

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
December 9, 2015 - 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

1. CALL TO ORDER

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

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

VOTE: The motion carried, 4-0.

2. PUBLIC COMMENT PERIOD

NONE.

3. PRESENTATIONS

NONE.

4. CONSENT AGENDA

A. MINUTES – NOVEMBER 10, 2015 – REGULAR MEETING.

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

VOTE: The motion carried unanimously, 4-0.

5. REPORTS

A. **MAYOR'S REPORT**

Mayor Abraham reported on the following:

- Discussed potential 2016 Lavender Festival with the Lavender Committee.
- Los Poblanos applied for an IRB with Bernalillo County Commission.
- Continuing discussion with Vintage Albuquerque to host 2016 events at the Agri-Nature Center.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- The 2014/2015 financial audit was completed and submitted to the state auditor; the Village had no findings.
- Stop & Shop was very successful.
- The purchase of property at 311 Osuna and 6611 Edgewood are complete.

C. PLANNER'S REPORT

Planner McDonough reported on the following:

- Working on 2016 business license renewals.
- Continuation of work on storm water permit.
- The Planning and Zoning Commission is reviewing the Fourth Street Corridor.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- Working with Planner McDonough reviewing zoning ordinances.
- Attended a seminar hosted by the New Mexico Municipal Attorneys Association.

E. Public Safety Report

Deputy Hopkins reported on the following:

- Working on bringing the citizens and law enforcement together by meeting with several concerned citizens and home owner associations.
- Working on developing a citizen patrol unit.
- The canine units are utilizing Village owned properties to conduct training exercises.

6. FINANCIAL BUSINESS

A. CASH REPORT – NOVEMBER 2015

Treasurer Haines reported the ending cash balance as of November 30, 2015, was \$9,478,083.65 which is an increase of \$39,262.80 from the prior month. The year-to-date excess of revenue over expenditures is \$142,643.61. The unusual or significant items for the month is the payment in the amount of \$19,626.75 to Dismuke Construction for sealant on Fourth Street from Vineyard to Schulte, and the purchase of property located at 311 Osuna Road NW in the amount of \$109,425.24.

MOTION: Trustee Homan moved approval of the November 2015 cash report. **Trustee Lewis** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL TO ADOPT RESOLUTION NO. 2015-12-1 INCORPORATING THE CAPITAL APPROPRIATION PROJECT AGREEMENT CONTROL NUMBER C3150909 WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$350,500 TO PLAN, DESIGN AND CONSTRUCT IMPROVEMENTS TO FOURTH STREET IN LOS RANCHOS DE ALBUQUERQUE IN THE 2015/2016 FISCAL YEAR BUDGET.

MOTION: Trustee Rael moved approval of Resolution No. 2015-12-1 Incorporating the Capital Appropriation Project Agreement Control Number C3150909 with the New Mexico Department of Transportation in the amount of \$350,500 to plan, design, and construct improvements to Fourth Street in Los Ranchos de Albuquerque in the 2015/2016 fiscal year budget. **Trustee Homan seconded** the motion.

VOTE: The motion carried unanimously, 4-0.

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

C. DISCUSSION AND APPROVAL TO ADOPT RESOLUTION NO. 2015-12-2 INCORPORATING THE CAPITAL APPROPRIATION PROJECT AGREEMENT ID 15-0734 WITH THE STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION IN THE AMOUNT OF \$165,000 TO DESIGN AND CONSTRUCT IMPROVEMENTS TO THE BUILDING AND GROUNDS OF THE LOS RANCHOS AGRI-NATURE IN THE 2015/2016 FISCAL YEAR BUDGET.

MOTION: Trustee Lopez moved approval of Resolution No. 2015-12-2 incorporating the Capital Appropriation Project Agreement ID 15-0734 with the State of New Mexico Department of Finance and Administration in the amount of \$165,000 to design and construct improvements to the building and grounds of the Los Ranchos Agri-Nature Center in the 2015/2016 fiscal year budget. **Trustee Lewis** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

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

7. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY CREI, LLC FOR A FINAL SITE DEVELOPMENT PLAN APPROVAL FOR A NEW COMMERCIAL DEVELOPMENT IN THE FOURTH STREET COMMERCIAL CORRIDOR AND CHARACTER AREA. THE PROPERTY IS LOCATED AT 6145 SECOND ST. NW (AKA 208 EL CAMINITO NW) AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND WITHIN PROJECTED SECTION 28, TOWNSHIP 11 N, RANGE 3 E, N.M.P.M., ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO BEING IDENTIFIED AS TRACTS 74B-1-B, AND 74B-2-B OF THE MIDDLE RIO GRANDE CONSERVANCY PROPERTY

MAP NO. 29. THE PROPERTY CONTAINS 9.977 ACRES MORE OR LESS.

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

Planner McDonough said CREI, LLC is the ownership of Albuquerque Plumbing. Albuquerque Plumbing is currently located on the site and they are requesting to further develop this site as their headquarters. The site development plan was public noticed and did not receive any adverse comments. This site development plan was approved unanimously by the Planning and Zoning Commission without any corrections. The drainage plans were approved without comment.

Trustee Lopez asked what the timeline is to complete this work.

Mathew Gonzales, 216 Rand Road NW, said the current estimate to begin construction is three months.

Jack Quarter, 103210 Layman Court NW, said Albuquerque Plumbing started in 1989 from a single van. Since then we have focused on customer service. We currently have fifty-four employees. We are excited to headquartered in the Village of Los Ranchos.

Trustee Homan asked if heavy duty vehicles will be using the entrance access on second street?

Matthew Gonzales said within the next eighteen months technicians will be dispatched from their homes, so there will not be a need for vehicle traffic to increase.

MOTION: Trustee Lewis moved approval the request by CREI, LLC for a final site development plan approval for a new commercial development in the Fourth Street Commercial Corridor and Character Area, located at 6145 Second Street NW. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

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

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. *Deferred from the November 10, 2015 Board of Trustees Meeting.*

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

Planner McDonough stated this agenda item was presented to the Board in November.

Trustee Lopez said he has reviewed the Planning and Zoning Commission minutes and the 2010 and 2020 Master Plans. At no time in the last seventeen years there been no discussion

to extend the C1-Zone. Is this zoning an error from the 1990s?

Attorney Chappell stated having not been there I am not sure if this was an error or not based upon the findings made at that time. There are several ways to change the zoning. The change in conditions and error in the original zoning is applied most specifically when the owner of the property objects to the down zoning. The general overriding principle is that a municipality, if it considers the adjoining properties and character of the area, retains the right to rezone property. Spot zoning is when a specific tract of land is zoned not in accordance of the comprehensive plan or the adjoining property and character of the area. A comprehensive plan can include master plans, corridor studies, or other documents that aid a municipality to develop a direction for zoning, which can be fairly flexible.

Trustee Lopez said Attorney Chappell spoke about the precedence when this was approved by the Planning and Zoning Commission Meeting.

Attorney Chappell said the general rule is that zoning changes in determining whether or not they are spot zoning is looked at a case-by-case, ad hoc basis. However, one must consider that there is another principle which is administrative malaise. That is if the body that is interpreting the zone, interprets the zone in a partial way over a period of time in terms of usage or criteria for a zone change, that becomes a law. In a single case does it set a precedent? I do not know that it would, but the decision may be challenged. Legally it is a precedent if decisions are made on consistent basis using certain criteria, that becomes the law.

Trustee Lewis said given consideration to Planner McDonough and Attorney Chappell's comments, and the Planning and Zoning Commission's review of the Fourth Street Corridor, I would request to defer this agenda item.

MOTION: Trustee Lewis moved to defer Agenda Item 7.B. to the March 2016 Board of Trustees Meeting. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

8. **OLD BUSINESS**

NONE.

9. **NEW BUSINESS**

A. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2015-12-3- ESTABLISHING THE VILLAGE LEGISLATIVE PRIORITIES FOR THE 53rd LEGISLATURE, FIRST SESSION, 2016.

Trustee Rael said there is an error in the fourth paragraph which indicates sixty inches when it should reflect sixty feet.

MOTION: Trustee Homan moved to Resolution No. 2015-12-3 establishing the Village Legislative Priorities for the 53rd Legislature, First Session, 2016 with the discussed correction. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

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

B. DISCUSSION AND APPROVAL OF THE PURCHASE OF PROPERTY LOCATED AT 321 OSUNA RD NW, LOS RANCHOS DE ALBUQUERQUE NM 87107, AUTHORIZING THE MAYOR TO EXECUTE THE PURCHASE OF THE PROPERTY.

MOTION: **Trustee Rael** moved approval of the purchase of property located at 321 Osuna Rd NW, authorizing the Mayor to execute the purchase of the property. **Trustee Lewis** 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 8:47 P.M.

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

ATTEST:



Stephanie Dominguez, Clerk
