

**MINUTES**  
**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE**  
**6718 RIO GRANDE BOULEVARD N.W.**  
**BOARD OF TRUSTEES REGULAR MEETING**  
**November 10, 2015 - 5:00 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 \*excused  
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 5:00 P.M.

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

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

**2. PUBLIC COMMENT PERIOD**

**Helen Whitesides**, 4059 Dietz Farm Circle, stated she is here with her sister, **Elizabeth Gordon**, to discuss a letter sent to the Mayor and Trustees in late September. On August 11, 2015, I met with Tim McDonough, Kelly Ward, and John McDowell to express our concerns regarding the horse and the resulted conditions at the Hunter residence at 2409 Glenwood Court NW. Our backyards join where the horse is being kept. Our concerns are the offensive odor of horse manure and urine, a huge increase in flies and vermin, the close proximity of the horse to the adjacent neighbors, and the lack of shelter and space for the horse. At the end of the meeting it was indicated our concerns would be addressed and we would be informed of the outcome. By September 3, 2015 we had not heard from anyone, I called Mr. McDowell and he said he had a meeting scheduled with the Hunters that afternoon. By September 17, 2015 we had not heard anything from Mr. McDowell. I contacted Mr. McDowell to which I was informed that I would receive a letter stating the Hunters are in compliance with the Village Ordinances and they will be erecting a shelter in the future. I informed Mr. McDowell that the Hunters were not in compliance with Village regulations with regard to odor, flies, lack of shelter, and care of the horse. According to Village Ordinance Article 2, §7.2.9 (A) Prohibited Activities, it shall be a violation of this Article for a person to: fail, refuse, or neglect to provide proper and appropriate care and maintenance for an animal in his charge or custody, which shall include: shelter, which shall be weatherproof and structurally sound enclosure large enough to accommodate the animal.

Going to erect something in the future is not compliant with the ordinances. The small horse pen currently has only a small sail that provides small shade, and there is no weatherproof or structurally sound enclosure. The horse was totally unsheltered from the torrential July rains and unprecedented number of lightening strikes. One storm had over 280 strikes in less than three hours. After a rain, the horse stands in mud and water, there is no drainage. As of this writing, we have yet to receive a letter from Mr. McDowell. We reiterate our initial complaint. This situation is inappropriate due to the close proximity of the homes, it is unhealthy and unsafe, and appropriate measures have not been taken to ensure compliance with Village Ordinances. The horse should be returned to its former place of residence until: issues of odor and flies have been adequately addressed, a shelter is built that is weatherproof, structurally sound, and large enough to accommodate the horse. We are here to document the lack of response to our complaint. The horse was moved in late June to the residence. There was no response after our meeting in August, or after two phone calls to Mr. McDowell. I emailed the letter dated September 27, 2015 to the Mayor and Village Trustees and I did not receive any response. I also called the Mayor and did not receive a response. On October 26, 2015 I was informed that Mr. McDowell no longer worked as the Animal Control Officer. I called Trustee Homan regarding the situation and she stated she was aware of the situation, and there has been no response. This situation is getting worse. The next door neighbors have experienced an influx of mice in their home, they have trapped 29 mice in the last few weeks.

**Mayor Abraham** said he can assure Mrs. Whiteside a response from the Village.

**Helen Whiteside** said Matt Hunter has served on the Planning and Zoning Commission and he is aware that he is not in compliance with Village Ordinances.

**3. PRESENTATIONS**

NONE.

**4. CONSENT AGENDA**

A. MINUTES – OCTOBER 14, 2015 – REGULAR MEETING.

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

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

**5. REPORTS**

**A. MAYOR'S REPORT**

**Mayor Abraham** reported on the following:

- The grower's market regular season will end November 12, 2015 the first winter market will be held on December 12, 2015.
- The North Fourth Shop and Stop will be held December 5<sup>th</sup> through December 6<sup>th</sup>.

**B. ADMINISTRATOR'S REPORT**

**Administrator Ward** reported on the following:

- Working on the Comcast franchise agreement with Attorney Chappell.
- Reviewing a request from AT&T for a lease re-negotiation.

**C. PLANNER'S REPORT**

**Planner McDonough** reported on the following:

- Continuing to develop and manage the storm-water monitoring program.
- Keen Heinzelman has been working on compliance issues with regard to overgrown weeds throughout the Village.

**D. LEGAL REPORT**

**Attorney Chappell** reported on the following:

- Reviewing and revising potential contracts with Comcast and AT&T.
- The purchase agreement for 311 Osuna is finalized.

**E. Public Safety Report**

**Deputy Hopkins** reported on the following:

- Looking forward to working with Village residents to create a safer community.
- The First Responders 5K was held on October 26, 2015 to commemorate not only the day I was injured, but also the day the community came together to support law enforcement. The event was very successful.

**6. FINANCIAL BUSINESS**

**A. CASH REPORT – OCTOBER 2015**

**Administrator Ward** reported the ending cash balance as of October 31, 2015, was \$9,438,820.85 which is an increase of \$2,353.68 from the prior month. The year-to-date excess of revenue over expenditures is \$103,380.81. The unusual or significant items for the month is the payment to the Bernalillo County Fire Department in the amount of \$113,300.00 for fire and EMS services for the quarter beginning on October 1, 2015, and the reversion of \$20,600.00 to the Department of Finance Administration for the Law Enforcement Protection Fund.

**MOTION: Trustee Lopez** moved approval of the October 2015 cash report. **Trustee Rael** seconded the motion.

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

**7. PUBLIC HEARINGS AND APPLICATIONS**

**A. DISCUSSION AND APPROVAL OF A REQUEST FOR AN AMENDMENT TO THE SITE DEVELOPMENT PLAN FOR THE LOS POBLANOS INN AND CULTURAL CENTER, SU-1 (SPECIAL USE ZONE).**

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

*Chappell. Trustee Lewis recused himself from Agenda Item 7.A.*

**Planner McDonough**, in January 2015 the Village adopted an amendment to the Special Use Zone code adding a section to delineate the operating requirements (conditions) for the Los Poblanos Inn and Cultural Center. Prior to that change the site plan for Los Poblanos included Cluster Housing consisting of twenty-four (24) single-family residential lots with zero feet (0') setback. Eighteen lots (18) were on the northern half of the property with the remaining six (6) were at the southern end. In general, the proposed Site Plan reflects the changes that were adopted in January. Modifications to the prior plan include the Casitas (26 new Guest Rooms), which have been clustered more closely together on the northern portion of the property, and surrounded by Portals. The site development plan was approved unanimously by the Planning and Zoning Commission last month. Following the Planning & Zoning Commission Meeting the applicant made several slight modifications to the Site Plan. The Rembes were concerned with some of the setbacks and the grouping of the guesthouses. These modifications were not significant and did not warrant a second review by the Planning & Zoning Commission.

**Mathew Rembe**, 4803 Rio Grande Blvd NW, the Site Development Plan was well received by the Planning and Zoning Commission. The major changes to the Site Plan between the Planning and Zoning Commission Meeting and the Board of Trustees Meeting are changes to the setbacks.

**MOTION: Trustee Lopez** moved approval of an amendment to the site development plan for the Los Poblanos Inn and Cultural Center, SU-1 (Special Use Zone), subject to the following findings: The 2020 Master Plan 8.2.2 Policies and Action Steps, Policy A, strongly supports the business community and will use various economic incentives to strengthen local businesses as well as attract new ones; 1) The 2020 Master Plan 8.2.1 Objectives: Create a business climate in which businesses flourish; 2) 8.2.2 Policy A, strongly support the business community and use various economic incentives to strengthen local businesses as well as attract new ones; 3) The Proposed Development meets the requirements of §9.2.16 Special Use Zone Section (G) Los Poblanos Inn and Cultural Center; 4) The Site Development Plan as submitted meets all the requirements of §9.2.25(E)(4) Site Development Plan. **Trustee Rael** seconded the motion.

**VOTE:** The motion carried unanimously, 2-0.

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

B. DISCUSSION AND APPROVAL OF A ZONE CHANGE AND ZONE MAP AMENDMENT FOR TRACT 157A, MRGCD MAP 29 IN THE C-1 ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER AREA.

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

**Planner McDonough** said for discussion and consideration is a Zone Change and Zone Map Amendment for Tract 157A, MRGCD Map 29 in the C-1 Zone of the

Fourth Street Commercial Character Area. The applicant is JJM LCC, the property owner is Jerome Maldonado. Earlier this year a neighbor reported that the rear of the property was being used as a contractor's yard. This property is dual zoned, the front portion of the property near Fourth Street a C-1 for 300 feet and the rest of the property is R-2. I contacted Mr. Maldonado and he was under the impression that the property had a history of being used as a contractor's yard, which was one of the reasons he acquired the property. Upon researching the property to see if it qualified as a legal non-conforming use, I found that any non-conforming use right had been vacated by virtue of not being used in that manner continuously. We looked at options available for Mr. Maldonado to use the property as a contractor's yard, which is to request a zone change to C-1 followed by a Conditional Use approval for a contractor's yard. Since contractor's yards are allowable in the C-1 and Gateway District Zones, a Special Use Permit is not available for an R-2 property. §9.2.17 Special Use Permits states Special Use Permits shall be issued where the proposed use is not provided for in any other zone. The Planning and Zoning Commission discussed whether this dual zone was due to an error or if over the years the land use in this area has changed substantially. The consensus of the Planning and Zoning Commission was that the land use in this area has changed substantially. This area was historically agricultural land, however, this area is not longer being densely cultivated or utilized in this manner. The recommendation from the Planning and Zoning Commission is to approve the zone change to a C-1 Zone for the entire parcel.

*Trustee Homan joined the meeting at 5:44 P.M.*

**Trustee Lopez** requested Attorney Chappell's opinion on the request. I read the Planning and Zoning minutes this morning and there was a massive discussion regarding errors and changing conditions. The Planning and Zoning Commission Meeting minutes were not included in the packets.

**Attorney Chappell** said the discussion for a change of conditions must be based on an error and the original zoning for a change of conditions. Zoning should be done in accordance with a comprehensive zone rather than on a spot basis. These are discretionary decisions that must be made in accordance with the master plan.

**Trustee Lopez** stated the precedence this zone change would cause was also discussed in the Planning and Zoning Meeting. Once the zoning for the property is changed it can not be changed back.

**Attorney Chappell**, said would be very difficult to change the zoning for this property to a C-1 Zone and if it did not work out to revert the property back to a R-2 Zone, unless the decision to change the zoning is based on a master plan for the entire area. This is an application for a zone change process not a conditional use, which deals with the detriment or non-detriment to adjoining properties. A conditional use is in the purview of the Trustees to decide whether or not the conditional use will be permitted after the zone change.

**Jerome Maldonado**, 436 El Llano Lane, I have resided and owned property in the Village for over fifteen years. When we purchased the property it was very distressed. It was our understanding that when the property was purchased it had been previously used as a construction yard.

**Trustee Rael** asked when Mr. Maldonado purchased this property.

**Jerome Maldonado** said he has lived in the Village since 2000 and this property was purchased three years ago.

**Trustee Homan** asked Mr. McDonough if any letter of opposition to the zone were received.

**Planner McDonough** said we did not receive any letters, but there were two neighbors south of the property that attended the Planning and Zoning Meeting. They were not protesting the zone change, but requested some shield be provided to cutback on visual impacts and dust.

**Trustee Lewis** asked if residential properties are allowed in the C-1 Zone.

**Planner McDonough** said yes residential properties are allowed in the C-1 Zone.

**Trustee Homan** stated the property taxes would be in the C-1 zone rather than the R-1 Zone and are usually higher. Planner McDonough made a comment about agricultural use that area is declining, however, there is an alfalfa field south of my property, which the brewery going in there soon would like to change to hops. Agricultural use is still an option in the area.

**Planner McDonough** finds that throughout the Village the small parcels of land tend not to be agricultural. Due to requirements from the County for the green belt tax consideration, many people are finding it challenging to maintain those requirements for larger properties.

**Trustee Homan** stated she has concerns from a standpoint of changing the property to a commercial area all the way back.

*It was discussed amongst the Trustees to defer Agenda Item 7.B. since additional information was needed, such as the meeting minutes from the October 13, 2015 Planning and Zoning Commission Meeting, in order to proceed with a final decision. The Trustees requested the October 13, 2015 Planning and Zoning Commission Meeting minutes to be included in the December 9, 2015 Board of Trustees meeting packet.*

**MOTION:** **Trustee Lopez** moved to defer Agenda Item 7.B. to the December 9, 2015 Board of Trustee Meeting. **Trustee Homan** seconded the motion.

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

8. **OLD BUSINESS**

NONE.

**9. NEW BUSINESS**

A. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2015-11-1 CALLING THE MARCH 1, 2016 REGULAR MUNICIPAL ELECTION.

**MOTION: Trustee Lopez** moved approval of Resolution No. 2015-11-1 Calling the March 1, 2016 Regular Municipal Election. **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.**

C. DISCUSSION AND APPROVAL OF THE PURCHASE OF PROPERTY LOCATED AT 6611 EDGEWOOD DRIVE NW LOS RANCHOS DE ALBUQUERQUE NM 87107, AUTHORIZING THE MAYOR TO EXECUTE THE PURCHASE OF THE PROPERTY.

**Mayor Abraham** said the purchase of this property is highly supported by the neighborhood.

**Betty Tichich**, 6724 Edgewood Drive, extended appreciation to the Mayor and Trustees for considering the purchase of the property adjacent to the current open space. The open space on the corner of Edgewood and Osuna has worked out beautifully for our community and as a gateway to the Village.

**MOTION: Trustee Lopez Homan** moved approval of the purchase of property located at 6611 Edgewood Drive NW, Los Ranchos de Albuquerque, NM 87107, authorizing the Mayor to execute the purchase of the property up to \$194,000 or the appraisal value. **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 6:48 P.M.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this 9<sup>th</sup> day of December, 2015.

ATTEST:



Stephanie Dominguez, Clerk

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