

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
Wednesday, August 14, 2019
7:00 P.M.

Present:

Mary Homan, Mayor Pro Tem/Trustee
Allen Lewis, Trustee
Pablo Rael, Trustee
Tom Riccobene, Trustee

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

Absent: Donald T. Lopez, Mayor-Excused

The Boy Scouts led the guests in The Pledge of Allegiance.

1. CALL TO ORDER

Mayor Pro Tem Homan called the regular meeting to order.

Mayor Pro Tem Homan announced that the Financial Report will not be presented due to some discrepancies in the report, it will be presented at the September Board of Trustee Meeting.

MOTION: Trustee Rael moved to approve the Agenda as modified.
SECONDED: Trustee Riccobene
CARRIED: Motion Passed 3-0 (Trustee Lewis-Yes, Trustee Rael-Yes; Trustee Riccobene-Yes)

2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT]

(SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER PUBLIC COMMENT ON AN ITEM THAT IS NOT ALREADY ON THIS AGENDA)

Diane Albert, 820 Ranchitos Road NW:

- I. Discussed making the Village of Los Ranchos a bicycle friendly community; provided a handout with information.
- II. Spoke about a crash that occurred in July on Ranchitos Road and mentioned the dangers of speeders.

Joe Craig, 505 Calle Del Pajarito NW:

- I. CDP Neighborhood Association will be meeting with the Mayor, Village Attorney, and Public Safety on September 7th.
- II. Spoke about a complaint he made with the Judicial Standards Committee regarding Judge Bob Maw.

John Edward, 16 Applewood Lane:

- I. Complimented the Village on the speed of how 4th Street is progressing.
- II. Spoke about owners taking care of their property and keeping it maintained, specifically the NW corner of Ranchitos Road and 4th Street.
- III. Discussed that cell phone service/coverage in the Village needs to be dramatically improved.

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.

A. MINUTES-JULY 10, 2019-REGULAR MEETING

MOTION: Trustee Rael moved to approve the consent agenda.
SECONDED: Trustee Riccobene
CARRIED: Motion Passed 3-0 (Trustee Lewis-Yes; Trustee Rael-Yes, Trustee Riccobene-Yes)

5. REPORTS

MAYOR PRO TEM REPORT

Mayor Pro Tem Homan reported on the following:

- Discussed her involvement with a number of activities with the Municipal League on behalf of the Village.
- Reported that it is key to participate in the 2020 Census.
- The Vision Magazine name will be renamed back to The Los Ranchos Village Vision.
- Reported on the results of the 2019 National Senior Games.

- Received compliments from Trudy Jones, Albuquerque City Councilor and David Campbell, Rio Rancho City Manager, on how well the Lavender Festival was run and that they both enjoyed it thoroughly.

ADMINISTRATOR'S REPORT

Mr. McDonough reported on the following:

- Tammy is working on submitting all information on the final budget to DFA, along with preparing schedules for the upcoming audit.
- Working on the RFP for Legal Services, hoping to get that advertised next week and releasing the RFP the following Monday.
- Continuing talks with the managers of Triple A Storage, hoping to get that resolved and that they will continue to stay on.
- Held a Special Meeting on July 31, 2019, to allow filming in the Village once again.

PLANNER'S REPORT

Planner Justice reported on the following:

- Working with COG to develop maps for the Master Plan and are in the final stages and the comment period and a call for photographs is over. A working session is scheduled on Friday, August 23rd. Thankful for everybody's involvement in it.
- Dominic Tomba is now the Code Enforcement Officer and Animal Control Officer and is working with Keen to expand his knowledge of the code.
- Jennifer Schilling is working on a system for 2021 to manage Business License renewals.
- The tourism section of the Village website is now "live" under the commerce tab.

Trustee Lewis asked what happens with the Master Plan after the meeting on the 23rd, what is the timetable, what happens after that point?

Planner Justice responded that it will go to the Planning and Zoning Commission agenda for any revisions then the Board of Trustees soon after that.

Mayor Pro Tem Homan asked about if businesses need an update on the website, do they contact you? Who do they contact?

Planner Justice responded that they can contact her if they just call the Village or email through the Village website.

LEGAL REPORT

Attorney Winter reported on the following:

- Followed up on questions raised from Trustee Rael from the July 10, Board of Trustees Regular Meeting:

- *Question:*

What would happen to the two-year seat if no valid candidate appears on the ballot?

- *Answer:*

If no one were to run for the two year vacancy on the board, New Mexico Election Law dictates that the current appointee's term would expire at the end of the year and a new appointee would have to be nominated by the new mayor, and approved by the board after the election. So, the seat would be vacated and the new board, new mayor would appoint in the same manner that Trustee Riccobene was recently appointed.

- *Question:*

Could the current appointee continue to hold office?

- *Answer:*

If no valid candidate appears on the ballot, the answer would be no, unless the mayor recommended his appointment for the vacancy.

PUBLIC SAFETY REPORT

Public Safety Liaison Radosevich reported on the following:

- Continue weekly meetings with Staff.
- Meet or speak with Captain Sharp regularly.
- Attended an HOA meeting with Mayor Lopez and María Rinaldi.
- Possibility of placing a permanent speed board on 4th Street, the north end of the Village limits going southbound.
- Fire Department Stats: January-July 2019; Total Calls-819, of those calls, 493 were in the Village.
- Sherriff's Report-714 calls, 215 of those were traffic stops, with most of the traffic stops occurring on 4th Street in the construction zone.

PROJECT'S REPORT

Project Manager Rinaldi reported on the following:

- Following activities are complete: All of the right of way sidewalks, parking stall curbs, driveways, patios and sidewalks in the promenade area.
- Electrical irrigations and drainage on 4th street is now complete.
- String light poles with three of twelve sets of lights operating as of last night.
- Removing trees that were affecting line of sight and possibly relocate them to another Village property.
- As of today, without gross receipts tax, original contract amount is \$5.863 million, change orders total \$1.3 million, total contract cost without the pending change orders is \$7.172 million, paid the contractor to date is \$5,396.000.000, the balance of the contract is \$1.775 million.
- Contract end date of September 24th.
- Status of the application submitted for the Department of Transportation's local government road fund; the Village unfortunately did not make the list.

Trustee Lewis asked when it's a design flaw how is that handled?

Ms. Rinaldi answered that the Village submits all change orders to the New Mexico Department of Transportation for review and approval for expenditure of project monies. At the end of this project, we will be subject to an audit and they may or may not determine that we need to have some discussions relative to cost of design/redesign issues. But the way it is now, change orders are handled as per the contract and they are an expense of the Village of Los Ranchos.

Trustee Rael stated that it seems like it is a design error.

Ms. Rinaldi responded, we have lots of documentation based on what the changes are and why they were required and that's the question that we needed to have a serious discussion about.

AGRI-NATURE CENTER REPORT

Program Manager Whitney reported on the following:

- Second phase of planting lavender at the Agri-Nature Center.
- Next Monday 5:30-7:30 pm, we will have our first meeting of aligning our AgriFuture with NMSU.
- Posted a job position for farm/grounds worker at the Agri-Nature Center.
- Students that attended Camp Innoventure sold their products at the Grower's Market, which was a successful event.
- Saturday, August 24th, Los Ranchos tree training program, starting with fruit trees from 9:00am-noon.
- Herbs class on August 21st from 6:00-8:00 p.m.

6. FINANCIAL BUSINESS

A. CASH REPORT-JULY 2019

Deferred to the September 11, 2019 meeting.

7. PUBLIC HEARING AND APPLICATIONS FOR APPEAL

- A. APPEAL OF BB #550 AND CU-12-03 – AN APPEAL OF THE JUNE 11, 2019 VILLAGE OF LOS RANCHOS PLANNING AND ZONING COMMISSION DENIAL OF AN APPLICATION BY MARIA C. MONTOYA FOR A BED AND BREAKFAST PERMIT AS REQUIRED BY §9.2.25(E)(1) AND CONDITIONAL USE REQUEST TO RENT THE GUESTHOUSE IN THE A-1 ZONE OF THE NORTH RIO GRANDE CHARACTER AREA. THE PROPERTY IS LOCATED AT 8650 RIO GRANDE BLVD. NW AND IS LEGALLY KNOWN AS LOT A1 PLAT FOR LANDS OF ANNIE ROBERSON LOTS A-1, D1 AND D2 WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTIONS 16 AND 17, T. 11 N., R. 3 E., NMPM VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW**

MEXICO, OCTOBER 1996. THE PROPERTY CONTAINS 1.6 ACRES MORE OR LESS.

NOTE: THE PUBLIC HEARING IS VERBATIM

Mayor Pro Tem Homan: This is an appeal of record, meaning that the decision of the Board of Trustees will be based on the appeal packet included in the agenda packet. The parties are not allowed to relitigate or start from the beginning of the denial of the application for a bed and breakfast. The parties are just to represent the evidence supported and the stated reasons for the appeal. So, we're not rehearing the entire appeal. We have a record already, but we do want to hear why you are coming to the appeal.

(Attorney Winter swears in Acting Administrator, Mr. Tim McDonough and Mr. Kristopher Houghton).

Mr. Houghton: Mayor Pro Tem and Trustees, I'm Kristopher Houghton I live at 8650 Rio Grande Boulevard, and I'm actually the designated representative. My wife is the one who is the property owner and is, is applying and has filed the appeal. I filed it, but in her name and we executed the designation of representative. I did want to tell you that most of the people that spoke at the commission are here with the exception of a very important member of our family, David Montoya, who is been hospitalized today, this afternoon and I know he really wanted to be here. He's having some heart issues that needs to be hospitalized over the night. So, my wife just came from the hospital, Maria Montoya, but the rest of us are still here, Sheree Montoya, Felicia Montoya and her husband Marcus Wall. And then my boy and, and their girl Eva. And I know that our neighbors are also here who spoke in opposition of the application before the commission and my understanding of the rules is that everybody who spoke before the commission would be given an opportunity to speak here. I'm hearing what you're saying, which is it, it sounds like you only want to hear from the person.

Mayor Pro Tem Homan: Ms. Winter, can you give us an opinion on that?

Attorney Winter: You spoke to it accurately, this is an appeal of a record that's already been created, so therefore there will be no, re-litigation, no re-argument or no re-presentation of the things that were presented back in June, so you had it right.

Mayor Pro Tem Homan: Please present the grounds for your appeal.

Mr. Houghton: Sure. And I just wanted to check with the, the board if it received, the brief that we filed in this case along with the exhibits that we

filed. I think it was 25 pages or so notice of appeal with I believe 16 exhibits. I'm seeing yeses from all of you, so let me summarize what we're here. Let me just say this, I'm, I'm very impressed by the Village. It's ordinances, this system that it's provided. It's the first time I've really experienced this municipal process. I don't practice in this area at all. So, it's the first glimpse of it. I am a lawyer and Diane Albert was my classmate in law school and I, and I wanted to start with saying that the hallmark of our legal system is really consistency, transparency and impartiality and kind of experiencing all those things with the Village here through this process. The procedures that were enacted, the ordinances that I'll describe more fully in that were briefed for you and that are really the heart of what the board has to decide tonight are transparent, but clear and they're easy to follow and I appreciate that. We just hope for an impartial application of them, the Village IPRA process has been extraordinarily easy. The website that I heard you mentioning is very easy to navigate and it was very easy for us to ask the Village for records pertaining to previous bed and breakfast applications and times when the Village has approved the very thing we're asking for. Some of those were made as part of these, the exhibits that we submitted. A second round of IPRA requests was done after the decision by the commission and those, those records were not received until after we filed our notice. And there's really only four of them that, that the board would care about and that there are all the Village records. I'll get to those, but I just wanted to say that we appreciate the IPRA process. I know it's not easy on people who get IPRA requests, but that was extraordinarily fast and I'm sure it comported in every way with, with the statutes and, and really the heart of our, our argument here on appeal is, is we're asking you for that third prong of our legal system, which is consistency. We, we simply want the Village to give us the same consideration that it gave the Alameda House, which is just north of our house, less than a quarter of a mile up the road on Rio Grande. Back in 2012 there was a different director for planning and largely a different commission, but Mr. Lewis and Ms. Albert were both on the Board of Trustees at the time when the Alameda House was being proposed, the, which is also an exhibit.

Trustee Lewis: Incorrect, we were on Planning and Zoning.

Mr. Houghton: But as you can tell, I'm unfamiliar here, but, let me clarify the planning and zoning commission and I probably incorrectly referred to it before then, but what I meant to say was we were before the commission before and in 2012 and The Alameda house was, was submitted for the same consideration, which was a guesthouse being rented as a, as a bed and breakfast. Mr. Lewis and Ms. Albert were both on the commission, that application was reviewed by a different director for planning and zoning, am I getting that right? And she recommended and we've, we've briefed this, and we've also submitted this as an exhibit, but I'll, I'll just read from it briefly. She recommended approval, the commission ultimately did approve it, but

I wanted to read to you what, what the commission said in that case and what the director said. So, when the director received the application for the Alameda House for a guesthouse, a approval for a bed and breakfast, the director noted, and this is a direct quote and I, I think we referenced it as exhibit 11. Quote property is a perfect location and site for a bed and breakfast located on the northern most edge of the Village. Access to Alameda Boulevard is only minutes away ideal for balloon fiesta recreation that the Bachechi open space and west side shopping, that was the recommend recommendation from the director of planning and zoning at that time. And the commission, which included Mr. Lewis and Ms. Albert, voted in favor in the motion, that application was also opposed by neighbors. There was a neighbor who spoke against it. If the board looks at the Board of Trustees looks at the minutes that we'll see that it'll also see in the material, a letter written by another neighbor who also opposed it for similar reasons. They didn't want a business or a bed and breakfast there, but ultimately the commission did vote five zero in favor of it and made the following findings, one of which is pertinent in our application, several actually, but one that I'll underscore the property's currently zoned A -1 is within the north Rio Grande character area. Bed and Breakfast's establishments are an allowable use in the A-1 zone under Ordinance 183 as amended section 24- E-8-A, the application was public notice per Ordinance 183 and the application meets the 2020 Master Plan overall Village goal 1.2.2, which is the point I wanted to underscore, the goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle. So, we, we applied of my, my wife as, as the property owner to rent our guesthouse in, in a similar way. We're also zoned A-1, and if I could just take a second to kind of walk you through the ordinances here, as I said, they are clear, but they are ordinances after all. So, the starting point as I briefed here on page 11 of the Notice of Appeal really just talks about how statutorily the state of New Mexico has granted certain powers over property, zoning and ordinances. And then the Village of Los Ranchos has, has taken that authority and enacted certain Village ordinances with respect to zoning and with respect to use of guesthouse so I'll just walk through those briefly. So, Village Ordinance Section 9.2.7-B provides the permitted uses for A-1 zoning, which include many things. So, displaying and sale of agricultural products, accessory building structure or customer use incidental to garages, barns, corrals, animal pens, many things. I won't list them all for you now and, and also the Village ordinance, it in I guess outlined A-1 zoning conditional uses that's at 9.2.7 subsection C. Those conditional uses are what we are applying and asking the board here to do and I mis-numbered it here, but it's number five that applies to us, there childcare facilities, places to worship and other things that people can ask the board to do. We're in the category of guesthouse or additional dwelling and that decision about whether to you, whether to grant to someone in A-1 zoning, the ability to use a build and use a guesthouse is governed by another

ordinance which was done in this case. And, and probably the easiest thing for me to do is to reference you to the planning report that Mr. McDonough prepared in this case, which we didn't have until after the commission decision, but we received it as part of the IPRA request. This is a report that Mr. McDonough wrote on April 16, 2019, and he goes through some of this analysis and acknowledges that, a guesthouse has been approved previously by the board. That was I think a 2012 decision.

Mayor Pro Tem Homan: Was this part of the record that's already been established? Or are you introducing new material?

Mr. Houghton: Mayor Pro Tem the, so apart from exhibit 16, this, I'm calling exhibit 19. This is a report that the commission had before it, before it made its decision. So, this is part of the commission's decision. It wasn't one of my exhibits, as far as our application, but it was something that the commission had before it. These are all just Village records. I'm not introducing any of our own at this point. So, Mr. McDonough in his report acknowledged that a guesthouse was approved for the property. That was a decision I believe made by the commission, the zoning planning and zoning commission in 2012, and part of a guesthouse usage. So, the, the Board of Trustees can find that analysis in report number PZ-19-10. That's an April 16, 2019, report Mr. McDonough prepared. Anyway, the guesthouse that was approved, you gotta look to whether or not, well let me get at it this way. The ordinances for the Village restrict the way a person can use a guesthouse, so that says that, and this is 9.2.7 C5 and this really gets to the heart of what the board must do in this case, occupant should not be charged rent unless an explicit conditional use allowing your rental has been approved by the commission. So, the explicit conditional use is what we're asking for, because otherwise you cannot rent the guesthouse. That's what the Alameda House asked for back in 2012 and the commission granted it, that's what other places have asked for including what's included as an exhibit here, Adobe Gardens and other places. We also asked the Village to provide to us bed and breakfast permits, several of which appear to be guesthouses are called Casita. Adobe Gardens has several separate buildings that they rent, so the Village can do this. There's an ordinance that allows you to, you've got to grant an explicit conditional use though, and that decision is driven by 9.2.25 E, and it authorizes the commission or the board on appeal to approve bed and breakfast with facilities in all zones of the Village. With initially approved permit and license and providing the premises. Now I won't read all this, but there are several requirements to receive that explicit, explicit conditional use, grant and those I would ask you to look at Mr. McDonough's report. There was a, the back page of that report, has findings for approval and, and Mr. McDonough's report, I think is helpful. He notes his department recommendations and findings and he says there are reasonable argents to be made on both sides of the discussion about whether to grant the approval. And then the last page, he

includes findings for approval and he notes that our application, for the Sweet Pea Bed and Breakfast meets all the requirements, so he lists them out one through 12, but ultimately Mr. McDonough says that this is a policy decision and I think what they were recommending, the commission, I'm not realizing maybe that precedent had already been set by the grant of the Alameda House and other places, that this was really a policy decision. I think everybody wanted the board to decide it, because what you'll see in the exhibits that we reference in the notice of Appeal, is that the commission really made no findings of fact at all about our house or how it's distinct from the Alameda House. They simply said that this is isn't allowed under the ordinance, which of course is, is not accurate as I've just walked you through the ordinance, you can approve these explicit conditional uses and there's an ordinance that drives that, which Mr. McDonough goes through each of the 12 requirements and says, you know, we've met them all. There's reasonable arguments to be made on both sides and kind of defers to the board because in his view this could set precedent. So let me talk to you briefly about the precedent, I mentioned it briefly before, but the Alameda House and I, I don't know how familiar you are with the area, but north Rio Grande, just before you hit the Bachechi Park on the west side of the road, on the northern most edge of the Village, there is a, as a house and that's the Alameda House. The Alameda House is something that the Village, you know, is proud of and puts it on its website, place to stay in a home away, you know, home away from your home. Something that, you know, we're proud of as a Village to have people come and stay and enjoy what Los Ranchos has to offer. About four or five houses south of that same road, just the other side of the street, we're on the east side is our house, we're both approximately 1.5 acres. I think ours is a little more, it says 1.6 more or less. There's, as I understand it from the application was 1.5, both applicants, us and Alameda House live in the main residence and there's a guesthouse which we're asking the, the Trustees at this point to approve, to allow us to rent it as a bed and breakfast similar to what they do. There's a separate guesthouse that they rent, and I think they've posted on several sites. They may be, they may use, air. I know they use Airbnb. They may use Vrbo as well, and they may just advertise it on a website as well, and then they, of course, you can find it on the Village's website. Adobe Gardens is, is a similar case, although it's in another part of the Village. So that's sort of on Guadalupe Trail and Chavez, so much further from us, but similar in that as I understand it, that the, the people who run the, the bed and Breakfast in the guesthouse live in the main house, and so really under the ordinance, if you look back at that, because I think that's where you have to, look to, to make this decision. So, this is on page 15 here and it's at the top. I don't expect anyone to remember all this, but Village Ordinance section 9.2.25 subsection E-2 says quote, a conditional use shall be approved to allow conditional uses delineated in this zone if the following findings are made. And then it goes on to say conditional use shall be approved only if in the circumstances of the particular case and under

conditions imposed. The proposed use will be in conformance with the master plan and we'll not be injurious to adjacent property, the neighborhood or the community. And for reasons stated on the record, both in the application and people making public comment, we argue that this is in conformance with the master plan. The first thing we point to is that the decision of the Commission in 2012 for the Alameda House, which cited I think it was Master Plan a Section 1.2.2, which I quoted to you at the beginning. So, when, when the commission made its decision in 2012 as to the Alameda House, just four houses north of us, it said it was in line with the Master Plan. And that's the 2020 plan, which we're still operating under, although I understand they're, they're making modifications now and, and it will not be injurious to adjacent property, the neighborhood or the community. We're in the same neighborhood, we're in the same community, whether it's injurious to adjacent property, I think was some subject of debate before the commission. There were people, our neighbors, the Reedy's, who spoke against the property and I know they would like an opportunity to speak, but, but I've kind of tried to summarize as much as I could about what was brought up at the hearing in the brief and as far as I know, nothing in the record suggests that there was an actual injury to any property, it was just that, they didn't like having people using the guesthouse. And I really think that was more about the guesthouse being approved at all because of course under the ordinance and the approval of the, the commission, we have built a guesthouse, not us personally, we purchased the property after it was built. It's a properly approved and, and, legal guesthouse. So, we can use it every day of the week for friends. The only difference here is, is can you rent it to someone? And so, I, I think you could actually just, there's a function on Airbnb where you can allow people to stay who are displaced as long as you don't charge them rent. I think that that would be in accordance with the Village's Ordinances. And so, from our perspective, there's no difference in the usage of the property, we will rent to people in the way that we've applied before the commission, which is to have, some type of for like Airbnb, which looks into people and there's a rating system for that. We're of course careful, we have three kids, we live on the property, we have a nine-year old, seven-year old and a four-year old. And so, and we live there. And so, these are people that we check in with and wouldn't be any different from, from us just allowing people to use the property. The, the ordinances that drive this really put the Village in the position of control because every year, the person who's operating a bed and breakfast has to come back and ask you for renewal. So I suspect that if complaints or there was actual injury or something dangerous happening at the property, you would get complaints and that would be part of the record when it came time for us to pay our fee in and say we would like to have another year to operate the bed and breakfast and, and really that's, that's all I have unless you have questions for us. That's, that's really the sum of our arguments. If the board wants to know why we want to do this, we're trying to run a, a side business with our kids that we anticipate them

helping us clean and kind of managing the money and the money will be for their education. And so, it's a way for us to use our property because it's not good for a guesthouse to sit. And it's also a way for us to kind of instill some of the business lessons, stewardship that we hope to pass on to them. So, unless you have any additional questions, I know people would like to speak in support and in opposition, but, that's the board's decision and you only have so much time.

Mayor Pro Tem Homan: Mr. McDonough, will you please present the defense of the denial of the application for the bed and breakfast on behalf of the Village?

Mr. McDonough: Thank you Mayor Pro Tem, Trustees, I'd like to first correct some incorrect statements, but I think go right to a lot what the appellant spoke to the Alameda House never had a, an approved guesthouse, never received a conditional use for a guesthouse. That's important because it's within the conditional use for a guesthouse where the language is that it cannot be rented. So, there are people that have accessory buildings, that have casitas, the rules, the, the issue is that the Village of Los Ranchos, the residential properties are single family dwelling properties. And so, what creates the dwelling is that it's fully functional for living. It's got a kitchen, bathrooms, bedrooms, all of the above that makes it a dwelling. So, you can have a house and have a separate building that's a couple of bedrooms, that is a sewing room and an art studio, these are all accessory buildings. And so I would not argue that there might be some of those operating as B and B's, and we've discussed this in the past. However, just to state that, the, the Alameda House is the same and that it had, it was a guesthouse that then got a license to be a bed and breakfast is incorrect. It was never approved for conditional use for a guesthouse that is that we can discuss for a long time how that came to be. But that was prior to my being here, but that never received a conditional use for a guesthouse, the other one that was mentioned, the Adobe Gardens, if you go back and look at the record, that they came in and applied for a bed and breakfast, then they wanted to move that bed and breakfast into a separate building, that they had had since 1993 I think. That again was not approved for a conditional use for a guesthouse. At that meeting where they approved it for a bed and breakfast, they also approved it as a guesthouse to make it legal. But at the time, in 2002, the prohibition on renting a guesthouse didn't exist. That prohibition only came about in 2003. So, for the, for the, the Adobe Gardens, they, the commission felt that it was best to recognize it as a guesthouse and then approve it as a bed and breakfast because we didn't have that prohibition of renting guesthouses. So, to say that these are the same situation, they are not, I am not aware of any time, any, any approved guesthouse that has been granted a bed and breakfast permit. Since the law changed in 2003, the prohibited the rental of the guesthouse, so I don't think there has been a precedent set and that was clearly my concern when

I wrote my report. I'd also point out, I did list all of the requirements for a, a bed and breakfast, but I did not, I did not make any judgment on whether they complied with all those, all those conditions or not. They're merely listed like we always list the conditions in a report. So, so the issue becomes this is really, the first that I'm aware of that has been approved because its guesthouse with the condition of it cannot be rented. That is coming now up to us to have a bed and breakfast to allow it to be rented, short term rental. And, and clearly, my concern is, that I didn't feel like that policy decision should be made on a single case basis. There's, we've had a lot of discussions about bed and breakfasts in the Village. What the challenges they present, and, and our need to get our arms around those and I felt that by approving this one opens the door to everybody that has a guesthouse and there are hundreds to come in here and say, we want to be a B and B just like them and that's the argment they're making. You know, we want the same treatment as Adobe Gardens and Alameda House, but it's not the same because they did not have those conditions on their facilities. So, this would open the door. I'm not going to argue the merits of is this advantageous to the Village. Don't, don't even want to go down there. It's clearly that we have had a policy that we've upheld since 2003 that guesthouses cannot be rented. Understanding there are hundreds of them in this Village. And, and I think it deserves a broader discussion and more all-encompassing of the issues that come with B and B's and how best to manage those. So that was the basis of, of my recommendation. I've, I wanted to make those clarifications because, because he's arguing the same argument that everybody else is gonna make if we approve this.

Trustee Rael: I have a question, are you saying then that if you have an auxiliary building, you don't call it a guesthouse, then you could rent it?

Mr. McDonough: I will not answer that directly. I will suggest that evidence on the Internet suggests that it's occurring. That is the, the guesthouse with a kitchen. So, the, the, the conflict is the kitchen makes it a dwelling unit and our code is that all of these properties are single family, residential properties, one dwelling unit per property. We can, so there's a lot of situations where we annexed in properties that already had those, or even back in the early days of the Village, there was one builder in particular that would always build a house with a couple of guesthouses with it and so we've had to accept those as legally nonconforming as our code changed and made that illegal. I, I would not, I would not argue that some of those buildings are being rented as, as B and B's, but I think most of the ones we've seen are renting out either bedrooms in a house or in some cases, they are moving out of their house and renting it as a B and B for the weekend. So that's kind of the scope of the problem, that I hope that we are very careful to address, was that sufficiently vague of an answer for you, Trustee?

Trustee Rael: Thank you.

Mayor Pro Tem Homan: Okay, would you like to any rebuttal time and keep it short please.

Mr. Houghton: Sure, just one point that as I understand, Mr. McDonough's point, he's not aware that anybody has applied since 2003, so I think when he says that the Village has not been doing this for 2003, it's not as if every year the Village is inundated with applications in the Village has been denying them. As I understand his comments, no one has applied in this way since 2003, and that would be I guess, accurate. I understand the nuance he's making, and I think what he's pointing out is that when Alameda House was brought to the attention of the commission, I don't know whether that wasn't clear or not. There was some email traffic that we got through the IPRA requests between somebody who is doing inspections on Alameda House and the director in saying that we noticed on the internet that you are renting the guesthouse and our understanding was that they have a permit for bed and breakfast but not one that gives, the guesthouse. The Village, the commission or planning and zoning corrected that, there was no other hearing, they just said go forward and rent your guesthouse. So, whether they came in, applied and the commission really knew what it was doing or not. Ultimately when it came to the attention of the commission, they allowed the Alameda House to be rented as the Alameda Houses, which is a guesthouse of the main residence to be rented as a bed and breakfast. I, I don't know how that happened, why the zoning and planning did that. That's not in the record that I received in the IPRA request. All I know is since 2012, the Village has been giving them permits to rent their guesthouse in full understanding that that is exactly what they're doing. The Village isn't saying they can rent the main house, but not the guesthouse every year since they've been renewing. They've been allowed to rent their guesthouse and the Village is putting that on its website. It's something that we're promoting. And so, I don't see that there's any difference if legally somehow that happened in planning and zoning, the decision making differently than just coming to the commission. It was clear this is a guesthouse. Although if you look at the application for Alameda House, the pictures they submit are all of their guesthouse. The testimony given before the commission was all about the guesthouse. I don't know whether the commission was confused about that. It didn't seem confusing to me. But then after the fact someone said, oh, this is not a permit for guesthouse, we've got to get you the right permit, and they got them the right permit. So, I do think that was precedent that was set in 2012 and four houses down. I, I think that's something that the board can do, I don't think it opens the flood gates. We're, we're in the very same neighborhood within a acres 1.6 acres. I, I don't, I think there is a reasonable way to make distinction, distinctions in other cases where there's less property or the neighborhood is different. But this is the very one that the commission

before said now that's a perfect place to have a bed and breakfast. In fact, we're proud of it. We're going to put it on our website. You're doing it. Your guesthouse here's permits every year since. So that's all I'd like to say to clarify, thank you.

Mr. McDonough: Let me make a final comment. Yes. I think we're speculating a lot on what that was back in the day that none of us was there, whether that was called the caretakers house, there's, there's other language in our code as far as additional dwellings, that don't have the same requirements as a guesthouse. So, you can call it what you will. It was not conditionally approved as a guesthouse. I would offer, it's probably over a thousand square feet, from what I've seen of it on the Internet, which was always the limitation for a guesthouse. So, I think there's a lot of speculation here. I, I'm, I can pretty much count the facilities that have bed and breakfast permits in this Village that have the permit on, on my hands, and none of them were previously approved as guesthouses.

Mayor Pro Tem Homan: Thank you, Okay. At this time, we will allow comments from the floor, but I do need to caution my fellow trustees that what we have heard has been on the record and that is part of the record that we've all received in our packets and the comments that'll be made are not part of the record. And although we want to hear these comments, they're really not to be taken into consideration in the decision making. We have to make the decision based upon the record that has been established.

Trustee Rael: Then why do we want to hear it?

Mayor Pro Tem Homan: It's a gracious offer. Miss Winter, Am I wrong?

Attorney Winter: Mayor Pro Tem, No, it's public comment, so, public comment is not evidence.

Mayor Pro Tem Homan: Okay. You'll come to the podium and state your name and address please.

Maria Montoya: So, I'm the owner at 8650 and it was my dad who kicked me out of the hospital to be here. But as an aside, I just wanted to point out that you know, whether or not the Alameda House has the conditional use, they do have an additional dwelling because they also have and advertise a full bathroom, a, I'm sorry, a full kitchen. So just to point that out.

Christian Reddy: My name is Christian Reedy I live at 8642 Rio Grande; my wife Marya and I have lived there for 22 years. Our, our son and his wife and grandchildren live right on the property as well. And my daughter lives in the original house that was on all of that property to begin with. So, I have

three generations of family living within a few feet, within about 150 feet from my children or less and about 300 feet from myself. And this house in question is, is over 400 feet from the main house. It says you must dwell in the house if you're going to run it as an Airbnb or a bed and breakfast. They've already stated in their application that there's not going to be any food served. So, it's basically a room for rent. It's over 400 feet away from their house and very intrusive to everybody else's houses, the atmosphere and everything. This is already all been hashed out by the planning and zoning people; we're trying to be good stewards of the property. We're trying to be neighborly, but it's gotten to the point where we have to call it what it is. The, I mean, they're basically asking the Village and the, and the planning zoning and now the Board of Trustees, all of you to unscramble eggs. I don't know what happened at the Alameda House, but it's apples and oranges that we're comparing that is totally walled with the secured fence, they live probably 40 to 50 feet from what they call the guesthouse. The guesthouse has, is out of, if you call it a guesthouse, it would be totally out of compliance. I think it's an excessive of 1800 square feet. It's three bedrooms, two baths, so it's, it's just totally apples and oranges and we can't just keep scrambling everybody's eggs from here on in because that's a mess out there. So anyway, we hashed all this out with the, with the, with the planning and zoning, we received a five to nothing unanimous vote that it was denied, and, I think it's, it's just would be prudent if that, if that was carried on and, tonight and I thank you Mayor Pro Tem and Trustees.

Mayor Pro Tem Homan: Thank you. Anyone else? Okay Trustees, your comments. Any comments? Okay. The floor is now closed for any further comments. I need a motion to either uphold the denial of the application or to reverse it.

Trustee Lewis: I will make a motion to uphold the denial of this application. I think that this is an issue that definitely times have changed since 2003, this is a much bigger issue that I think needs to be visited by the whole Village. I think this is a, you know, something that has been raised, I think he should come back and sit down with planning and zoning for this becomes an issue that gets put on the agenda that we have public comment, where we really need to address how much, I mean be an Airbnb and Vrbo this is all something that's happened very quickly in a very short time. And I'm not saying that our ordinance shouldn't be revisited, , but I think it should be revisited with a lot of comment and input from our Village residents. So, as Mr. Houghton said consistency, I'm very, very, very concerned about setting a precedent. I don't think it's something we should do. And I think that, you know, I disagree. I think this will open the flood gates and, and I just don't want to see us manage the Village in that way. And so, based on that, I support the denial.

Mayor Pro Tem: Is there a second?

Trustee Riccobene: I will second so we can bring up discussion.

Mayor Pro Tem Homan: Discussion.

Trustee Riccobene: I think that, in the, in a quick look and doing some research, I see that this is a topic that is really has a lot of municipalities wrestling across United States. This is not just unique to this Village, I see that if, if, if I've gotta, if I've got an out building and I have not applied for a Airbnb or a rental or for it to be a rental property that I can apply for a B and B. And if I comply then I can go ahead and get a B and B. So, there's a, there's a little bit of just juxtapose or, or opposition from older properties versus newer properties. Whether somebody came before the, the, a commission and was approved for a guesthouse or did they come for the in front of the commission as approved for an Airbnb? I, I understand, and I see as I, as I did more research, I see that many of the properties and as planner McDonough mentioned, many of the properties that are opening up is be it Airbnb's or Vrbo's are kind of invisible. And we don't really know what's happening unless we were to go ahead and follow the ads and go to the addresses and say, why are you renting out your, you know, why are you doing it? And then it becomes a matter of enforcement that starts a whole other aspect. And so, cities that are running around beginning to enforce they get tied up with a lot of legalities and, and, and in difficulties in making this whole thing work. And so, my recommendation is at this time to also deny, however, I'm not sure that denial is, cause that that would not allow this to come up again for many months, I believe. And so, if not a denial or defer potentially. And I'd like to see a more comprehensive plan thought out and learn a little bit from what's going on around the United States from other, other municipalities and how we're gonna deal with this. I realize that there's a lot going on in the Village right now and planning, there's not a lot of time we're in the middle of, of hiring and, and so on and so forth. A lot of things shifting, but at the same time that that shouldn't stop us from doing what is really important for our citizens, which is getting to the bottom of this and figuring out comprehensively how do we move forward so we don't start, we don't, we don't have a situation where what's good for one is not good for the other. So, my, my feeling is, is that this needs to be revisited before we, we were to make an approval of, of this. I understand why the by the commission did not approve it is because it is, they, their job is to do strict code and a decision based on the code and that's it. And now all of a sudden, we've got a potential policy change that we need to make and that is a major decision as well. And so, I don't want to receive it from that and all of a sudden make a big policy decision that we're going to either regret and, and later on we try to begin to rewind some things. What I saw in some communities is that that these may be allowed, but there, there are lot of restrictions on, on how those can be used and how often they can be used and, and, and, and those kinds of things. And so, I, I know that it's

work to, to figure this out, but that would be my, my preference is to see this become a comprehensive plan that we take input from our residents. These are, these can be a good thing. These can also be, it can be something that somebody's never really wanted to get into. But other things I read is, it's a wonderful experience as well. I've stayed in them myself, myself and out of, at going out of town. So, so I want, I'm, I have to deny at this point based on my, my thought about changing and making a precedent before we understand a bigger picture by how we're going to handle this going forward. And what really makes me want to do that is this is going on in the Village and those are invisible. And because we, we are may find it difficult to enforce, that's not right either. So that's my point.

Trustee Rael: I agree. We have to revisit this because of the, is it going to continue to happen. There's going to be people coming up and asking for permits. I recall when we were, years ago when we were discussing whether guesthouses should be rented or not. And we had a good discussion on it. I think Tim was on the board at the time and we finally agreed that we should not allow them to be rented or what would be happening is people would just be adding smaller homes so that they could have a rental house. So, we, we voted against it at the time. We set the, the ordinance that there would not be allowed to be rented. However, I think that that this about the guest's house are not a guesthouse and just a matter of semantics and they are guesthouses. But, but I think we have to follow the ordinance and we have to go along with what's on the books right now and we need to have a bigger discussion on this and determine whether we want to allow any more bed and breakfast. And I also think there's probably some being rented that are not on the books.

Mayor Pro Tem Homan: I agree with my fellow Trustees. I think it's important that in light of the current movement across the country for Airbnb's and similar organizations, similar arrangements, that we get a handle on a policy of how we're going to treat these short-term rentals in the Village itself. And from that policy, then create an ordinance that we can apply to every organization, every individual that wants to pursue this type of endeavor. The last thing I think we want to do is, is make an approval and quickly come up with approving this one and that one and suddenly find ourselves in a piece meal type of policy development. I think we need to make it comprehensive just as all of you have stated, so that we've really thought this through that it'll include all rentals, all short term rentals in the Village, regardless of what we call them, whether it's a bed and breakfast and Airbnb, a guesthouse, whatever. And in doing so, I think, it will allow us a number of things, one, to get a handle on truly what's going on in the Village in this, in this type of endeavor. Making sure that they have a license from the Village, making sure that there's a safety inspections that need to be done, last thing I think any of us would want is a, something to happen in the substandard building that would be rented out and come as a mark

against the Village, at least in the public's eye. So, for all of those reasons, I, I agree.

Trustee Lewis: I have one, I just have one more comment and that would be that. I would, I would encourage everybody here that has feelings on this issue to contact Tiffany Justice and, and let's start the dialogue and let's start the ball rolling towards a comprehensive plan and hopefully we can get there sooner rather than later.

Mayor Pro Tem Homan: I may also add one of the things that I know we've struggled with too; the Village has not implemented any kind of like lodger's tax, this is the perfect opportunity to implement that lodger's tax on all short-term rentals as well as, you know, starting to gain the GRT that we would get from those types of rentals as well. Now let's bring it back so that it can actually benefit a future, whether it's marketing for tourism within the Village that would help promote these types of endeavors. So, with that, if there's no more comments...

Trustee Riccobene: It is, is, is if we move to deny right now instead of defer, what does that do? I'd like to know what that does for our applicants right now.

Mr. McDonough: Okay, as a conditional use, they can't request another conditional use for six months. So, it puts a six month hold on the another application for a B and B.

Trustee Riccobene: And if we were to defer?

Mr. McDonough: Just depends on how long till we're ready to create a policy.

Trustee Riccobene: So, what I'd like to see us come, come get going on this. And so, we've got, we've got master planning going on right now that needs to be addressed in the Master Plan. We need to have staff go ahead and get this done or we should go out to a consultant and let's get this thing wrapped up so that, because I think that this is going, this is coming up right now. We've got people out there who are illegally nonconforming, Okay. And which means we either need to start a very aggressive policemen, policing and finding of that thing and that gets into a whole other nest, Okay. So, in our open discussion, I'm going to be talking about enforcement activities as well. So, so that we can kind of get our arms around that. Is that, so I'd like to see this thing move forward. Trustees, Mayor Pro Tem and so I don't know how we can, we can go ahead and, and get this thing moving and I, I don't want to harm the Montoya's in the meantime, in any which way. I do believe that they would, they would, they would do the very best, best they could is my gut.

Mayor Pro Tem Homan: Another question, may I ask a quick question? Mr. McDonough, realistically, what would a reasonable timeframe to discuss policy and development and ordinance and bring have that brought back to, the trustees for approval? What kind of timeframe are we talking reasonably?

Mr. McDonough: So, looking forward, we are in the throes of trying to wrap up the Master Plan. We just passed a filming policy the other night that we're going to have to implement and, and, get on top of a filming policy. We have an election coming up in October. We have November holidays, December holidays. I, I think it would be very optimistic to think we can have this done by the end of the year. We will certainly make every effort because it's it then it gets into can a person rent a bedroom as a, B and B? So, are you going to tell them they can't rent out a bedroom in their house? Is that, what does that do about property rights in their house? Cause right now I can rent my whole house. What's, why should I not be able to rent a bedroom in my house? I mean it gets really convoluted really quick. So, I, I don't think it's a matter of just a quick master plan, kind of let's all get together and talk about it. I think it's going to require some legal expertise to look at all of the property rights issues that go with it. So, you know, as much as I'd like to say Monday...

Trustee Riccobene: So, so can we, can we then look forward to something coming in front of the Trustees first of the year, sometime?

Mr. McDonough: I think that's, I think that's doable. I think that's a reasonable goal. And, and, we would certainly make the effort to start reaching out to other communities, see what they're doing.

Trustee Riccobene: And pull together whatever we need to pull together and let's get this handled so that we can all, so that our planning and zoning can go ahead and make calls based on ordinances and that everybody understands what the rules are.

Mr. McDonough: We are very much in favor of that as we've discussed previously.

Trustee Riccobene: So therefore, I've got, do we vote a nay to that?

Mayor Pro Tem Homan: We have a motion and a second before us and that is to deny the appeal as it has been presented according to the record. All those in favor?

Mayor Pro Tem Homan-Nay; Trustee Lewis-Aye; Trustee Rael-Nay; Trustee Riccobene-Nay

Motion Does Not Pass

Mayor Pro Tem Homan: All right. Is there another motion?

Trustee Riccobene: Yes, I'd like to make a motion that we defer this and allow for planning to come up with a comprehensive plan that they can bring in front of the Village that will allow us to move forward.

Trustee Lewis: Let me ask a question.

Trustee Riccobene: I'm not sure that that works though.

Mayor Pro Tem Homan: Can you put a timeframe on it?

Trustee Riccobene: By January?

Trustee Lewis: Well, let me ask a question.

Trustee Rael: Let me second that first.

Trustee Lewis: So, with this denial, if a comprehensive plan gets put in place and they can reapply, they're not held to the six month or are they held to the six month with the denial? Because when they, when they reapply under the new, it wouldn't be for a conditional use then they would reapply under the new ordinance.

Mr. McDonough: Yes. After conferring with legal, I think if, if the new comprehensive plan results of the change in the code, that, that changes those conditions, they can come back and we could pick up, the deferred action here and move forward.

Attorney Winter: Mayor Pro Tem, I'm assuming that if you come back, there's a comprehensive new plan adopted in January of 2020, and these applicants make an application under the new plan. They would withdraw their appeal or dismiss their appeal here. That's what I assume would happen.

Trustee Lewis: Under the deferral?

Mayor Pro Tem Homan: Under the appeal.

Attorney Winter: Well, if, if they withdraw it, it's gone and there's no reason to revisit it or put it back on your agenda. But you know, all that speculating on what happens in January of 2020. But I'm assuming that if they, you know, they, they, they've still been denied by the planning and zoning. They still can't do what they've asked to do. This board seems to be headed in

the direction of a new comprehensive plan for consideration in January, assuming that happens. I'm assuming these folks would make application under the new plan and this matter would quietly go away. Right? It would either be withdrawn, or you could dismiss it and the deferral would be moot. Does that, that's what I was telling Tim.

Mayor Pro Tem Homan: Yes.

Trustee Riccobene: They if, if, if they were to like to the new plan, I don't know yet what the new plan looks like.

(Inaudible Speaker from audience)

Mayor Pro Tem Homan: You'll need to be at the podium with the mic so you can be on the record please.

Mr. Houghton: Sorry, just for clarification, it seems like no matter what, we're getting denied under the ordinances as existed right now, so if the board enters a denial or I guess, up hold of the decision from the commission, then that's something at least we could exercise appellant rights in district court. If it doesn't, I don't know what situation we're in, but either way the new ordinance we would presumably apply under that. We would prefer a final decision so that we can have clarity on the record.

Mayor Pro Tem Homan: Any further discussion? Okay. Would you repeat please your motion, you made the motion.

Trustee Rael: Going to give them final decision.

Trustee Riccobene: I can go ahead and withdraw my motion?

Trustee Rael: I'll withdraw my second.

Trustee Lewis: We voted on it already.

Mayor Pro Tem Homan: We voted on the denial already.

Trustee Riccobene: We voted on the denial and we went to the appeal. So, what do we need to do? Drop this one and go ahead...

Mayor Pro Tem Homan: You can do whatever. I mean I can make the motion. I'm actually going to make the motion that you did, that we defer the decision on this until January of 2020.

Trustee Riccobene: I'll go with that.

Mayor Pro Tem Homan: Is that a second?

Trustee Riccobene: That was my, that was my, that was my motion, so we can vote on that motion.

Mayor Pro Tem Homan: But we withdrew it, are you seconding?

Trustee Riccobene: That was my original motion, so we can just stay with it. So, I'm seconding. Yes, I'm just trying to understand. All right.

Mayor Pro Tem Homan: Any further discussion?

Trustee Lewis: Okay, so repeat it then.

Mayor Pro Tem Homan: We are deferring a decision on this matter until January of 2020.

Mayor Pro Tem Homan called for the Vote.

CARRIED: Motion Passed 3-1 (Mayor Pro Tem Homan-Aye; Trustee Lewis- Aye; Trustee Rael-No; Trustee Riccobene-Aye)

Mayor Pro Tem Homan: All right, we've got three ayes and a no. So, the motion passes.

Mayor Pro Tem Homan: Announced a five-minute break.

Meeting reconvened at 8:56 p.m.

8. OLD BUSINESS

A. NONE

9. ANNOUNCEMENTS

A. NONE

10. NEW BUSINESS

A. DISCUSSION AND ADOPTION OF AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 14 ARTICLE 1, SECTIONS 1 THROUGH 4 AS FOLLOWS: AMENDING ORDINANCE NO. 259, TO ADOPT THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE (UTO); DELETING REFERENCES TO THE NEW MEXICO MOTOR VEHICLE CODE; DELETING SECTIONS 14.1.4 (A), (B) AND (C); AND ADDING A NEW

SECTION 14.1.4, PROVIDING THAT UTO SECTION 12-6-1.2 (A)(2) SHALL READ: "NO PERSON SHALL DRIVE A VEHICLE ON A STREET OR DETOUR AT A SPEED GREATER THAN TWENTY-FIVE (25) MILES PER HOUR IN ANY BUSINESS OR RESIDENCE DISTRICT."

Public Safety Liaison Radosevich reported that the Village adopt the New Mexico Municipal League Uniform Traffic Ordinance versus the State Code that has been previously adopted but change the language, that all the speed limits within the Village of Los Ranchos are 25 miles an hour unless otherwise posted. If, the Village wants to do a traffic study and increase the speed someplace, then they can do that. But right now, currently, the Village follows the New Mexico Motor Vehicle Code. The way it's adopted, the speed limits in the Village are 30 miles an hour with the exception of three roads which is 14.1 A, B, and C, which is Rio Grande, El Pueblo and Fourth Street. The other reason to adopt it, this is, with Fourth Street being completed, on September the 24th, that speed limit is recommended to be 25 miles an hour, the Village wouldn't be able to do that under the current ordinance. Asking to adopt the uniform traffic ordinance with that change, and everything else would remain the same in the codification.

Trustee Lewis asked if we can make changes for specific streets?

Mr. Radosevich answered, yes.

Mayor Pro Tem Homan called for a Roll Call Vote.

MOVED: Trustee Rael moved to approve the Adoption of the Ordinance.

SECONDED: Trustee Lewis

CARRIED: Motion Passed 4-0 (Trustee Lewis-Yes; Trustee Rael-Yes; Trustee Riccobene-Yes; Mayor Pro Tem Homan-Yes)

- B. APPROVING THE SETTLEMENT AGREEMENT BETWEEN UNSER DISCOVERY CAMPUS, INC., A NEW MEXICO NON-PROFIT CORPORATION, AND THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, A NEW MEXICO MUNICIPAL CORPORATION, RESOLVING PENDING LITIGATION AND TRANSFERRING REAL PROPERTY COMMONLY KNOWN AS 1776 MONTANO ROAD, NW, ALBUQUERQUE, NEW MEXICO 87107, FROM THE VILLAGE BACK TO UNSER DISCOVERY CAMPUS.

Mayor Pro Tem Homan stated that before we discuss this item, she needed to disclose that as a partner in her family business CC Mouldings, Inc., in the Village, they do occasional work for the Unser Museum as a regular part of their ongoing business.

Trustee Rael asked if Mayor Pro Tem Homan was recusing herself?

Mayor Pro Tem Homan replied, No, that she has been advised that she doesn't need to recuse herself.

Attorney Winter stated that this has been ongoing since 2005, which began with the Village facilitating movement of grant funds from the State to the Unser Museum, which the Village agreed to take ownership of the property in order to move the grant money through the Village to the Museum. Per State Statute the Village will have to publish an Ordinance, await referendum time, then transfer the property back. It is key that it is noted that the Village did not utilize any Village funds. The agreement is very comprehensive, proposes to resolve the litigation, also proposes the passage of the ordinance to transfer the property and wait out the 45 days of the referendum.

Trustee Rael recommended a few corrections to the agreement.

Mayor Pro Tem Homan called for the Vote

MOVED: Trustee Rael motioned to approve the agreement with corrections.
SECONDED: Trustee Lewis
CARRIED: Motion Passed 4-0 (Mayor Pro Tem Homan-Yes; Trustee Lewis- Yes; Trustee Rael-Yes; Trustee Riccobene-Yes)

11. TRUSTEE INFORMAL DISCUSSION

Trustee Lewis

- Do we have anything on Green Valley Property?
Administrator McDonough replied that we will need to get that back on the list to get moving.
- Discuss some type of cluster housing.
- In regard to the film policy, speaking to Dennis Muscari, location manager, put my mind at ease with how they conduct the approvals, get signatures and keep in touch with all involved.

Trustee Rael

- Do we have a date when the grass will be planted where the mobile home was?
Administrator McDonough indicated that there were plans to plant the grass, Keen would be overseeing that.

Trustee Riccobene

- Asked the time frame for the RFP for the Attorney.
Administrator McDonough replied that advertising will be next week, with the release the following Monday.

- Discussed his experience on the set at the recent filming in Los Ranchos.
- Mentioned Code Enforcement and asked for clarification on the process. Could we get a monthly report on how many cases are going to court and the kind of cases going to court?
Administrator McDonough replied that a report can be produced.

Mayor Pro Tem Homan

- Will have somebody look at the bicycle community friendly packet.
- Spoke on the Green Initiatives and Energy plans.
- Spoke about the New Mexico True designation and matching funds for marketing for the Lavender Fest.

Discussion on cell phone coverage in the Village was discussed by the Trustees.

12. ADJOURNMENT

The meeting was adjourned by Mayor Pro Tem at 9:38 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque on this 9th day of October 2019.

ATTEST:



Danielle Sedillo-Molina, Village Clerk