2016 on the entrance of my road on Fourth Street there was some heavy construction equipment varied from cranes, to water trucks, to dump trucks that took up the whole half of the front of the road. I was coming back from the gym at 6:30am and thought, What is this? Are they resurfacing our road, which would have been terrific, but that was not the case. I asked one of the workers what this was about. We have a sign that says no trucks over two tons on our street. There were as many as fifteen vehicles, heavy equipment, and they were all running and emitting toxic stuff into the environment. It is an aging environment and many people are on oxygen and have allergy considerations. I called the Village at 8:00a.m. and spoke with Tim McDonough and asked if he was aware of any projects and he said no. I thought, well really? There is a lack of communication and information being shared.

3. PRESENTATIONS

A. AGRI-NATURE CENTER REMODEL PRESENTED BY KNIGHT SEAVEY.

Knight Seavey presented the Agri-Nature Center Remodel Plans to the Board of Trustees.

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 – MAY 11, 2016 – REGULAR MEETING.

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

VOTE: The motion carried, 4-0.

5. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- The Board of Trustees and Planning and Zoning Commission met at Kelly Jo Designs, Inc. Kelly Jo recently completed an extensive remodel of the business.
- The Grower's Market is well attended.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- Summer Farm Camp is very successful. The weekly camps are nearly full.
- The Village did apply for funding through MRCOG related to Fourth Street and was awarded \$1.7 million to be appropriated in 2020.
- We are working on the Unser transfer agreement with the Department of Finance as the lease expired in December 2015.
- Two upcoming events: Grower's Market Garlic and Lavender Event, and the Lavender in the Village Event.

C. PLANNER'S REPORT

Planner McDonough reported on the following:

- Reviewed and approved the plans for the guest rooms at Los Poblanos.
- Executed a contract with Placemaker's Planning. Susan Henderson will be assisting the Village to review and revise the zoning code.
- Continuing to work on the storm-water permit.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- Working on the Animal Control Ordinance and other various Village issues.

E. PUBLIC SAFETY REPORT

Deputy Hopkins reported on the following:

- In the month on May, the highest call volume was related to traffic. Deputies conducted 113 traffic stops, and responded to a total of 441 calls.

6. FINANCIAL BUSINESS

A. CASH REPORT – MAY 2016.

Treasurer Haines said the ending cash balance as of April 30, 2016, was \$9,666,429.78 which is a decrease of \$457,191.34 from the prior month. The year-to-date excess of revenue over expenditures is \$330,989.74. The unusual or significant item was the purchase of property located at 6518 Fourth Street NW in the amount of \$634,553.68.

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

VOTE: The motion carried unanimously, 4-0.

7. PUBLIC HEARINGS AND APPLICATIONS

A. VACATION OF THE EXISTING TWENTY (20) FOOT EASEMENT FOR PEDESTRIAN AND EQUESTRIAN ACCESS DEDICATED TO THE VILLAGE OF LOS RANCHOS ON LOT 3-A TINNIN FARMS SUBDIVISION AND REPLAT OF LOT 3-A-1 TINNIN FARMS, CREATING A NEW TWENTY (20) FOOT EASEMENT FOR PEDESTRIAN AND EQUESTRIAN ACCESS DEDICATED TO THE VILLAGE OF LOS RANCHOS IN THE A-1 ZONE OF THE VILLAGE WEST CHARACTER AREA.

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

Planner McDonough said the easement was previously vacated and moved in 2008. Since this is a vacation of a public right-of-way, it requires action from the Planning and Zoning Commission and Board of Trustees. One of the conditions of approval of the easement is that the existing easement will not be closed until the new easement is built and available for use. The new lot is a part of the Tinnin Farms subdivision and will comply

with the covenants and requirements of the subdivision. The preliminary plat was approved by the Planning and Zoning Commission.

MOTION: **Trustee Lewis** moved approval of the vacation of the existing twenty (20) foot easement with the condition the access between the two MRGCD right-of-ways is continuously available so that while one is being constructed, the older one is in place, ensuring continuous access across the lot. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

MOTION: **Trustee Lewis** moved approval of the replat of Lot 3-A-1 Tinnin Farms, creating a new twenty (20) foot easement for pedestrian and equestrian access dedicated to the Village of Los Ranchos in the A-1 Zone of the Village West Character Area. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

8. OLD BUSINESS

A. DISCUSSION AND APPROVAL OF 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 based on the comments from the last Board of Trustees Meeting a few adjustments were made to the amendment. The ability of the Animal Control Officer to grant a waiver was eliminated. Clarifying language was added in regard to dangerous and vicious animals.

Trustee Rael advised of syntax errors in *Section 3 Animal Control Impoundment Procedures*, *Section 4. Permits Required*, and *Section 5. Owners' Duties and Prohibited Activities*. Suggested changing *Section 4 (E) Requirements for Sale of Offspring to Requirements for Sale of Offspring* to *Requirement for Transfer of Ownership*.

John McDowell, 7201 Guadalupe Trail NW, said I am concerned about dangerous vs vicious. My understating is that the ordinance is similar to that of the state law and the Bernalillo County Ordinance. There is room for dangerous in the ordinance. I felt good about all but one of the eight dogs deemed dangerous. Many of those dogs have since passed. I know many people do not want a dog labeled as dangerous in the Village, but dogs need to be kept on the property.

Mayor Abraham said dogs will only be deemed dangerous by a Judge.

Paige Leslie Baird, 8203-C or 8211 Guadalupe Trail, said I have some concerns with the new ordinance. It primarily reminds me of my extensive experience with the Village's enforcement of dangerous dog under the current ordinance. I feel as though it is important for the Village to pay attention to these issues for the residents. Even though these are publicly advertised in the Albuquerque Journal, I would encourage the Village to do more to publicize major changes of ordinances for the residents. My concern is the definition of dangerous animal, and the consequences of having a dangerous animal are significant. I understand the ordinance is being changed from the Village's perspective for a court to determine that. I am sixteen months into it and have not had a determination yet, there are a lot of repercussions prior to that determination and how I handle my dogs. Whatever you do to the ordinance does not really matter unless the Village undertakes to really pay attention and be mindful of enforcing the ordinances, and by that I mean there is an independent investigation of what the allegations are. Being a resident of the Village that has had allegations raised against me, I have not felt that. When the Village conducts itself as a municipality it is crucial that you stand as an independent entity and conduct an adequate investigation of all allegations against any animal or resident. You cannot rely solely on the allegations in a complaint of a citizen without an independent investigation. The Village should consider adding an independent investigation to the ordinance so that there is an obligation to have a complete and full investigation, to empower the Animal Welfare Officers to do the best they can and to protect animals as well as residents. The penalties that are in this ordinance that occur once the animal is determined as dangerous can result in that animal being destroyed. It is based on the Animal Welfare Officer determines that the owner has not complied with the specifics they can impound the animal and put the dog down. We are talking about a dog, in most cases, at least in one portion of the definition of dangerous animal has not injured anyone, has not bitten an animal, has not bitten a person or caused muscular repair and the Village has the ability to put the dog down.

Mayor Abraham said a Judge will be the one to determine if a dog is dangerous.

Paige Leslie Baird stated the section under impound and destroy only requires a determination from the Animal Control Officer to decide if the resident has fully complied with state statute requirements on dangerous or potentially dangerous animal. This is very harsh and allows one Officer to determine compliance without an objective investigation. I encourage everyone to do the best they can for Village residents. The other concern that I have relates to the ability of the Animal Welfare Officer to impound animals. The language is unclear on how residents can retrieve their animals, there needs to be additional information and a clear process on how to retrieve the animal from impound. Under *Section J Animals Running at Large* (subsection 2) "An animal permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety. Such animal may be taken up and impounded". What does it mean to be deemed a menace to the public health and safety if a dog is running loose one time? It seems very broad and concerning, and how is this enforced? Can this be enforced equally to each individual and what are the implications to the animal owner. Lastly, what is the discussion of dangerous vs. aggressive?

Attorney Chappell said at the last meeting there was a discussion and concerns were raised if a dog is deemed as dangerous should the dog be allowed to remain on the premise with a permit. This ordinance does follow the language in the state statute. The language can be changed to aggressive (from dangerous) in reference of pets, however, I am not sure this change needs to occur since the process of determination in relation to dangerous dogs has been changed. The process has been mitigated to allow the Municipal Judge to deem a dog as dangerous as opposed to granting that authority to the Animal Control Officer.

David Baird, 6902 Fourth Street, stated to end this thing is there a prejudice against dogs. There needs to be an effort not to be prejudice against certain dogs and understanding their whole personality. At 6902 Fourth Street, I have a trailer park and residents of the park own a lot of pets. This ordinance makes the trailer park owner responsible for each of the residents pets.

Administrator Ward, said under the definition section, *owner/responsible* is defined as “Owner/responsible party means a person 18 years of age or older or the parent or guardian of a person under 18 years of age who owns, harbors, keeps an animal, has one in his or her care, or permits an animal to remain on or about the premises owned or controlled by him or her.”

Mr. Chappell said the definition of owner/responsible is intended to shift this the responsibility to the responsible party owner. I will need to review this further.

David Baird said under *Section J Animals Running at Large* (subsection 4)” It is unlawful for an owner, manager, agent, or governing board of any multiple dwelling unit, including mobile home parks and gated communities, to permit any animal to run at large upon the common areas of the multiple dwelling unit.” This is saying the owners are responsible?

Administrator Ward said this section is, if for any reason the tenant does not respond and violates this section, the owner may use their ability to leverage the tenant to contain the animal on the space they are leasing.

Camille Varoz, 427 El Paraiso Road NW, asked if dangerous or viscous animals only deals with domestic animals? Is there any portion of the ordinance that deals with coyotes? I have lived in the Village over fifty years and this is only the second time I have seen a coyote. What do we do? Are they considered dogs?

Mayor Abraham said you can call the Animal Control Officer and they will contact the proper authority, however, the ordinance does not address coyotes.

Dominic Tomba said last month we hosted Project Coyote which specializes in promoting techniques to co-exist with coyotes. There is not anything we can do to make them go away, but we can learn to co-exist.

Linda Miller, 508 Chamiso Lane NW, said we support this ordinance. We are pleased to see the changes from the last meeting.

Trustee Homan asked for clarification of the language under *Section J Animals Running at Large* which states “*An animal permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety.*” Should *is* be changed to *may*?

Mr. Chappell said the purpose of the language is to allow the Animal Control Officer to abate the situation immediately.

MOTION: **Trustee Lewis** moved approval of Ordinance No. 253 with the discussed changes. **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.**

**Meeting in recess from 8:15.m. to 8:23p.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. ** Deferred from the May 11, 2016 Board of Trustees Meeting.*

Agenda Item 8.B. deferred to the July 13, 2016 Board of Trustees Meeting

9. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO APPOINT GREG BIEHLER TO SERVE AS THE TEMPORARY MUNICIPAL JUDGE IN ACCORDANCE WITH THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 11 MUNICIPAL COURT, ARTICLE 1 MUNICIPAL COURT, SECTION 8 TEMPORARY MUNICIPAL JUDGE, §11.1.8.

No action was taken, the Trustees requested Attorney Chappell to review the 2013 Codified Ordinances of the Village of Los Ranchos de Albuquerque Chapter 11 Municipal Court, Article 1 Municipal Court, Section 8 Temporary Municipal Judge, §11.1.8, in order to integrate an alternate Municipal Judge list with education requirements.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2016-6-1 A RESOLUTION ESTABLISHING ANIMAL CONTROL FEES AND MINIMUM FINES AS REQUIRED BY THE VILLAGE OF LOS RANCHOS ANIMAL CONTROL ORDINANCE, CHAPTER 7, ARTICLE 2.

Administrator Ward said Resolution 2016-6-1 is resolution establishing animal control fees and fines as required by Ordinance No. 253 passed earlier this evening.

Trustee Homan asked if the animal exhibit fee is per animal or per exhibit, and suggested changing the language to clarify the fee is per exhibit not per animal.

Trustee Rael suggested increasing the fee from five dollars (\$5.00) to fifty dollars (\$50.00).

MOTION: **Trustee Lopez** moved approval of Resolution No. 2016-6-1 A Resolution Establishing Animal Fees and Minimum Fines as required by the Village of Los Ranchos Animal Control Ordinance, Chapter 7, Article 2, with the following changes: clarifying the Animal Exhibit Permit is per pen exhibit and increasing the fee from five (\$5.00) dollars to fifty dollars (\$50.00). **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.**

10. TRUSTEES INFORMAL DISCUSSION

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

11. ADJOURNMENT

The meeting was adjourned at 10:12 P.M.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this **13th** day of **July** 2016.

ATTEST:



Stephanie Dominguez, Village Clerk