MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
APRIL 10, 2019
7:00 P.M.

Present:

Donald T. Lopez, Mayor
Mary Homan, Mayor Pro Tem/Trustee
Pablo Rael, Trustee
Allen Lewis, Trustee

Bob Perls, Administrator
Danielle Sedillo-Molina, Clerk
Nann Winter, Attorney
Tim McDonough, Planning & Zoning Director
Nancy Haines, Treasurer

Absent: NONE

Before calling the meeting to order, the Boy Scouts led the guests in The Pledge of Allegiance.

1. **CALL TO ORDER**
Mayor Lopez called the regular meeting to order at 7:04 p.m.

MOTION:	**Trustee Homan moved to approve the Agenda**
SECONDED:	**Trustee Rael**
CARRIED:	**Motion Passed 3-0 (Trustee Rael**-Yes; **Trustee Homan**-Yes; **Trustee Lewis**-Yes)

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/PROCLAMATIONS**

NONE

4. **CONSENT AGENDA**
There will be no separate discussion of these items. If discussion is desired, the item will be removed from the Consent Agenda and will be considered

separately.

MOTION:	**Trustee Homan moved to send the minutes back to staff for correction**
SECONDED:	**Trustee Rael**
CARRIED:	**Motion Passed 3-0 (Trustee Homan**-Yes; **Trustee Lewis**-Yes; **Trustee Rael**-Yes)

Mayor Lopez stated that the minutes will be resubmitted at the May 8th meeting.

5. REPORTS

MAYOR'S REPORT

Mayor Lopez reported on the following:

- Received a change order request from Bradbury & Stamm for the 4th Street project dated January 17, 2019, for $626,432.40, after the design team, Maria Rinaldi, had intense negotiation, we signed a change order dated April 8th, for $36,039.97, that is almost a $580,000.00 savings. Commended Maria for all her hard work.

ADMINISTRATOR'S REPORT

Administrator Perls reported on the following:

- Attending a four-day procurement course, upon competition, will be the Certified Procurement Officer.
- Switching IT vendors from Kiko to ABBA Technologies for day to day services. We hope to then use Prodentity to put in place the physical and cyber security.
- Consensus to serve on the MRCOG committee.
- Personnel and org chart need another few weeks to work through a personnel ordinance.
- Waiting for feedback from the State Economic Development team on the Film Policy.
- Re-focusing on Village Center, getting new appraisals, hoping to break ground in a year. Start the eviction process on the mobile home park, which could be a yearlong process.
- Working on the master right of way franchise agreements to make it easier to negotiate and working with Attorney Winter.
- Meeting with Susan Unser April 30th, to negotiate a settlement.
- Would like to attend the Board of Trustees closed meetings when it relates to personnel issues.

Mayor Lopez directed Mr. Perls to contact David Hudson on Monday to set up a meeting to find out what the Village needs to do in regard to the Lavender Festival.

PLANNER'S REPORT

Planning Director McDonough reported on the following:

- Major effort is the Master Plan, focusing on historic preservation and transportation. The next meeting is April 16th, on economic development and have invited all the businesses on 4th Street.
- Meeting with the Master Planning Committee twice a month, then will go to every two weeks. The goal is to have an open house on June 29th from 9-1.

LEGAL REPORT

Attorney Winter reported on the following:

- Introduced herself and who her firm represents.

PUBLIC SAFETY REPORT

Public Safety Liaison Radosevich reported on the following:

- Meeting weekly with staff and Mr. Perls about what is going on in the Village.
- Worked with Maria on traffic issues and had them resolved quickly.
- Working on Village Hall and Agri-Nature security plan.
- Bernalillo Co. Sherriff's Dept. has received 629 calls; 197 of those are traffic stops in the Village.
- Bernalillo Co. Fire Dept. Town Hall, on April 18th from 6-8.
- Have a meeting set up on April 30th, to discuss fire inspections, what's required and who pays for them. By the ordinance, it requires a resolution indicating payment and frequency of inspections.
- Speed Boards have been set up in various locations.

FOURTH STREET PROJECT REPORT

Project Manager Rinaldi reported on the following:

- Construction activities are continuing on East Side, it is complete, but for a few punch list items.
- For safety reasons, the on-street parking on the east side will continue to be closed until a center median is open.
- Some concerns are still being worked on by the design team.
- Construction will begin on the westside, as scheduled April 8th, as promised by the contractor.
- Signage to be removed and notified all the owners what is to be salvaged and what is to be returned to the owners.
- Discussed all the change orders regarding 4th Street project and are all caught up to date. Providing rounded numbers, all change orders totaled $508,000.00, and an additional 109 days, takes us to approximately July 18th. The original contract was $5,864.000.00, with all the new items based on the re-design, approximately $192,000.00, with all the change orders from the beginning of the project totaling through change order twelve, $1.1 million. The total contract cost at this time, $7,232,642.00, with a project ending date of September 24, 2019. Adds an additional 276 days that

AGRI-NATURE CENTER REPORT

Program Manager Whitney reported on the following:

- Signage for the Larry P. Abraham Agri-Nature has been put up.
- Twelve master gardeners are volunteering at the center.
- An average of twenty-five people attending the agriculture classes since the beginning of January.
- The fields are being prepped for Lavender, the plants should be arriving in May.

6. FINANCIAL BUSINESS

A. CASH REPORT-MARCH 2019

Treasurer Haines reported the ending cash balance March 31, 2019, is $6,616,833.79, which is an increase of $160,591.67. Year to date deficiency of revenues over expenditures of $565,575.34.

- Small Cities Assistance Grant; $390,275.80 that is $230,000.00 more than our budget, and $258,572.00 more than the prior year.
- Total paid on the 4th Street Project $352,179.39

Mayor Lopez asked if there is a motion to approve the Cash Report

MOTION:	**Trustee Lewis moved to approve the Cash Report**
SECONDED:	**Trustee Rael**
CARRIED:	**Motion Passed 3-0(Trustee Rael**-Yes; **Trustee Homan**-Yes; **Trustee Lewis**-Yes)

B. DISCUSSION OF THE TAX AND REVENUE GROSS RECEIPTS TAX LAWSUIT UPDATE

Treasurer Haines reported that this is an update on the pending lawsuit resulting from municipalities that are suing the New Mexico Taxation and Revenue Department. The state proposed to provide the Village with a "V-9" report, this report would agree to our distribution report we have been receiving every month. The individuals using this report would have to take a confidentiality training and sign a confidentiality agreement. A major condition is that we are not allowed to confront any business about the information that we receive from the State. Village personnel, along with Attorney Chappell met and came to a consensus that we would work with TRD rather than join the lawsuit. Attorney Chappell concurred with the decision, and the Village would continue to reach out to Village business and any contractors coming into to the Village and make sure they are using the Los Ranchos code when submitting their CRS1 forms. In the future, we could reach out to our local legislator's and the New Mexico Municipal League to draft

legislation between TRD & the Municipalities so that there is more transparency in the collection of gross receipts revenues.

Mayor Lopez commented that it was wise that we work with the State and not be adversarial.

Trustee Homan commented that from her perspective, we were offered what has been rejected by other cities, because they have tried to work with the State Taxation and Revenue for over several years and that we have been given false hope.

Trustee Lewis inquired if they are answering any of the questions?

Mr. Perls commented that his impression was that what we are being offered is more detailed reporting capabilities. We need to be sure on big projects, that the locator identifier is correct and that they are paying Los Ranchos tax and not paying Albuquerque tax instead. I continue to think this is the right decision.

Trustee Homan asked if there was any provision of any back taxes that may be owed?

Treasurer Haines responded, we can go back into time to see what was going on, but they are unsure of the exact amount of time. The municipalities requested to go back ten years in all of the various reports. This is not going to be over for a long time.

7. PUBLIC HEARING AND APPLICATIONS FOR APPEAL

NONE

8. OLD BUSINESS

A. DISCUSSION OF THE PROCESS TO NOMINATE QUALIFIED ELECTORS TO FILL THE VACANCY OF A GOVERNING BODY MEMBER UNTIL THE NEXT REGULAR MUNICIPAL ELECTION IN ACCORDANCE WITH NMSA 1978 §3-12-1.

Mayor Lopez stated that he decided to start the process all over again, reading the following press release:

PRESS RELEASE

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE

Mayor Donald T. Lopez is seeking interested qualified electors to fill a vacancy on the Village of Los Ranchos Board of Trustees. The vacant position was created by the appointment of former Trustee Don T. Lopez, when he filled the unexpired term of Mayor Larry Abraham, who passed away on May 5, 2018.

In accordance with New Mexico statute NMSA 1978 §3-12-1:

> Any vacancy on the governing body of a mayor-council municipality shall be filled by appointment of a qualified elector by the mayor of the municipality, with the advice and consent of the governing body.

The law also requires that the term of the appointment will expire December 31, 2019. Any qualified elector appointed by the Mayor to fill this vacancy on the governing body shall serve until the next regular local election, which will take place in November 2019, the term will then fulfill the remaining two years of the vacancy.

A "qualified elector" means any resident of this state who qualified to vote under the provisions of the constitution of New Mexico and the constitution of the United States in accordance with NMSA 1978 §1-1-4.

Interested qualified electors are requested to submit the following:

- Letter of Interest
- Resume
- Certified Voter Registration; registered to vote in the Village of Los Ranchos
  (Obtained from the Bernalillo County Clerk's Office located at One Civic Plaza NW, 6th Floor Albuquerque, NM 87102; Monday-Friday, 8:00 am-5:00pm.)

Submit the completed packet to the Village Clerk by email; dmolina@losranchosnm.gov or 6718 Rio Grande Blvd. NW Los Ranchos, NM 87107 no later than April 30, 2019.

Mayor Lopez stated however many qualified electors come forward, he will invite them to come before the Board of Trustees and make a short statement. Thereafter, allow Trustees to provide, along with assistance from our Village Attorney, advice and consent.

9. ANNOUNCEMENTS

A. **NONE**

10. NEW BUSINESS

A. APPROVE REHAB TO VILLAGE HALL AND THE AGRI-NATURE CENTER AND COSTS ASSOCIATED WITH EACH

Mr. Perls reported this is to wrap up a $165,000.00 appropriation, the remaining amount of $63,000.00, to spend the remaining money to fix up the Ag Center, fix the roof, paint walls, to make it look better.

Trustee Lewis requested that Mr. Perls go into more detail.

Mr. Perls responded that he has pictures to circulate, but the roof needs replacing and remove the parapets on the inside patch and paint, remove carpet, and other items as required, and it will stabilize the structure.

Trustee Homan asked if we really need to do an approval on this? Didn't we give approval already?

Mayor Lopez clarified that it was approved but did not include the approval of the details. We need to obligate the money before the end of the fiscal year.

Mr. Perls further clarified that we need to do this because part of the audit from the State requires authorizing the final portion of the legislative appropriation.

Mayor Lopez asked for a motion to approve

MOVED:	**Trustee Rael moved to approve to spend the $63,000.00**
SECONDED:	**Trustee Lewis**
CARRIED:	**Motion Passed 3-0 (Trustee Rael**-Yes; **Trustee Homan**-Yes; **Trustee Lewis**-Yes)

B. RENEWAL OF MEMORANDUM OF UNDERSTANDING (MOU) WITH PALINDROME COMMUNITIES, LLC, A NEVADA LIMITED LIABILITY COMPANY

Mayor Lopez stated for the record, Trustee Rael recuses himself from any decisions on Item B.

Mr. Perls reported that this does not alter the MOU at all but extends it for another 90 days.

MOVED:	**Trustee Homan moved to approve the MOU**
SECONDED:	**Trustee Lewis**
CARRIED:	**Motion Passed 2-0 (Trustee Rael**-Recused himself; **Trustee Homan**-Yes; **Trustee Lewis**-Yes)

11. TRUSTEE INFORMAL DISCUSSION

Trustee Rael mentioned that the tree out in front of the building has deteriorated and needs to be updated.

Trustee Homan requested that we return back to the regular format of the agenda packets.

Mayor Lopez suggested to seek some professional help from our Attorney.

Attorney Winter responded that she saw that there were missing transitions and took comments on the minutes to heart and it will take thirty minutes to see what type of minutes are adequate under the Open Meetings Act.

Trustee Lewis mentioned that he had three items he would like to discuss; 1.) Addressed the property on Green Valley and convert it to capital. 2.) Dust the Trolley off and take the Trustees, Planning and Zoning and anyone else would like to ride, to drive around and see some of the things in the Village, cluster housing and the housing needs and how the Village fits in. 3.) At some point we should have an informal retreat, so we are fully up to speed on the Master Plan before it comes before the Board.

12. ADJOURNMENT

The meeting was adjourned at 8:34 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque on this 8th of May 2019.

ATTEST:

Danielle Sedillo Molina

Danielle Sedillo-Molina, Village Clerk