

**MINUTES**  
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD NW  
**BOARD OF TRUSTEES REGULAR MEETING**  
**January 10, 2018 - 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

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**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Lopez** moved approval of the agenda with agenda item 7.B. removed as the appellant has requested the appeal to be withdrawn. **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)**

**Camille Varoz**, 427 El Paraiso, said my concern is about the animal control ordinance. I was at the Trustee meeting when the ordinance was approved, and I was in favor of the ordinance. I am here to speak at certain aspects of the ordinance because I have been cited twice. It is up to the animal control agent to determine who gets cited. I have a daughter that lives with me on and off, and it is her dog that gets out of the yard. Her dog is a mini Australian Sheppard, she gets out of the yard and goes to the property next door. The property next door is vacant and the wall that divides the property is low. She is not a threat, so I am wondering if there could be some type of amendment to the ordinance. In my neighborhood, we look out for each other, we let each other know when animals are loose. Ordinances are enforced for a reason, but I think there could be some exceptions, or the individual that owns the animal should be cited.

**Danny Tagliapietra**, 312 Nuevo Hacienda Lane NW, said my concern is regarding how Fourth Street was patched. The patchwork is unacceptable and a low-quality job. My

other concern is that northbound Fourth Street is often confused for a single since there isn't a line dividing the driving lanes.

**3. PRESENTATIONS**

NONE.

*Trustee Lopez excused from the meeting from 7:12p.m. – 7:23p.m.*

**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 – DECEMBER 13, 2017 – REGULAR MEETING.

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

**VOTE:** The motion carried, 3-0 (Trustee Lopez excused).

**5. REPORTS**

**A. MAYOR'S REPORT**

Mayor Abraham reported on the following:

- The photo exhibit at the Agri-Nature Center was a great representation of the Village.

Gabe Hernandez, Waste Management District Manager, said Waste Management was recently approved for natural gas vehicles and if any customers have any questions or concerns, please contact me.

Clerk Dominguez reported on the following:

- Election Day is Tuesday, March 6, 2018
- Absentee Voting- January 30, 2018 – March 2, 2018
- Early Voting – February 14, 2018 – March 2, 2018

The following Candidates filed for office: Trustees (two positions): Don Lopez and Pablo Rael; Municipal Judge: Robert Maw and David McMann.

Maria Rinaldi, Fourth Street Project Manager, said the Village submitted a transportation plan amendment for phase I of the Fourth Street Project. The Village Center Project public hearing will be scheduled in conjunction with the February Planning and Zoning Commission Meeting.

**B. ADMINISTRATOR'S REPORT**

Administrator Ward reported on the following:

- We are requesting capital outlay for two projects: Fourth Street and

- Improvements to the Agri-Nature Center.
- Village Hall will be closed on Monday, January 15, 2018.

**C. PLANNER'S REPORT**

**Planner McDonough** reported on the following:

- Over the past month we have focused on the Master Plan process. We will be accepting applications for the Master Plan Committee.
- The Planning and Zoning intern is compiling information regarding the Village's population and annexations to be used in the Master Plan process.

**D. LEGAL REPORT**

**Attorney Chappell** reported on the following:

- Reviewed closing documents for 330 Osuna.
- Mr. Boone represented the Village in a few Municipal Court hearings.

**6. FINANCIAL BUSINESS**

**A. CASH REPORT – DECEMBER 2017.**

**Treasurer Haines** said the ending cash balance as of December 31, 2017 is \$7,663,427.77, which is an increase of \$17,953.98 for this month. The year-to-date deficiency of revenue over expenditures is \$529,775.90. The unusual or significant item was the purchase of property at 330 Osuna Road NW in the amount of \$202,731.68 and property taxes for 336 Osuna Road in the amount of \$5,485.86.

**MOTION: Trustee Homan** moved approval of the December 2017 cash report as presented. **Trustee Lopez** seconded the motion.

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

**B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2018-1-1  
MID-YEAR BUDGET ADJUSTMENTS FOR FY 2017/2018.**

**Administrator Ward** said provided to the Board of Trustees is a three-year comparison of the general fund. The proposed resolution is making adjustments for actual spending for the first half of the year, adjusting the budget for the delay in the Fourth Street Project, and adjusting for the updated cost of the Fourth Street Project.

**MOTION: Trustee Lopez** moved approval of Resolution 2018-1-1 Mid-year budget adjustments. **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.**

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

**7. PUBLIC HEARINGS AND APPLICATIONS**

A. A REQUEST BY DH RESTAURANT HOLDINGS, DBA DAVE'S VALLEY GRILL, FOR A WAIVER OF THE 300 FOOT DISTANCE REQUIREMENT FOR PLACEMENT OF A RESTAURANT BEER AND WINE LIQUOR LICENSE AT THE PROPERTY LOCATED AT 6601 FOURTH ST. NW UNITS N, O, & P, AS THE RESTAURANT IS WITHIN 300 FEET OF A SCHOOL IN THE VILLAGE CENTER (VC) ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER AREA. THE RESTAURANT IS WITHIN THE LOS RANCHOS VILLA SHOPPING CENTER LOCATED AT 6601 FOURTH ST. NW, THE NEAREST POINT ON THE RESTAURANT UNIT IS 45 FEET FROM THE SCHOOL PROPERTY LINE NEAR THE RUNNING TRACK, BUT OVER 500 FEET FROM A SCHOOL BUILDING. ALCOHOL SERVICE IS A PERMISSIVE USE IN THE VC ZONE. THE PROPERTY IS LEGALLY KNOWN AS TRACT A-1-A-1, PLAT OF TRACTS A-1-A-1, A-1-A-2, B-2-A, B-2-B, AND B-C-2, NORTHDALÉ SHOPPING CENTER WITHIN THE ELENA GALLEGOS GRANT, PROJECTED SECTION 28 AND 29, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NM FILED 2-17-05. THE PROPERTY CONTAINS 3.4374 ACRES MORE OR LESS.

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

**Planner McDonough** said the Village received an application from Mr. Hanisch who is intending to open a restaurant at 6601 Fourth Street. The application is for a waiver of the (300) three-hundred-foot rule for a beer and wine license prior to applying for the license with Alcohol and Gaming. We have followed this process before with Steel Bender. The rules for Alcohol and Gaming are that the measurement for the 300 feet shall be from the property line of the church/school to the building where the alcohol will be served. The waiver for Steel Bender was 287 feet, from the property line of Victory Christian to Steel Bender's door, it is not property line to property line. In this case, there is an ally between the property and the school which is 45 feet, but it is actually 120 feet if measured to the front door. There was a specific case in Santa Fe regarding the waiver rule and a maintenance building, the court ruled that the maintenance building was not intended to be used for educational purposes. It is worthwhile to note that when you measure the restaurant to an educational building, the distance is 500 feet. That is not denying that there are students on the track from time to time. It is worth noting, there is a large space between the education buildings and the proposed site of the restaurant. The track also services as the drainage and holding basin. In the past, the Village has denied Walgreens for a package liquor license, and a brewery across the street. This application is for a license to serve beer and wine with food. Most successful restaurants in the Village serve beer and wine. My recommendation is to approve the waiver, and there are many regulations in place to prohibit serving alcohol to minors.

**Trustee Lopez** asked if other members of the public use the track and if the track is lighted for use at night.

**Planner McDonough** said yes others use the track and to his knowledge there aren't lights for use at night.

**Trustee Homan** asked if OM and Taste of Himalayas were granted waivers.

**Planner McDonough** stated both were granted waivers, and are located across the street from Los Ranchos Elementary.

**Mayor Abraham** asked if the applicant would like to speak.

**David Hanisch**, 9115 Flushing Meadows, said Dave's Valley Grill is a family oriented restaurant. The décor is urban chic/industrial, seating capacity will be approximately 150, and the hours of operation will be: 11a.m.- 8p.m. Sunday – Thursday, and 11a.m. – 9p.m. on Friday and Saturday. This is a restaurant serving beer and wine, in my projections 90% of total sales will be food and 10% will be beer and wine sales. I have been in the restaurant business thirty years, this is the sixth restaurant I have owner developed. I have had four restaurants that served beer, wine, and liquor I have never received a citation, any insurance claim, or one complaint. This restaurant will not serve liquor or have live entertainment.

**Mayor Abraham** asked if there is anyone speaking in favor of the waiver (no response).

**Mayor Abraham** asked if there are any opponents to the waiver:

**Loretta Chavez**, 536 Chavez Rd NW, said I was born and raised in this Village. My father was one of the founders of the Village. The restaurant sounds wonderful, I am going back, not to the restaurant but to our school, our children and protecting them. I know it is beer and wine, but oh well. Then it comes to, oh well, maybe it's drugs or a pot house. I am looking at the schools, please let us not take away our children and our school. Schematics on five hundred (500) feet, that is the school, that is their boundary. Children go to school and play there. Why are we continuously opening Pandora's box to let beer and wine be served near our schools.

**Beverly McGinnis**, 6608 Las Casitas Court, said my home faces the alley of the strip mall. I sent a letter to the Board of Trustees: This letter is in response to the request for a waiver of the 300 foot distance requirement (from a school) for placement of a restaurant beer and wine license in the strip mall at 6601NW, Units N, O, & P.

As a resident of the property abutting the west end of the strip mall, I am opposed to this request for the following reasons:

- 1) Safety: a major concern for those in the area. An alley runs behind 7 homes in the cul de sac known as Las Casitas Court Added traffic and alcohol at night adds to the risk of greater crime - especially along that alley.

- 2) Property values. The real estate values of the homes in our cul de sac and other properties along and off Chavez will decrease if we are situated near an establishment

that is open late and sells alcohol.

3) Added traffic means additional noise and congestion.

4) Quality of life. I live in the valley because of the peace and quiet of a rural neighborhood. There are plenty of bars downtown. I cherish the rural quality of Los Ranchos and feel it is imperative to preserve it.

5) The children at Taft Middle School. There is a reason for an ordinance for prohibiting the sale of alcohol within 300 feet of a school. This ordinance maintains and ensures the safety and values we pass on to our children.

6) A waiver this time might set a precedent for future waiver requests. We need to uphold this ordinance in order to prevent the possibility of Walgreens and other establishments from obtaining liquor licenses so close to Taft Middle School.

Los Ranchos is a wonderful place to live, with the lowest crime rate in the metropolitan area. Let's keep it that way by upholding beneficial regulations that keep residents, property owners, and children safe and secure.

**Camille Varoz**, 427 El Paraiso, said I am against the waiver for the sale of beer and wine. I love good food and a glass of wine/beer, but are we going to sacrifice the ordinance that protects our children. If you look at existing eating places in Los Ranchos, Kelly Jos' has a liquor license, Farm to Table, and there is a package liquor store on Fourth Street. What are we saying, the success of an eating establishment is based on the sale of alcohol. As opposed to a nice family setting with good food and environment. I am sorry, let's keep the ordinance as it is. There are plenty of other places to go. As said before this will open the door to Walgreens and other places. We do need to move forward with development for revenue purposes, but do not sacrifice the quality of life, the safety of children, and the safety of us all.

**Dr. Annette Kadash**, 6605 Las Casitas Court, stated I live near the shopping area. I need to go on the record, it appears the decision has been made as you are nodding your head. I also object to splitting hairs when we have rules and laws to abide by. I do not know why we are splitting hairs against the children. I look forward to a restaurant there, I understand there is more revenue to be made with beer and wine. I do not see this as necessary for them to be successful. There is another restaurant in the shopping center that is successful and has good food. This business can be successful without liquor.

**Michael Bryce**, 6610 Las Casitas Court, said I do not necessary oppose the application, but I did express two concerns to Mr. McDonough. One of the concerns came up in the Los Ranchos Brewery case with regard to opening/closing times. The question came up as to whether or not an applicant can later change their time of opening/closing and I believe the attorney at the time stated, yes, they could. What happened in that case, the applicant stated that they would commit to certain times and would not change them. I think that would be good in this situation. The second concern is if one makes money on beer and wine in a restaurant, one can make more money on liquor in a restaurant. While it can be reviewed again in the future, I think there should be a commitment made to the Board.

**Tom Clark**, 6600 Las Casitas Court, stated my home borders the shopping center. We are already plagued with speeders on Chavez Road. I am concerned about the crime situation. The second issue is that my property borders Chavez, I am frequently picking up discarded liquor bottles, wine cans, and miniature liquor bottles. At one point the fire department came out to pick up discarded syringes. Take into consideration there may be an uptick in crime and speeding violations which already occur frequently.

**Mayor Abraham** closed the floor for comment.

**Trustee Rael** said I wanted to provide clarification to an earlier comment, I was not nodding in approval and I have not made a pre-determined decision regarding the matter.

**Trustee Lopez** asked if the most recent waiver granted was to Steel Bender. From what I understand, Steel Bender is a very successful brewery. My family owns property across the street, and ask them frequently if they have issues, which they state they do not.

**Trustee Homan** asked if there was any opposition to the waivers for Steel Bender, OM, and Taste of the Himalayas.

**Planner McDonough** stated he does not recall any opposition to the waivers or any adverse comments.

**Trustee Lewis** asked if there are any stipulations that can accompany the waiver with regard to the hours of operation.

**Attorney Chappell** said state statues prohibits a municipality granting the waiver with requirements such as hours of operation. The test of a beer and wine license is based on a percentage of sales, 60% food and 40% beer and wine.

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

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

*Meeting in recess from 8:14p.m. to 8:26p.m.*

B. AN APPEAL OF THE PLANNING & ZONING COMMISSION DENIAL OF AN APPEAL OF THE DIRECTOR'S DECLARATORY RULING DENYING A PETITION THAT THE REFERENCED PROPERTY HAS BEEN CONTINUOUSLY USED AS A CONTRACTOR'S YARD AND THEREFORE QUALIFIES AS A LEGALLY NON-CONFORMING USE. THE PROPERTY IS LOCATED AT 7216 FOURTH STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND WITHIN PROJECTED SECTION 21, T11E, R3E, NMPM, LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO BEING IDENTIFIED AS TRACT 157A OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT PROPERTY MAP NO. 29. THE PROPERTY CONTAINS 1.3595 ACRES, MORE OR

LESS. THE PROPERTY HAS DUAL ZONING, C-1 ON THE FRONT 300 FEET, R-2 ON THE REAR. THE APPELLANT REQUESTED A DECLARATORY RULING RELATING TO A NON-CONFORMING USE ON THE R-2 PORTION (EASTERLY) 395 FEET OF THE NAMED TRACT. THE FRONT (WESTERLY) 300 FEET IS ZONED C-1.

*Appellant requested to withdraw the appeal.*

**8. OLD BUSINESS**

A. DISCUSSION AND APPROVAL OF 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 14, VC – VILLAGE CENTER ZONE, § 9.2.14. (ORDINANCE #265)

**Planner McDonough** stated the proposed changes to the ordinance were advertised, and did not receive any comments. This is a continuing effort to review the commercial zones.

**Trustee Homan** asked if additional information is provided regarding economic development, the definition is very vague.

**Planner McDonough** said the history of the economic development plan was accompanied by the Village Center Development Plan. The requirements for the economic development plan have changed slightly, which hinges on the site development plan. A suggestion is that we can develop a policy in Planning and Zoning to provide clarification.

*The Board provided the following corrections: (J) Outdoor Storage Regulations – consolidate similar requirements; (K) Outdoor Display of Merchandise – exclude agriculture; (E) Design Regulations (2) remove extra punctuation.*

**MOTION: Trustee Homan** moved approval of the ordinance with the discussed changes. **Trustee Rael** seconded the motion.

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

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

**9. NEW BUSINESS**

A. DISCUSSION AND APPROVAL OF AWARD OF RFP #2017-5-1 FOURTH STREET REVITALIZATION CONSTRUCTION, AUTHORIZING THE MAYOR TO FINALIZE AND EXECUTE A CONTRACT.

**Administrator Ward** said the final cost of the project was higher than the engineers



estimated cost (\$5.1 million). Two firms submitted proposals (TLC and Bradbury Stamm) in response to the RFP, of which cost was a component but not the final factor. The firm selected by the evaluation committee is Bradbury Stamm. The firm selected entered into a value engineering phase and was able to decrease the price by \$2.6Million. Removed from the project was the decorative blue design in the concrete, the acequia and water features, and adjustments to lighting. The cost after the value engineering phase is \$6.329 million dollars. Staff has worked on a two-year fiscal budget and revenue projections; the Village can afford the increased cost. The Village will ask for additional funding from the legislature. The Village will end fiscal year 2019 with a cash balance of \$2.2 million dollars (after the project).

**Trustee Lopez** said I concur with the value engineering process. To avoid future problems, the quality control system needs to be the best it can be.

**Mayor Abraham** said the plans have been heavily scrutinized and we have tried to address any mistakes we have come across.

**Administrator Ward** said through our perceived delay in the project, we have reviewed the plans page by page with the engineer. Significant changes were made to the drainage system, which was a total redesign that has the same capacity as the previous design. The design of the bus shelters was a very expensive component of the plan that was changed in value engineering phase.

**Trustee Lopez** asked when will the notice of proceed be issued.

**Administrator Ward** said January 22, 2018.

**MOTION: Trustee Lopez** moved approval of the award of RFP #2017-5-1 Fourth Street Revitalization Construction, Authorizing the Mayor to finalize and execute a contract.

**Trustee Homan** seconded the motion.

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

**B. DISCUSSION AND APPROVAL OF PRECINCT AND ABSENTEE BOARD MEMBERS AND COMPENSATION FOR THE MARCH 6, 2018 REGULAR MUNICIPAL ELECTION.**

**Clerk Dominguez** said provided to the Board is a list of poll officials for the March 6, 2018 Municipal Election.

**MOTION: Trustee Lopez** moved to approve the poll officials and compensation as presented. **Trustee Rael** 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 9:16 P.M.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this **14<sup>th</sup>** day of **February 2018**.

ATTEST:



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Stephanie Dominguez, Village Clerk