

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
March 14, 2018 - 7:00 P.M.

Present:

Larry P. Abraham, Mayor
Don Lopez, Trustee / Mayor Pro Tem
Pablo Rael, Trustee
Mary Homan, Trustee *excused
Allen Lewis, Trustee *telephonically

Kelly S. Ward, Administrator
Stephanie Dominguez, Clerk
Nancy Haines, Treasurer
Tim McDonough, Planning & Zoning Director
Bill Chappell, Attorney

1. CALL TO ORDER

A. APPROVAL OF AGENDA

Mayor Abraham called the meeting to order at 7:00 p.m., **Trustee Lewis** joined the meeting telephonically. **Trustee Homan** is representing the Village at the National League of Cities Conference.

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

VOTE: The motion carried, 3-0.

1.1 ORGANIZATIONAL MEETING OF THE GOVERNING BODY

A. BOARD OF TRUSTEE'S NOMINATION OF MAYOR PRO TEM.

MOTION: Trustee Rael moved to nominate Trustee Lopez to serve as Mayor Pro Tem. **Trustee Lewis** seconded the motion.

VOTE: The motion carried, 3-0.

B. PURSUANT TO NMSA 1978 § 3-11-5, VILLAGE EMPLOYEE SHALL BE APPOINTED BY RECOMMENDATION OF THE MAYOR AND CONFIRMED BY THE GOVERNING BODY AT THE ORGANIZATIONAL MEETING HELD EVERY TWO (2) YEARS FOLLOWING REGULAR MUNICIPAL ELECTIONS

1. CONFIRMATION OF APPOINTED VILLAGE EMPLOYEES

As provided in the Board of Trustees Packet:

- a) Kelly Ward, Village Administrator
- b) Tim McDonough, Planning & Zoning Director
- c) Stephanie Dominguez, Village Clerk
- d) Nancy Haines, Treasurer

MOTION: **Trustee Lopez** moved approval of the appointed Village employees as presented in accordance with NMSA 1978 §3-11-5. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 3-0.

- C. RECOGNITION OF PAST PLANNING AND ZONING COMMISSIONERS:
JOE CRAIG AND TIM TOURVILLE.

Mayor Abraham and Trustees expressed gratitude to Joe Craig and Tim Tourville for serving on the Planning and Zoning Commission.

- D. IN ACCORDANCE WITH THE VILLAGE OF LOS RANCHOS 2013 CODIFIED ORDINANCES CHAPTER 9 ARTICLE 2 SECTION 2 (A) MEMBERSHIP. THE PLANNING AND ZONING COMMISSION SHALL CONSIST OF SEVEN (7) MEMBERS WHO SHALL BE APPOINTED BY THE MAYOR WITH THE ADVICE AND CONSENT OF THE MEMBERS OF THE GOVERNING BODY:

1. PLANNING & ZONING COMMISSIONERS FOR 2018/2019:

- a) JOE BRAWLEY
- b) JEFF PHILLIPS
- c) TOM RICCOBENE
- d) LYNN EBY
- e) SANDRA PACHECO
- f) VACANT
- g) VACANT

Planning and Zoning Director McDonough stated there are two nominations to fill the vacant positions: Al Park and Andrew Seavey.

MOTION: **Trustee Lopez** moved approval of the Planning and Zoning Commissioners as presented. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 3-0.

- E. APPROVAL OF RESOLUTION NO. 2018-3-1 A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE REQUIREMENTS AS

REQUIRED BY THE NEW MEXICO OPEN MEETINGS ACT.

Clerk Dominguez said this resolution is required to be passed each year, the resolution outlines the public notice requirements for Board of Trustees Meetings.

Trustee Lopez asked if a quorum to call a special meeting is considered a violation.

Attorney Chappell stated since action is not being taken with respect to that purpose, the action would not be violating the Open Meetings Act.

Trustee Rael moved approval of Resolution 2018-3-1. **Trustee Lopez** seconded the motion.

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

VOTE: The motion carried unanimously, 3-0.

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 I would like to speak to the animal control ordinance, and I have brought this up before at other Trustee meetings. I let it be known that my family has been here since the inception of Los Ranchos. I was present at the meeting when the animal control ordinance was adopted, and I supported the animal control ordinance. I have been attacked by dogs in the Village, the Village is rural and agricultural oriented. I do question the ordinance, not necessarily the rulings, because ordinances are for purposes of protection. I have received three violations and one criminal complaint. I have one small chihuahua that belongs to me, and my daughter that lives with me has two toy australian aussies. We have the dogs confined. When my mom was passing my chihuahua followed me across the street to her house and I was cited. The court before Judge Maw is a formal court, I was not formally of aware of that. I have notified my neighbors when their horse or chickens were out. I do not want to think I am being profiled because I voice my opinions, and I also support what our Village represents. This last time I opened the gate and one of the dogs ran out, and one of the administrators caught the dog. The dog is licensed to my daughter, but I received the violation. If we cannot be friendly towards some things then what can we do, live under control, threat, or harassment.

Tony Kader, 6798 Fourth Street NW, said my issue is access for trucks to deliver gas to my business. I sent the Mayor a photo today (Mayor requested videos no longer be sent to him). It is a cut and dry situation, I do not want to lose my driveway on Fourth Street for two reasons: 1) that is where the gas truck comes in, and customers come in/out; 2) this is a safety concern, you do not want the gas truck going down Tyler. No resident wants a gas truck going down the road and backing into a gas stations, it is unsafe. Can

they back into a gas station, yes they can. Should they back into a gas station, no they should not. This gas station has been there since 1974, I have been there since 1987. It works fine the way it is, by closing my entrance to Fourth Street and making the gas truck back in, it is unsafe. Now, they put a new power pole on the corner, it is moved more outside of the street. The gas truck has to stop, back up, and turn more outside to clear the power pole. I did not realize that until the driver brought it to my attention. I know you are going to argue with me, I am here to tell you it is a safety concern and something bad is going to happen.

Leroy Pacheco, 704 Tyler Road NW, said I am president and CEO of the Loan Fund and we have a big investment in Los Ranchos. I have several million dollars of loans spread amongst businesses on Fourth Street. I am here on behalf of Tony with G&T Oil, where I get gas and repair my cars. I want to thank you and commend you on Maria Rinaldi, she has been extremely willing to take videos, share letters, and visit with Tony. We have visited with George and Mr. Radosovich, and there is already a sidewalk in front of G&T Oil with a forty-five (45) foot easement that Los Ranchos wants to fill in. This is reducing the access for delivery trucks, motor homes, and customers. Expanding the sidewalk will create a public safety issue. You can have the Mayor email you the videos that he does not want to look at (Mayor stated the videos have been provided). We feel this is detrimental to customers and vendors that use sixty (60) foot rigs to deliver fuel. I am asking the Trustees to talk and review the design to see if it does/does not create a safety issue and future liability for Los Ranchos. There will be a truck that will hit a power pole, I watched a sixty (60) foot truck go up and over a sidewalk. I would like the Trustees to visit with the design team, the public safety liaison, and Maria Rinaldi to review their opinions of reducing access.

Cindy Baca, Green Valley Meet Market, said I love being here, I was born here, my business is here, and I raised my family here. I do have a concern, my parking lot is small and I want to get answer regarding the twenty-four feet (24) feet. We had a meeting, but what was the outcome. (Administrator Ward said a letter was sent). I understand Dan's Boots and Saddles is getting two entryways. I want to leave mine the way it is. (Mayor Abraham said we will follow up with you).

Mayor Abraham said I will address this, we do have a lot of intelligent people designing the road. There is a lot of misinformation out there. I can assure you as a small business owner myself, we are not going to do anything to businesses that will impact them in a negative way. For the most part, we have received positive feedback. We are working on addressing the concerns raised by G&T auto. There are issues currently with the gas trucks using right-of-ways and other people's property. More than likely, G&T will have two entrances in the front and one on Tyler Road.

Barbie Padilla, Tyler Road, said I live on Tyler Road and it dead ends on the east side. The way the road is set up we have to go north to go south. The concrete is poured in the center, which impedes us from turning onto Tyler Road. (Mayor Abraham said there will not be a median on Fourth Street.) There is no place to U-turn on Tyler without going onto people's properties.

Shirley Berg, 371 Tyler Road NW, said we have a forty-foot (40) travel trailer and we travel often throughout the year. A second power pole was installed, which you seemed surprised by. There are electrical poles on the right and left side of the Tyler. When we turn, we have to use either the gas station or El Camino's property. (Mayor Abraham said the power poles were installed on PNM's right-of-way.) I have been here for forty-two years and the poles have moved within the last year. For you to look so appalled we are discussing this pole, there are many families that use the road. I love the Village, I have been here longer than Tony and George, his brother. My family owned property from Guadalupe Trail to Rio Grande. The power poles were not an issue before, now it is a problem with the way we have to turn. Our trailer has to be stored during construction. (Mayor Abraham said the road are designed to standards.) I understand the roads are designed to standards, however, the people designing the roads are not turning down them with a forty-foot (40) trailer and full-sized truck. My family can turn with the trailer, but if there is traffic, or if people are at El Camino we cannot return to our home. I would like for you to try turning onto Tyler with the trailer, so you can experience what we as homeowners are experiencing. The curbs and sidewalks are too narrow, it is removing the right-of-way. We live in rural Los Ranchos, and I have been here forty-two years. (Mayor Abraham said the right of the way is the municipal right-of-way.) Move out, this is our Village.

Tony Kader, said PNM did move the power pole and it is taller and more outside. She cannot make the turn and the gas truck cannot make the turn with the power pole. The video I sent today showed a new driver that almost hit the stop sign. Do I want a power pole in in my parking lot, no, but PNM moved all of the power lines and needed another pole to support the cables.

Mayor Abraham said we will review the designs and the power poles. If the power pole is in the wrong place, we will have them move it.

3. **PRESENTATIONS**

A. WASTE MANAGEMENT OF NEW MEXICO PRESENTED BY DAN DARNELL.

Dan Darnell, Waste Management, provided an update of the recycling industry.

*6. **FINANCIAL BUSINESS**

A. FY 2016/2017 VILLAGE OF LOS RANCHOS FINANCIAL AUDIT PRESENTED BY THAD PORCH WITH PORCH & ASSOCIATES LLC.

*Special Placement on the Agenda

Thad Porch, Porch and Associates, said the quality of work produced by the Village makes it extremely easy to conduct an audit. The Village received an unqualified, unmodified opinion, which is the best. Total liabilities for the Village are approximately

four million and total cash assets as of June 30, 2018 are eight million. Auditors are required to notify the Board of Trustees the following: the responsibility of auditors is to plan and perform the audit in accordance with governmental auditing standards, please review the financial statements as they contain important policies, and the Village's policies are clear, neutral, and consistent. The Village did not receive any findings during this audit.

MOTION: **Trustee Lopez** moved to affirm the audit was presented and received by the Board of Trustees. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 3-0.

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 – JANUARY 10, 2018 – REGULAR MEETING.

Trustee Lopez said at the last meeting I stated that I concur with the value engineering process, and to avoid future problems the audit control system needs to be the best it can be. I want the Village to know that there is significant testing that will be conducted during this project to ensure the highest level of quality.

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

VOTE: The motion carried, 3-0.

5. **REPORTS**

A. **MAYOR'S REPORT**

Mayor Abraham reported on the following:

- This last weekend 805 people attended the growers' market.
- The Village Easter Egg hunt will be held on Saturday, March 31, 2018.

B. **ADMINISTRATOR'S REPORT**

Administrator Ward reported on the following:

- The Village received an appropriation in the amount of \$200,000 from the state legislature for Fourth Street.
- I met with the New Mexico Finance Authority regarding re-financing the Village's current bonds.
- Spring break Farm Camp will be held at the end of the month.

C. **PLANNER'S REPORT**

Planner McDonough reported on the following:

- We are focusing on preparing an update to the Master Plan. We have been

working on accumulating population and housing data. We presented a draft of the data to the Planning and Zoning Commission. We are working on creating a master plan committee.

- We submitted the storm water reports, there were water violations downstream in Iselta. There are issues with pcbs, e-coli, and gross alfa. Issues with e-coli are challenging since birds are the biggest contributor.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- Reviewed and continuing to work on the Fourth Street property purchase.
- Working on developing potential agriculture leases with small farmers without going through the RFP process.
- The Village has pending litigation over the Unser Museum. There are questions regarding the transfer of the Unser Museum. The issue is that the New Mexico Department of Finance signed off on the transfer agreement, however, they are now stating that they are not bound by the agreement made by the previous administration.

E. PUBLIC SAFETY REPORT

Fred Radosovich, Public Safety Liaison, reported on the following:

- I meet weekly with staff and the District Commander with the Bernalillo County Sheriff's Office. I will be conducting an active shooter training with staff next week.
- According to Bernalillo County during the month of February: Fire Department responded to 108 calls for service; Sheriff's Office responded to 442 calls (121 traffic, 105 welfare checks, 29 - 911 hang ups, 28 alarms, 20 disturbances, 29 suspicious persons/vehicles, and 14 crashes). Traffic stops were broken down: 81 on Fourth Street, 21 on Rio Grande, 11 on Guadalupe Trail, and 5 on Chavez Rd.

F. FOURTH STREET PROJECT REPORT

Maria Rinaldi, Fourth Street Project Manager, reported on the following:

- Construction continues, the center turn lane is nearing completion with the exception of a couple of crossings. Crossings at Green Valley and Pueblo Solano will be closed for the next two weeks.
- The project office is open on Tuesdays from 10:00a.m. to 4:00p.m. We encourage residents to stop by and sign up for weekly updates.

6. FINANCIAL BUSINESS

B. CASH REPORTS– JANUARY AND FEBRUARY 2018

Treasurer Haines said the ending cash balance as of January 31, 2018 is \$7,883,317.35

which is an increase of \$219,889.58 for this month. The year-to-date deficiency of revenue over expenditures is \$309,886.32. The unusual or significant items were: a payment to the Bernalillo County Fire Department in the amount of \$113,300 for Fire and EMS services for the quarter beginning January 1, 2018; a payment in the amount of \$32,347.00 was received from the first payment of the fire protection fund grant.

A revised cash report was provided earlier today which includes the numbers from the investment pool. The ending cash balance as of February 28, 2018 is \$7,933,491.90, , which is an increase of \$50,174.55 for this month. The year-to-date deficiency of revenue over expenditures is \$259,711.77. The unusual or significant items were: payment to the Bernalillo County Fire Department in the amount of \$32,347.00, the amount of the fire protection grant received; a payment to the Depository Trust Company in the amount of \$59,652.50 for interest due on bonds.

MOTION: **Trustee Lopez** moved approval of the cash reports as presented. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 3-0.

7. **PUBLIC HEARINGS AND APPLICATIONS**

NONE.

8. **OLD BUSINESS**

NONE.

9. **NEW BUSINESS**

A. DISCUSSION AND APPROVAL OF RESOLUTION 2018-3-2 TO ADOPT THE VILLAGE CENTER PROJECT AREA METROPOLITAN REDEVELOPMENT PLAN JANUARY 2018.

Maria Rinaldi, Fourth Street Project Manager, said presented to Trustees is the final draft of the Village Center Project Area Metropolitan Redevelopment Plan (MRA). The public meeting was held on February 13, 2018, and the Planning and Zoning Commission recommends adoption. The MRA plan is based on a resolution passed in 2007, which is based on conditions of blight as identified in a study conducted by Sites Southwest. The MRA plan encompasses eighteen contiguous properties near the corner of Osuna and Fourth Street, and four contiguous properties near the corner of Osuna and Edgewood. The MRA plan has been reviewed for comments and editing by the Mid Region Council of Governments, the New Mexico Economic Development Department, and the Bernalillo County Economic Development Department.

Trustee Rael provided the following corrections: *remove Village Hall from potential*

uses; remove “the” in the last paragraph under Goals and Objective; revise the wording regarding the clock tower; under Property Inventory remove properties 3 and 4; remove Molina Healthcare under Market Information.

Trustee Lopez moved approval of Resolution 2018-3-2. **Trustee Rael** seconded the motion.

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

VOTE: The motion carried unanimously, 3-0.

B. DISCUSSION AND APPROVAL OF THE 2018 FARM PLAN FOR THE PASEO DEL NORTE OPEN SPACE BY ALAMEDA FARMS (DAVID MONTOYA).

David Montoya said not many things have changed since last year. There are some issues, we have encountered with regard to rubble on the some of the property. The well installed has been high functioning. My lease will expire in October of this year.

Trustee Rael moved approval of the 2018 Farm Plan. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 3-0.

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 9:25 P.M.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this **11th** day of **April 2018**.

ATTEST:



Stephanie Dominguez, Village Clerk