

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
JULY 12, 2017 - 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 *excused
Robin Hopkins, Public Safety Liaison

1. CALL TO ORDER

Mayor Abraham called the meeting to order at 7:04 P.M.

MOTION: **Trustee Lopez** moved approval of the agenda. **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)

NONE.

3. PRESENTATIONS

A. LEGISLATIVE UPDATE - SENATOR CANDACE GOULD

Senator Gould provided an update of the 2017 Regular and Special New Mexico Legislative sessions.

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 10, 2017 – REGULAR MEETING.

Trustee Homan said there is one correction to the draft minutes on page 2 line 80, remove the number (3) from Trustee Lopez's name.

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:

- This week is lavender week in the Village. Lavender in the Village Festival will be held this weekend.
- Meeting with businesses on Fourth Street to address concerns with the design plans.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- This week several businesses along Fourth Street will be promoting lavender in the Village week.
- The Village has hired two new employees: Fergus Whitney (Agricultural Program Manager) and Rachel Wedel (Maintenance).
- Received two proposals in response to the Fourth Street Construction RFP.

C. PLANNER'S REPORT

Planner McDonough reported on the following:

- Working on several ordinance amendments.
- The storm water quality team is currently focusing on education.

D. LEGAL REPORT

Attorney Chappell was absent.

E. PUBLIC SAFETY REPORT

Public Safety Liaison Hopkins reported on the following:

- The new area commander is Captain Broderick Sharp.

6. FINANCIAL BUSINESS

A. CASH REPORT –MAY AND JUNE 2017.

Treasurer Haines said the ending cash balance as of May 31, 2017 is \$7,973,222.83, which is a decrease of \$1,336,000.55 for this month. The year-to-date deficiency of revenue over expenditures is \$1,803,074.72. The unusual or significant items were the purchase of property located at 6530 Fourth Street (AAA Storage) in the amount of \$1,435,920.45 and a payment to Sites Southwest in the amount of \$65,519.00. The ending cash balance as of June 30, 2017 is \$8,193,203.67, which is an increase of \$219,980.84 for

this month. The year-to-date deficiency of revenue over expenditures is \$1,583,093.88. The 2017/2017 Budget anticipated this deficiency to be \$4,290,350.00.

MOTION: Trustee Homan moved approval of the cash reports as presented. **Trustee Lewis** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2017-7-1 FINAL QUARTER FINANCIAL REPORT YEAR ENDING JUNE 30, 2017.

Administrator Ward said the final quarter report is required by DFA.

Trustee Lopez said under capital project expenditures, it shows the Village has spent \$3,182,000.

Administrator Ward said that includes all purchases that can be recorded as capital expenditures over \$5,000 and property purchases.

MOTION: Trustee Rael moved approval of Resolution No. 2017-7-1 Final Quarter Financial Report. **Trustee Lopez** 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 RESOLUTION NO. 2017-7-2 ADOPTING THE FISCAL YEAR 2017/2018 BUDGET.

Administrator Ward said we are anticipating a 5% increase in gross receipts taxes. proposed budget includes expenditures for Fourth Street based on the engineer's estimate of \$5,000,000. The budget also includes \$750,000 for the renovation for the Agri-nature center. There is funding set aside for additional property purchases, one of which will be presented later this evening. The Village has completed the set aside appropriations for the repayment of bonds for the shortfall of the open space property tax imposition. The budget also includes the payout of the balance of the Luthy notes, which were extended a few times at the request of Mr. Luthy. The overall operation costs will increase slightly above \$2,000,000.

Trustee Lopez asked about the status of the evaluation of Village streets and other street projects.

Administrator Ward said there is funding to work on side projects. The engineer is working on the evaluation of east/west streets.

Trustee Homan inquired about a comprehensive plan regarding the Village's acquisition of property. This also needs to be communicated with Village residents, because residents are expressing concern.

Administrator Ward said we are working on providing an overview of all Village properties that will include the property purchase price, any current valuations, and a recommended plan for the property. With regard to the Village Center Zone, state law does not envision municipalities as commercial ventures, so with the metropolitan redevelopment act the Village has the ability to purchase property, development the property, and the ability to maintain the property as the land owner in perpetuity. However, we do not want to remain the landowner. In August, we will present the second phase of the metropolitan redevelopment act process, which is adoption of a redevelopment plan. Once that is complete, we can issue an RFP to find a developer to partner with the Village.

Trustee Lopez said he would like the Village to develop a comprehensive plan for future elected officials.

Trustee Lewis inquired about increased spending on supplies.

Administrator Ward said the increased spending in supplies includes computer purchases and iPads for the Trustees and Planning and Zoning Commissioners.

Trustee Lewis asked about the status of grants for FY 2017/2018.

Administrator Ward said there was a complete capital freeze over the last eight months, but the freeze was lifted after the special session.

MOTION: Trustee Lewis moved approval of Resolution No. 2017-7-2 adopting the FY 2017/2018 Budget. **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.

7. PUBLIC HEARINGS AND APPLICATIONS

A. AN APPEAL BY GARY MULRYAN OF THE PLANNING AND ZONING COMMISSION'S APPROVAL, ON MAY 9, 2017, OF VARIANCE V-17-02 - A REQUEST BY ISIDRO CASTILLO FOR A VARIANCE FROM 9.2.7(E)(A)2. SIDE SETBACK SHALL BE FIFTEEN (15) FEET. THE PROPERTY IS LOCATED AT 900 DEVON LANE AND IS LEGALLY KNOWN AS TRACT 101-A OF THE REPLAT OF TRACTS 101, 1160A AND 116-B, MRGCD MAP NO. 27, AS THE SAME ARE SHOWN AND DESIGNATED ON THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JULY 16,

2007 IN PLAT BOOK 2007C, PAGE 188, AS DOCUMENT NO. 200910288. THE PROPERTY CONTAINS 1.399 ACRES MORE OR LESS.

Mayor Abraham said Attorney Juan Flores will be representing the Village for this public hearing due to the conflict of interest Mr. Chappell has with the appellant. Mayor Abraham requested any individual who be speaking for any public hearing be sworn in by Attorney Flores. A notary public swore in all individuals.

Planner McDonough provided the planning report. This case was heard by the Planning and Zoning Commission in May. The hearing concerns a house at 900 Devon Lane, the construction of the house started about a year ago. Early in the onset of construction there was concern expressed by a neighbor, which included construction at night, disturbance of the soil, and the house being built in the setback area. The plans have been reviewed by the Planning and Zoning Department. The plans show compliance with the fifteen (15) foot side setback requirement. When concerns were first raised, we reviewed the plans to make sure the plans identified the fifteen-foot side setbacks, and construction resumed. In March 2017 the concern was raised by the neighbor property owner, Mr. Mulyran, that the house was in the setback. At that time the walls were up and the roof was on. We went and investigated and spoke with Mr. Castillo, the homebuilder. We determined that indication on the plans were to the wall of the house and not to the eaves (overhangs). This is customary in other jurisdictions. The Village's code states that any purpose to the house, which includes the eaves, and at that time we identified that there was a conflict. There was a note on the plans, which I missed, that said the indication setback was to the wall and not the eaves of the house. We talked with Mr. Castillo and explained the options were he could modify the house or request a variance. Mr. Castillo applied for a variance, the application was reviewed by the Planning and Zoning Commission. The Commission did take into consideration the plans and the error on part of the Village. One of the troubling points raised in the hearing was the lack of a survey. The lack of a survey created issues to assess compliance, my original response was that the house is in reasonable compliance, not taking into account the eaves. The Planning and Zoning Commission approved the variance, 4-3 vote. Subsequent to the hearing, Mr. Mulyran appealed the decision and completed a survey, which is included in the packet. We do recognize that the Village made errors, but we determined that reasonable effort had been made to comply, and the history of the builder is working in other jurisdictions that utilize the wall and not eaves for compliance. There are other assertions in the original complaint in relation to the HVAC units. Reviewing the code, pavement is allowed in the setback area, what is not allowed is a structure. The definition of structure is four square feet by six feet high, and the HVAC units do not meet that criterion. The other issue in the original complaint is that the house exceeds the height limitation. This is misunderstanding of the code; the height limitation for a single story house is twenty-six feet. The seventeen-foot high reference in the code is used to calculate FAR.

Mr. John Campbell, attorney representing Mr. Mulryan, asked for clarification from Mr. McDonough. Mr. Mulryan submitted, to the Planning and Zoning Commission, a photograph with a measuring tape that shows that the wall, not the eave, itself encroaches by almost eighteen inches into the setback.

Planner McDonough said I do not believe the photograph indicates that. The photograph indicates that the wall was fourteen feet and six inches from the fence.

Mayor Abraham requested Mr. Campbell to provide Mr. Mulryan's appeal

Mr. John Campbell said Mr. Mulryan's appeal was provided to Board of Trustees in the packet.

Mr. Gary Mulryan, 901 Leatherwood Lane, said I can sum up the problem by saying the house is in the wrong place. I submitted a stamped survey, the house is 13.5 feet away from the property line, and the plans show 15 feet. Does 13.5 equal 15? I was the first one to submit a survey.

Trustee Lopez asked if the survey was provided to the Planning and Zoning Commission.

Gary Mulryan said a survey was not presented. The Planning and Zoning Commission was held in May. Mr. Castillo did not complete a survey prior to building the house. If you look at the variance request documents, Mr. Castillo said he used the fences as a way to measure the property line. The issue is very clear, the plans show 15 feet. Do we not have rules and ordinances? Do dimensions matter? Did dimension matter for Mr. Martin? That was a vertical dimension, do horizontal dimensions matter. If it is too expensive to fix does it stay? It was basically ruled by the Planning and Zoning Commission that the issue was too expensive the fix. It was ruled as a minor infraction. What is a major infraction and how are infractions defined. When we trimmed the weeds along the irrigation ditch, I noticed that the HVAC units are close the property line. I had no obligation to determine the property lines. Mr. McDonough defined a structure, and I would like to know where that is defined. The house was not built to the specifications of the plans and the air conditioning units are a part of the structure. The HVAC units exist solely for the purpose of the house and do not stand-alone. I have two final important points to make: during the appeal of Mr. Martin's case, someone stated that we should not allow a citizen to create his own hardship (direct quote from minutes). Are we proposing Mr. Castillo can create his own hardship? This is not the fault of the review board or result of a misunderstanding. This house was built in the wrong place. I can provide another example, 1600 feet of sewer line was put in the wrong place on Fourth Street. The contractor had to fix it. Why does one contractor have to fix the problem and the other does not? This has been an uphill battle for me, it was assumed I was in the wrong.

Mayor Abraham requested opponents to the appeal to provide their presentation.

Mr. Mike Menicucci, attorney representing Mr. Isidro Castillo. Mr. Castillo is the builder and owner of the property. Mr. Mulryan is correct, this is an appeal of an encroachment in the setback. In the application for the variance, Mr. Castillo stated there was a mistake made and is not claiming a hardship. Since the appeal, Mr. Castillo has also conducted a survey. Mr. Castillo's survey shows the encroachment (wall) of the south setback as 13.88 inches and the far west side an encroachment (wall) of 14.24 inches. There is effectively a

9-inch deviation on the west side and a 16-inch deviation on the east side. There was an admission in the application for the variance as using the fence for the marking the property line. The surveyor stated that the fence waivers anywhere from 4 to 9 inches off the property line, and is not straight. Mr. Castillo used the fence as place of measurement. The setback on the side is almost twice of what is required, on the eastside is almost four times of what is required, and the setback on the north side is double of the required setback. The mistake was made because it was believed the wall of the house was in compliance, we know that the walls are anywhere between 9 to 18 inches out of compliance. The eaves are a part of the roof trusses and these are 18 inches over the walls. The operative phase from the Planning and Zoning Commission hearing, and stated by Mr. McDonough, was that the house was in reasonable compliance. The plans were reviewed by Bernalillo County and then submitted to the Village for final approval. There was a discrepancy of height in the plans and one of the setbacks; the Village noted these discrepancies and the plans were corrected. In Bernalillo County, the overhangs are not considered part of the wall in the setback area. The overhangs are quite frankly a violation. The Planning and Zoning Commission determined that there was reasonable compliance. In looking at setback requirements, under guidance of the master plan, led to the definition of the structure as determined by the Planning and Zoning Director. The HVAC units are 2x3 that sit three feet away from the house on a concrete pad is not claimed as a structure. It is not a structure or subject matter of this appeal. The point is the reasonable compliance, and the great economic cost to compared to the infraction. This is an infraction of 9 to 18 inches on the walls and 18 inches on the eaves, compared to the cost of over \$600,000, which should be taken into consideration. We are not requesting a hardship, we are stating a mistake was made. The ordinance contemplates mistakes because it allows for a variance. The ordinance is silent on proactive or retroactive variances. We are asking the Board of Trustees to uphold the decision of the Planning and Zoning Commission.

Trustee Lopez asked when the plans were submitted to the Village, the plans were used as the basis of alignment (fence). The plans showed fifteen feet, which were approved. The plans were approved without a survey, which is standard.

Planner McDonough said that is correct.

Trustee Lewis asked if Mr. Castillo's survey was included in the Board of Trustees packet. Does the survey show the dimensions of the setback area to the eaves and walls of the house.

Mr. Menicucci said it was not included in the Trustees packet since it was completed on Tuesday. There are copies available.

Attorney Flores stated copies of Mr. Castillo's survey may be provided to the Board of Trustees since Mr. Castillo is not the appellant. The survey shows the measurement to the walls and eaves. It was noted that Mr. Mulryan was not allowed to submit additional documents at the Planning and Zoning Commission hearing.

Mr. Menicucci said the survey shows that the distance from the property line to the

residence on the east end is 13.88 inches , and on the far west end is 14.24 inches. The deviation of the fence is 5 to 9 inches. There was an error in basic assumption and no intent to violate the ordinances.

Trustee Rael asked if a survey is required before building a home.

Mr. Castillo said no.

Trustee Homan asked Mr. Castillo if it is standard to built on the setback line.

Mr. Castillo said yes, but the measurement is typically to the wall and not the eaves.

Mr. Mulryan asked where general compliance is defined.

Mr. Menicucci said general compliance is not defined in the ordinances. The argument was made as to what is de minimus or minimalistic. There is case law as to say that ordinance dimensions are not as strictly followed as intentions or purposes.

Mr. Mulryan asked where is the concept of general compliance defined. If it is not defined, why are we using the term.

Mr. Menicucci said I explained the use of the term in my previous answer to your question. Deviations to the ordinances are allowed through the process of a variance.

Mr. Michael Baird, 910 Devon Lane, said the plans were approved through the Village. There was mistake made, but the closest house is sixty plus feet away. Granting the variance seems to be the best solution.

Mayor Abraham asked that the appellant and opposition provide a final overview of their presentations.

Mr. John Campbell said I take issue with Mr. Menicucci's statement that a variance can correct mistakes. If you look at the variance ordinance, it is very clear in context about granting a variance for a proposed conflict. The reasons a variance can be granted have to do with the nature of the property of itself. According to §9.2.25(E7):

1. When compared with other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of physical characteristics of the land that existed when the provisions were adopted or which were created by natural forces or by government action for which no compensation was paid;
2. When compared to other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted;
3. The parcel is irregular or unusually narrow in shape, and the condition existed when provisions were adopted or was created by natural force or government action for which no compensation was paid;

4. Circumstances have created a condition under which no reasonable use can be made of the land without the requested variance, provided however, that the fact that the affected parcel might have a greater value with the variance is not sufficient or justification in itself to authorize a variance. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner would be deprived of all economically feasible use of the property.
5. The development proposed in the variance differs from that allowed in this Ordinance only enough to relieve the alleged hardship; or
6. The alleged hardship is such that relief is justifiable in accordance with the goals and policies of the Master Plan.

There is nothing in this ordinance that suggested that this body has the authority to grant a variance retroactively to correct a builder's mistake. This builder flagrantly disregarded the ordinances to maximize the curb appeal of the front of the house. This builder should have surveyed the property before building the house. The master plan in this community contemplates a sense of community and open areas, which is the reason for fifteen-foot setback areas. The proof of the argument is that the Planning and Zoning Commission and this body would never grant the variance if the builder had requested the variance prior to pouring the foundation. Mr. Mulryan promptly contacted Planning and Zoning when he noticed an issue, correction at that time could have been made at a far less cost than now. The case law I cited to Mr. Mulyran regarding the application for the variance is from the Court of Appeals that states the authority of the administrative body to grant a variance is limited to the terms of the relevant ordinance. The relevant ordinance does not provide for a restorative variance. It does not allow the Board to disregard the ordinances because the builder made a mistake. The Board may consider denying the issuance of the certificate of occupancy.

Mr. Menicucci said my summation of the case was stated earlier. I highly doubt Mr. Mulryan or Mr. Campbell know the intent of the builder when the footings were poured. The facts support that this was a mistake. The ordinance clearly states that a variance may be granted. The ordinances do not address whether the variance can be granted retroactively. The Trustees can, under enforcement of the ordinances, apply equity. There is no harm to apply equity, which is what the Planning and Zoning Commission did.

Mayor Abraham asked how the appellant and opposition can remedy this issue.

Mr. Mulryan said we have proposed a wall with landscaping between the two houses. We hired a landscape architect to develop a plan. All proposals have been rejected by Mr. Castillo.

Mr. Menicucci said the proposal was not rejected, but a counter proposal was offered. The proposal from Mr. Mulryan included a wall seven feet in on the property of Mr. Castillo's home. The proposal also included an easement or covenant be granted on that land in perpetuity between the two properties. We offered to build a wall inside the property line (two feet) and heavily plant trees between the building and wall to obliterate all views of the house. We do think there is a solution.

Mayor Abraham recommended mediation for Mr. Mulryan and Mr. Castillo. I believe they have the ability to find a reasonable solution. If we either approve or deny the appeal, this losing party may appeal to district court, in which case there are no winners. I would like neighbors to work towards a solution.

Trustee Rael said I think it is unreasonable to move the house, but there are other remedies available.

Trustee Homan said there were due diligence errors on the part of the builder and Village. A fence may resolve some issues.

Attorney Flores said the survey was not available at the Planning and Zoning Commission. Under the ordinances, the Board must render a written decision within fifteen days of the hearing. I also recommend that the Board of Trustees adopt one of the two surveys presented this evening in the event the variance is upheld. There are several actions the Board may take: approve the appeal, deny the appeal, or defer a decision to allow the parties additional time to mediate.

The Trustees, Mr. Campbell, and Mr. Menicucci concurred to the following:
To defer the appeal to the August Board of Trustees Meeting to allow both parties to participate in mediation. If an agreement is reached, the agreement will conclude the appellant consenting to the variance. A temporary certificate of occupancy will be issued to Mr. Castillo on the condition that certificate of occupancy can be repealed in the event the Board of Trustees deny the variance. The temporary certificate of occupancy will include a termination date. If the matter is not resolved between the two parties, the Board of Trustees will hear the appeal at the August Board of Trustees Meeting.

MOTION: Trustee Lewis moved to defer/continue the hearing to the August Board of Trustees Meeting. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

** Meeting in recess from 9:42p.m to 9:47p.m.*

8. OLD BUSINESS

NONE.

9. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO ADVERTISE REQUEST FOR PROPOSALS RFP#2017-7-1 SOLID WASTE AND DISPOSAL COLLECTION SERVICES FOR THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE.

Administrator Ward presented RFP#2017-7-1. This RFP includes the request for

recycling for commercial services, a request to price exclusive and non-exclusive roll-offs, and increasing green waste pickup to four times a year. If roll offs are non-exclusive the Village would not be able to collect the franchise fee. One issue Mr. Chappell raised was whether or not the Village would consider subcontracting. We recommend allowing subcontracting for some functions such as billing. The current performance bond requirement is \$1,000,000. This RFP is requesting a performance bond based on two years of anticipated gross revenue.

Trustee Rael provided the following corrections: on page 249 change incorporated to unincorporated, page 251 remove dash from procure, page 258 remove fax and email number, page 264 correct font and size reference, and page 282 under 6.3 overhangs should be overhead.

Trustee Homan said the RFP includes weekly recycling and we are currently on a bi-weekly schedule.

Trustee consensus that the RFP recycling schedule should be changed to bi-weekly, allow subcontracting, rolls-offs to be priced both exclusively and non-exclusively, and change the performance bond to \$1,000,000.

MOTION: **Trustee Rael** moved to approve to advertise RFP# 2017-7-1. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 9 LAND USE REGULATIONS, ARTICLE 2, ZONING AND ZONE MAP, SECTION 12, C-1 RETAIL COMMERCIAL ZONE, §9.2.12.

MOTION: **Trustee Homan** moved to defer agenda item 9.B. to the August Board of Trustees Meeting. **Trustee Lewis** 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 CLARIFICATION OF THE TWO HUNDRED AND EIGHTY FOOT SETBACK (280) IN CHAPTER 9 LAND USE REGULATIONS, ARTICLE 2, ZONING AND ZONE MAP, SECTION 7, A-1 AGRICULTURAL/ RESIDENTIAL ZONE §9.2.7, SECTION 8, A-2 AGRICULTURAL/ RESIDENTIAL ZONE, §9.2.8, AND SECTION 9, A-3 AGRICULTURAL/ RESIDENTIAL ZONE, §9.2.9.

MOTION: **Trustee Rael** moved to defer agenda item 9.C. to the August Board of

Trustees Meeting. **Trustee Lewis** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

D. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 9 LAND USE REGULATIONS, ARTICLE 1, SUBDIVISION, VACATION, AND DEVELOPMENT, SECTION 7, PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS, §9.1.7.

MOTION: **Trustee Rael** moved to advertise the ordinance, §9.1.7, in summary. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

E. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 9 LAND USE REGULATIONS, ARTICLE 2, ZONING AND ZONE MAP, SECTION 25, APPLICATION AND APPROVAL PROCESS, §9.2.25.

MOTION: **Trustee Rael** moved to advertise the ordinance, §9.2.2, in summary. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

F. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 14 MOTOR VEHICLES, ARTICLE 1, MOTOR VEHICLE CODE, SECTION 1, STATE CODE ADOPTED BY REFERENCE, §14.1.1, SECTION 5, VEHICLES ABANDONED OR DISPLAYED FOR SALE ILLEGALLY, §14.1.5.

MOTION: **Trustee Rael** moved to advertise the ordinance, §14.1.5, in summary. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

G. 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 VOLUNTARY BENEFITS) FISCAL YEAR 2017/2018.

MOTION: **Trustee Rael** moved to approve the intergovernmental agreement. **Trustee Lewis** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

H. DISCUSSION AND APPROVAL OF THE PURCHASE OF PROPERTY LOCATED AT 336-338 OSUNA RD NW, LOS RANCHOS DE ALBUQUERQUE, NM 87107, AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE THE PURCHASE OF THE PROPERTY NOT TO EXCEED THE APPRAISED VALUE, \$710,000, PLUS CLOSING COSTS.

Administrator Ward said the property is located at the corner of Fourth and Osuna. The final cost of the property purchase will be slightly higher since the \$710,000 does not include closing costs.

MOTION: **Trustee Homan** moved to approve the property purchase. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

I. DISCUSSION AND APPROVAL OF A VOTING DELEGATE AND ALTERNATE FOR THE 2017 NEW MEXICO MUNICIPAL LEAGUE ANNUAL CONFERENCE HELD AUGUST 15, 2017 THROUGH AUGUST 17, 2017 IN CLOVIS, NM.

MOTION: **Trustee Rael** moved to appoint Trustee Homan as the voting delegate and Trustee Lopez as the alternate. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

10. TRUSTEES ROUND TABLE (INFORMAL) DISCUSSION

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

11. ADJOURNMENT

The meeting was adjourned at 11:05 P.M.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this 9th day of **August** 2017.

ATTEST:



Stephanie Dominguez, Village Clerk