

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
SEPTEMBER 14, 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, Planning & Zoning Director
Bill Chappell, Attorney
Robin Hopkins, Public Safety Director *excused

1. CALL TO ORDER

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

MOTION: Trustee **Rael** moved approval of the agenda with 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)

David Baird, 6916 Fourth Street, said what I want to bring to the Trustees today is the idea to bring truth and power in a way that takes away government out of business. A way to do that is to have a reporter on the Village Vision that actually goes out and reports news so that we can get verified news. Trying to get truth out instead of things being controlled by the government, which has total control over the Village Vision.

3. PRESENTATIONS

A. FOURTH STREET REVITALIZATION AND REDESIGN UPDATE PRESENTED BY SITES SOUTHWEST.

George Radnovich, Sites Southwest, presented the Fourth Street Revitalization and redesign update.

Property / Business Owner Coordination

- Sites Southwest has drawn up sketches for about 60% of individual properties that will be effected in some way by the streetscape project along the street frontage of their property (rights-of-way, angle-in parking turned into parallel parking or landscape areas, parking areas or entryways changed to accommodate streetscape, etc.) to suggest ways that their property can be used for landscaping or connecting entries of buildings that are well integrated into the streetscape.
- Sites Southwest has created CAD drawings that illustrate to businesses and property owners, how parking on their private property could be reconfigured to accommodate the streetscape and vice versa. This was done to show in a plan-view how they could adjust their needs to the streetscape, an illustration of the El Camino Dining room parking approach is attached as an example. We have completed approximately 90% of the drawings.
- We are in the process of interviewing all property/business owners along the phase one project corridor with the above drawings to show what will be occurring along Fourth St. that effects their properties. We have completed 30% of the interviews as of this date.

ABQ Ride

- We are currently working with ABQ Ride to establish potential relocations of bus stops and the potential for custom bus stops to fit the Los Ranchos character.

Streetscape Design

- Street and Street Side
- Sites Southwest and Tierra West are working towards a 65% design submittal. Drawings thus far include street, street side (sidewalks and landscape planters), LID (see below), and landscape planting. Irrigation will be done when landscape planting is completed. Lighting has not been started and is awaiting property interviews referenced above to ensure the street alignment is stable. Drawings are also not complete for the project termini and the transitions on the north and south blocks of the project.
- Drainage and Low Impact Development (LID)
- Sites Southwest and Tierra West have been working on drawings for the drainage and LID strategies for the project. This is part of both the drainage and landscape elements of the project because they are integral to each other.
- There will be a total of 10 LID underground storage reservoirs, eight (8) within the Fourth St. ROW, one (1) on Green Valley Rd., and one (1) on Pueblo Solano Rd., drainage water will also be driven through the landscape beds and multiple other locations.
- Storm Runoff Conveyance – Runoff will be conveyed through permeable pavers to perforated pipe in base course level and it will be conveyed from perforated pipe towards water quality manholes before entering LID

storage reservoirs. It will also be conveyed through landscape beds to provide water harvesting opportunities.

- LID Storage Reservoir Geometry
 - 100 year/24-hour design – the entire volume of a 100-year storm is detained below grade. We are currently looking at a lesser storm water detention amount to cut costs; the alternative LID layout/configuration will be for capturing the 10 year/24-hour storm.
 - The design includes rock basins with 30% voids for runoff storage, wrapped with a geotextile fabric on sides and top. Basins along Fourth St. have widths ranging between 6 to 10 feet; Basins on side streets have widths of 17 and 20 feet.
 - All eight (8) basins along Fourth St. will be from 5 feet below finished grade to allow for tree/shrub root growth with 4 extending down 15 feet below grade to reach allowable sand infiltration layer, and 4 extending down 12-13 feet below grade to infiltration layer.
 - The two (2) Basins on Green Valley and Pueblo Solano will be 2 to 3 feet below grade, respectively, and extend down 13 and 14 feet below grade, respectively.
 - Reservoirs are located for minimum conflicts with utilities.
 - Structural soils are also used to convey water to landscape beds through capillary action.
 - See Constructability Section.

Utility Coordination

- Comcast has only one (1) line running on the north side of Green Valley Rd., may have conflict with LID reservoir, however, Comcast sees no issue in relocating line if necessary.
- The Albuquerque Bernalillo County Water Utility Authority (ABCWUA) is planning to remove and replace waterlines on both the east and west sides of Fourth Street along the project extents. This will elongate the construction timeframe for the project, which is an issue for the Village. We are working with the ABCWUA, and will have further information on this issue in the future. The issue includes: remove and replace waterlines with PVC material, new waterlines to keep the existing alignments; ABCWUA will want to coordinate with chosen contractor to begin line replacement work and finish prior to beginning of construction on roadway improvements, however this is still under discussion; Sewer line replacements will not be necessary; Contractor for the Fourth St. project will have to protect new lines in place when trenching for LID reservoirs

if ABCWUA begins construction first; In process of coordinating meeting between Village staff and ABCWUA to discuss water line replacement.

- New Mexico Gas Company (NMGC) to look into possible line relocation solutions; NMGC does not want to be located within structural soil layers. This issue is still under discussion with them; NMGC would like to replace steel lines with plastic lines; One relocation solution is to obtain a utility easement on private property to run distribution lines outside of ROW.
- PNM Utility Pole Conflicts: Utility poles conflicting with LID reservoirs to be adjusted on a case by case basis, pending equipment on each conflicting utility pole. One solution is to move poles outside of ROW and obtain a 5'x5' easement, the utility pole would have a mast arm reaching out back into the ROW to maintain the same overhead line alignment; If poles cannot be relocated, LID reservoir will have to be adjusted around poles to avoid conflicts.
- CenturyLink has a fiber optic line running along the entire project corridor on the west side of Fourth St.; Contractor for Fourth St. will have to protect line in place when trenching for LID reservoirs; CenturyLink is open to line relocation if necessary.
- Wi-Fi – we are working with village staff to determine the feasibility of Wi-Fi installation for the entire reach of the project.

Utility Line Locates/Potholing

- Cardno, the potholing sub consultant, will drill 28 potholes to assess line location, with an average of 4-6 potholes per day. Work was set to begin on Monday 8/29 and end on Wednesday 9/7, pending weather and field conditions. As of 9/2 Cardno has completed 20 of the 28 pothole locations and planning to finish by 9/9.

Constructability

- Met with RP Bohannon, our construction sub consultant, on 8/17 to discuss constructability of drainage reservoirs and surface improvements.
- Excavation of LID reservoirs is to include trench boxing for shoring protection to lessen time of construction for businesses and residents: Trench boxes will range between 6 to 8 feet wide, and will require double stacking of boxes and will not allow workers to be inside trench per OSHA requirements to eliminate risk of injury from trench cave-ins deeper than 5 feet; Trench boxes to be lowered in 1 foot increments and follow OSHA regulation 1926.652; Sides of trench boxes will be draped with geotextile fabric and drop gravel inside; There is the potential to place geogrid at the bottom of trenches for LID reservoirs to maintain

structural and runoff storage integrity; Utility lines close to trenches (fiber, water, gas) will have to be protected in place during the span of each LID reservoir excavation; Utility poles near trenches may require stabilization by holding them in place during LID reservoir excavation.

- Other possible solutions for construction efficiency and minimizing business impacts include: Perform all excavation and LID rock backfilling before beginning surface improvements; Perform all excavation and LID rock backfilling at night while surface improvements work is performed during the day. Labor costs will increase if this solution is chosen, but business impacts will be decreased; Construct and complete surface/subsurface improvements in designated reaches of the project, starting from Schulte Rd. and moving north to minimize traffic barricading on Fourth Street. Distance of spans to be determined as we complete the designs.

David Hudson, 529 Roehl Road, said his understanding of the purpose of the project is to slow traffic down and make Fourth Street more livable? What is the discussion of roundabouts, manholes, and dedicated bike lanes? What is the plan to slow traffic?

George Radnovich said in terms of slowing traffic, there are several traffic calming strategies included in the project. There will only be two lanes of traffic (total) and a turning lane in the center. There will be three hawk beacons for pedestrians. There will also be on street parallel parking, and landscaping to calm traffic. After we received the survey, the right-of-way is between 60 to 70 feet wide, and in order to construct a roundabout, the Village would need much more space to dedicate to the right-of-way, which may not be cost effective. Given the 60-70 feet of right-of-way, LID structures, curbs, gutters, and parking there was not enough room for a dedicated bike lane. We did reach out to the biking community, and there are existing dedicated bike lanes on Rio Grande Blvd., and soon Second Street. We will sign Fourth Street to share the road with cyclists. With regard to manholes, we have not sized the manholes with the Water Authority.

Sam Carnes, 7217 Fourth Street, asked if any of the utility line improvements extend north of Pueblo Solano? Reducing from the 100 year floodplain structure to 10 years (or something in between) what risk will the public and private land owners take if the drainage structures are not built to the 100-year flex-point?

Trustee Lopez said the floodplain for this project will be engineered.

Administrator Ward said the question regarding utilities has yet to be answered, it will become more clear once we discuss the project more with the utility companies. We do plan to resurface Fourth Street (entire street), but that is budget driven.

David Baird, 6916 Fourth Street, said I have an interest in the pavers. It sounds like the bid is already out there, but we should make sure that it is not in constant need of maintenance? Are these vehicular pavers?

George Radnovich stated the pavers are vehicle pavers manufactured locally by

Riccobene, and are used nationally. They have 4000PSI and will save money over regular pavers since they are laid in 4x4 sections, and the grout material is permeable.

Bob Maw, 8400 Rio Grande Blvd, said I think it would be good to ensure that all water maintenance and repairs are completed in conjunction with the project.

Keen Heinzelman, 323 Tyler Rd, asked if a street sweeper can be used on the pavers?

George Radnovich said yes, a street sweeper will be easily go over the pavers, according to Riccobene.

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 – AUGUST 10, 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:

- Sue Brawley will be retiring after sixteen years as the Growers' Market Coordinator. We owe a debt a gratitude to Sue, she has done an amazing job for the Village.
- The cell phone tower tree was repaired.
- Balloon Fiesta will be held in the beginning of October.

B. **ADMINISTRATOR'S REPORT**

Administrator Ward reported on the following:

- A French Drain was installed in the Alfredo Garcia Barn parking lot.
- There is a new fire truck being built for the Village, and it should be completed in November.
- PNM will be starting a project to reroute some powerlines off of the Wayne Substation.

C. **PLANNER'S REPORT**

Planner McDonough reported on the following:

- Over the past months a few site development plans have been submitted to the Planning and Zoning Commission.
- Working on several variances.

- The Planning and Zoning Commission has been working on revising the Village Center Zone with Susan Henderson.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- This month we worked on a few property acquisitions and variances.
- Over the past few months, there are more interpretative matters on unclear ordinances, which represents that there is a need to review and revise certain ordinances.

E. PUBLIC SAFETY REPORT

No public safety report was provided, Robin Hopkins was absent from the meeting.

6. FINANCIAL BUSINESS

A. CASH REPORT – AUGUST 2016.

Treasurer Haines said the ending cash balance as of August 31, 2016, was \$9,848,890.39 which is a decrease of \$79,486.45 from the prior month. The year-to-date excess of revenue over expenditures is \$72,592.84. The unusual or significant items were a principal and interest payment for the general obligation bond to the Depository Trust Company in the amount of \$238202.50; there was also a payment in the amount of \$49,265 to Sites Southwest, for which the Village has not received reimbursement from the state.

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

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2016-9-1 A RESOLUTION INCORPORATING \$140,000 FROM THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION GRANT 16-A2397 IN THE 2016/2017 FISCAL YEAR BUDGET TO DESIGN AND CONSTRUCT IMPROVEMENTS TO THE AGRI-NATURE CENTER.

MOTION: Trustee Lopez moved to defer Resolution No. 2016-9-1. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

7. PUBLIC HEARINGS AND APPLICATIONS

A. 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 to the August 10, 2016 Board of Trustees Meeting.*

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

Planner McDonough said this application was presented to the Board of Trustees in December 2015. This is an application for a zone change for the property located at 7216 Fourth Street. The property is dual zoned commercial C-1 as it fronts Fourth Street and R-2 towards the back of the property. The property is owned by JJM Properties (Jerome Maldonado) and occupied by Alliance Landscaping and other businesses. The Village received complaints that the property was being used as a contractor's yard. The Village confirmed the property was being used and a contractor's yard and contacted the owner, Mr. Maldonado. Mr. Maldonado felt that the property had a history of being used as a contractor's yard and should be considered a legal non-conforming use. The Village conducted an investigation and it did not appear that the property had been continuously used as a contractor's yard, therefore, it could not be considered a non-conforming use. The only option to continue to use the property as a contractor's yard is to request a zone change to C-1 followed by a Conditional Use Approval for a contractor's yard. Contractor's yards are available in the C-1 and Gateway District Zones, a Special Use Permit is not available for an R-2 property, as the ordinance states "Special Use Permits shall be issued where the proposed use is not provided for in any other zone". To consider a zone change, the elements are based on a change in conditions surrounding the properties, or there was an error in the application of zoning as it was applied to the land. The Master Plan recognized the 300-foot limit of commercial use criteria, but does not consider it a fixed value in stating "as a general rule" the plan recognized that there will be situations where strict adherence to the 300-foot limit may not be the best answer. The Planning and Zoning Commission recommends approval on a 5-2 vote.

Jerome Maldonado, 436 El Llano Lane, said some of the concerns that were brought up by homeowners were visibility and minor dust issues. I worked to address some concerns with a homeowner to clean up the property and put up coyote fencing. The business in the front of the property is very successful. The back portion of the property is being utilized as a plumbing business and has been used as a contractor's yard prior to us purchasing the property.

Trustee Homan asked how long the property was vacant prior to your ownership?

Jerome Maldonado said he was not sure the plumbing business has been active on the property for many years.

Trustee Rael asked if he has spoken with any neighbors that may be in opposition of the zone change.

Jerome Maldonado said there were neighbors that expressed their concerns at the

Planning and Zoning Commission.

Doug Copeland, 301 Roehl, said he and **Doug Allison** own and rent out this property, which contains a small house and a duplex. There is no buffer between our property and the property in question. In fact, the duplex backs right up against this property. Tennent's complaining about noise and dirt. I am concerned about renting the property and the value of the property declining. He did put up a coyote fence, the back side is facing our property. The fence does not solve the issues with noise or dust. I purchased the property in 2005, at which time there were horses present on the property. I do not remember seeing commercial activity on the property prior to the recent owners.

Don Allison, 301 Roehl, said he is a co-owner of the property. With the current owners, it is similar to living next to a constant construction site. It is not an appropriate use next to a residential property. This request does not support a change in conditions surrounding the properties or a zoning error. The neighbors and tenants are not in support of this request.

Leonard Aguilar, 310 Roehl, said it is very noisy, especially early in the morning. I oppose the zone change.

Trustee Lopez asked when did the Village become aware that the property was being illegally used?.

Planner McDonough said around July/August 2015. A notice of violation was written to the owner.

Jerome Maldonado said this is the first time we have heard of some of the concerns. The guys work from 7:00am to 7:45am, but there is not anyone there during the middle of the day.

Trustee Lopez asked Attorney Chappell if the Board approves the zone change, the property will permanently become a C-1.

Attorney Chappell said as a practical matter, it is not very likely the property may be downzoned once it is approved as a C-1, it would not be impossible but highly unlikely.

Trustee Rael asked if approving this zone change would set a precedence for other properties.

Attorney Chappell said every zone change is considered on a case by case basis, however, it may become a proof problem and create spot zoning.

MOTION: **Trustee Lopez** moved to deny the zone change based on the following conditions: The property is zoned C-1 (front 300 feet)/R-2 (rear) and lies in the Fourth Street Character Area; The proposed zone change and zone map amendment *does not* meet the zone change tests: 1) There has been change in conditions since the Zoning Ordinance

and Zone Map was enacted by the Village Trustees that warrants a zone change or, 2) The Village erred when they zone the land at issue. The proposed zone change and zone map amendment *do not* meet the requirements that deregulation and restrictions of any county or municipal zoning authority are to be in accordance with a comprehensive plan; The 2020 Master Plan 8.2 Commerce Goal, 8.2.1 Objectives, as a general rule maintains a consistent definition of 300 feet for commercial use between businesses adjacent to residential uses. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

8. OLD BUSINESS

NONE.

9. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO APPOINT THE TEMPORARY MUNICIPAL JUDGE PANEL 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.

MOTION: **Trustee Rael** moved to approve Greg Biehler and Barbara Koenig to serve on the Temporary Municipal Judge Panel. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL OF A MUTUAL AID AGREEMENT BETWEEN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE AND THE BERNALILLO COUNTY SHERIFF'S OFFICE FOR THE PURPOSE OF COORDINATING AND COOPERATING IN LAW ENFORCEMENT MATTERS WITHIN THE VILLAGE IN AN ORDERLY, EFFICIENT, AND EFFECTIVE MANNER WITHIN THE JURISDICTIONS OF THE RESPECTIVE PARTIES; AUTHORIZING THE MAYOR TO THE EXECUTE THE MUTUAL AID AGREEMENT.

Administrator Ward said this mutual aid agreement is a continuation of the previous agreement.

Trustee Lopez cited the following corrections: on page one change *stature* to *statute*, page 3 change eliminate the extra *to*, on page 3 change *low* to *law*, and on page 4 change *person* to *period*.

MOTION: **Trustee Homan** moved to approve the mutual aid agreement with the discussed corrections. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

C. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, REPEALING CHAPTER 3, ARTICLE 5, TATTOO ESTABLISHMENTS SECTION 1, §3.5.1, DEFINITIONS, AND SECTION 2, PROHIBITION, §3.5.2.

Planner McDonough said the purpose of advertising this amendment is to repeal the ordinance that prohibits tattoo parlors in the Village. To specifically identify a type business and prohibit that from any zone is contrary to the law and unenforceable.

MOTION: **Trustee Lewis** moved to approve to advertise the ordinance in summary. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

D. DISCUSSION AND APPROVAL OF THE AGRICULTURAL RESIDENTIAL ZONE FAR TABLE AND CALCULATION SHEET FOR THE PURPOSE OF CLARIFYING THE ZONE CODE IN ACCORDANCE WITH THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, CHAPTER 9, ARTICLE 2, SECTION 7, §9.2.7.

Planner McDonough stated after reviewing the current code, I discovered an amendment to the code approved in March 2014, which exempted barns and agricultural buildings from FAR calculations for properties greater than three acres, was never correctly amended. I reviewed the minutes for the March 2014 meeting and it was very clear the discussion occurred. After a discussion with Attorney Chappell, if the Village identifies this as a transcription error, it would eliminate the need to pursue an additional ordinance change.

MOTION: **Trustee Rael** moved to approve the FAR Table and Calculations for the purpose of clarifying the zone code in accordance with the 2013 Codified Ordinances of the Village of Los Ranchos de Albuquerque, Chapter 9, Article 2, Section 7, §9.2.7. **Trustee Lewis** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

E. DISCUSSION AND APPROVAL OF A LEASE EXTENSION BETWEEN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE AND THE UNSER CHILDREN'S DISCOVER CENTER AND RACING MUSEUM INC. LOCATED AT 1776 MONTAÑO RD NW, LOS RANCHOS, NM 87107.

Administrator Ward said this agreement will extend the lease through the end of the year while we continue to work on the transference agreement with the Department of Finance.

MOTION: **Trustee Homan** moved to approve the lease extension. **Trustee Lewis**

seconded the motion.

VOTE: The motion carried unanimously, 4-0.

F. DISCUSSION AND APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE AND THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE FOR EMPLOYEE GROUP BENEFITS (MEDICAL, DENTAL, LIFE AND OTHER GROUP VOLUNTARY BENEFITS) FY 2016/2017.

Trustee Homan cited a correction on page one, changing *Albuquerque* to *Los Ranchos*.

MOTION: **Trustee Rael** moved to approve the intergovernmental agreement between the Village of Los Ranchos and the City of Albuquerque for employee group benefits. **Trustee Lopez** 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 9:45 P.M.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this **12th** day of **October** 2016.

ATTEST:



Stephanie Dominguez, Village Clerk