

**MINUTES**  
**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE**  
**6718 RIO GRANDE BOULEVARD NW**  
**BOARD OF TRUSTEES REGULAR MEETING**  
**Video Conference**  
**Wednesday, July 22, 2020**  
**7:00 P.M.**

**Present:**

Donald T. Lopez, Mayor  
Pablo Rael, Mayor Pro Tem/Trustee  
Sandra Pacheco, Trustee  
Allen Lewis, Trustee  
Tom Riccobene, Trustee

Ann Simon, Administrator  
Danielle Sedillo-Molina, Clerk  
Will Fisher, Treasurer  
Nann Winter, Attorney

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**1. CALL TO ORDER**

Mayor Lopez called the regular meeting to order at 7:00 p.m.

**2. ROLL CALL**

Mayor Pro Tem/Trustee Pablo Rael-Present  
Trustee Allen Lewis-Present  
Trustee Sandra Pacheco-Present  
Trustee Tom Riccobene-Present

**3. APPROVAL OF AGENDA**

Mayor Lopez asked for a motion to approve the July Agenda.

**MOVED:** Trustee Rael moved to approve the July Agenda.  
**SECONDED:** Trustee Lewis

**Roll Call Vote;**  
**Trustee Rael-Yes**  
**Trustee Lewis-Yes**  
**Trustee Pacheco-Yes**  
**Trustee Riccobene-Yes**  
**Motion Passed 4-0**

**CARRIED:**

#### **4. PUBLIC COMMENT PERIOD**

Written comments submitted prior to the meeting were read by the Clerk:

Mr. Christian Reedy, 8642 Rio Grande Blvd NW:

- I. Stressed his opposition and concerns about the Village allowing short term rentals of guest houses and other structures through the online programs of AIRBnB AND VRBO. Emphasized that current Village Ordinances have been in place for many years that specifically prohibit these rentals.

Mr. Henry Shonerd, 6603 Elwood Drive NW:

- I. As part of the Green Woods Neighborhood Association (GWNA), requested that residents are afforded community involvement through meetings in the developmental process of Village Center located on Fourth and Osuna.

Participants wishing to speak that registered with the Clerk prior to the beginning of the meeting, will be provided an opportunity to speak within the allotted three (3) minute time limit.

Mr. James W. Ross, 8913 Ortega Ct. NW:

- I. Spoke on behalf of the Ortega Ct. homeowner's association and residents. They are concerned about speeding on Fourth Street, primarily with the stretch of road from Paseo north to Alameda, which is utilized by commuters to the Westside and Rio Rancho who are traveling at excessive rates of speed. Would like the Village to consider safety updates to that stretch of road.

#### **5. PRESENTATIONS/PROCLAMATIONS**

A. NONE

#### **6. CONSENT AGENDA**

There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

- A. MINUTES-MAY 28, 2020; WORKING SESSION
- B. MINUTES-JUNE 10, 2020; REGULAR MEETING

**Mayor Lopez asked for a motion to approve the minutes.**

**MOVED:** Trustee Rael moved to approve the consent agenda  
**SECONDED:** Trustee Pacheco  
**ROLL CALL VOTE:** Trustee Rael-Yes  
Trustee Lewis-Yes  
Trustee Pacheco-Yes  
Trustee Riccobene-Yes  
**CARRIED:** Motion Passed 4-0

## 7. **DEPARTMENTAL REPORTS**

- A. MAYOR'S REPORT
- B. ADMINISTRATOR'S REPORT
- C. PLANNING & ZONING DIRECTOR'S REPORT
- D. PUBLIC SAFETY REPORT
- E. PROJECT'S REPORT
- F. AGRI-NATURE MANAGER REPORT

*Trustee Pacheco asked for clarification on the Mayor's report regarding BCSO.*

*Mayor Lopez explained in further detail.*

*Trustee Rael mentioned that the Village purchased ATV vehicles and bicycles for BCSO use.*

*Trustee Lewis asked Administrator Simon if Fourth Street has been wrapped up and completed the punch list and Sites Southwest.*

*Administrator Simon commented that there were a few final wrap up items and does not anticipate a lot of further expense.*

*Trustee Pacheco asked Fergus Whitney when the \$100 thousand dollar grant would be awarded. Also commended Fergus on his article in the Village Vision.*

*Fergus Whitney replied that the date on the award for the grant would be September.*

*Trustee Pacheco also asked about the water shortages and if the Village has more information on it.*

*Mayor replied that after the 19<sup>th</sup> of July there would be no more watering, however a request was made by users to have stored water available, which was granted until September.*

*Trustee Lewis asked for an update on Village Center.*

*Ms. Maria Rinaldi indicated that they would have a draft development agreement for the Trustees to review at the end of September, early October.*

*Trustee Rael asked the calls listed in the public safety report were the entire North Valley command.*

*Fred Radosevich replied that the number of calls reflects the calls in the Village limits.*

## **8. FINANCIAL BUSINESS**

### **A. DISCUSSION AND APPROVAL OF CASH REPORT-JUNE 2020**

**Will Fisher, Treasurer** reported on the following:

The ending cash balance for June 30, 2020 was \$5,178,280.76, which is a decrease of \$44,480.47. Year to date deficiency of revenues over expenditures is \$431,920.04.

Unusual or significant items:

- General fund – \$5,126.11 for Bradbury Stamm for design and development for utilities at the Agri-nature center.
- General fund--\$72,167.33 for payments to Sites Southwest for 4<sup>th</sup> Street improvement.
- Capital Projects Buildings-Agri-nature improvements
- Capital Projects Infrastructure-4<sup>th</sup> Street improvements.

**Mayor Lopez asked for a motion to approve the June Cash Report.**

**MOVED:** Trustee Rael moved to approve the June Cash Report

**SECONDED:** Trustee Riccobene

**ROLL CALL VOTE:** Trustee Rael-Yes  
Trustee Lewis-Yes  
Trustee Pacheco-Yes  
Trustee Riccobene-Yes

**CARRIED:** Motion Passed 4-0

### **B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2020-07-01; 2020 FINAL QUARTER FINANCIAL REPORT, YEAR ENDING JUNE 30, 2020.**

*CFO Silva indicated that this report is required to send to the State with the*

ending cash balance, seen in column eight, which matches our June cash report.

Trustee Lewis pointed out that on page 71; I know that you have all been working hard in making some changes to the cash report, on this report under general fund and under revenues, it's still showing a variance of \$223,198. I know that was before you guys made some corrections, it just didn't get carried over to this report, because that variance should be at \$81,826.00 based on your previous reports, further up in the cash report. So, I still of course, approving the cash report, but I think there's just an oversight of a change that got made that didn't carry over to this final page.

CFO Silva agreed that Trustee Lewis was correct and apologized for the oversight and indicated that it did not carry forward from the front revenue page of it, it should be the \$81,000 and saw that late and it did not carry forward.

**Mayor Lopez asked for a motion to approve Resolution No. 2020-07-01.**

**MOVED:** Trustee Lewis moved to approve Resolution 2020-07-01  
**SECONDED:** Trustee Pacheco  
**ROLL CALL VOTE:** Trustee Rael-Yes  
Trustee Lewis-Yes  
Trustee Pacheco-Yes  
Trustee Riccobene-Yes  
**CARRIED:** Motion Passed 4-0

**C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2020-07-02;  
BUDGET REVISIONS FOR FISCAL YEAR 2019/2020.**

CFO Silva explained that this is the budget adjustment request that goes to the State. All three lines are related to the same thing for pass through for payments to Bernalillo County for fire services.

**Mayor Lopez asked for a motion to approve the Resolution No. 2020-07-02.**

**MOVED:** Trustee Lewis moved to approve the Resolution 2020-07-02  
**SECONDED:** Trustee Pacheco  
**ROLL CALL VOTE:** Trustee Rael-Yes  
Trustee Lewis-Yes  
Trustee Pacheco-Yes  
Trustee Riccobene-Yes  
**CARRIED:** Motion Passed 4-0

D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2020-07-03; BUDGET ADOPTION FOR FISCAL YEAR 2020/2021.

Administrator Simon indicated the budget is based on a 25% reduction in revenues. The budget is presented with a \$2.9 million anticipated revenue with \$2.6 million in expenditures.

**Mayor Lopez asked for a motion to approve the Resolution No. 2020-07-03.**

**MOVED: Trustee Riccobene moved to approve Resolution No. 2020-07-03**

**SECONDED: Trustee Lewis**

**ROLL CALL VOTE: Trustee Rael-Yes  
Trustee Lewis-Yes  
Trustee Pacheco-Yes  
Trustee Riccobene-Yes**

**CARRIED: Motion Passed 4-0**

**9. PUBLIC HEARINGS AND APPLICATIONS FOR APPEAL**

A. SDP 20-01 A REQUEST BY DAVID MONTOYA FOR FINAL SITE DEVELOPMENT PLAN APPROVAL OF A COMMERCIAL SITE DEVELOPMENT PLAN FOR A REDEVELOPMENT IN THE C-1 ZONE IN THE FOURTH STREET CORRIDOR AND CHARACTER AREA. THE PROPERTY IS LOCATED AT 506 ORTEGA ROAD NW, 8831 FOURTH STREET NW, AND 8833 FOURTH STREET NW. 506 ORTEGA ROAD AND 8831 FOURTH STREET ARE LEGALLY KNOWN AS LOTS A & B LANDS OF WENDEL SCARBROUGH, SECTION 16, T. 11 N., R. 3 E., N.M.P.M., AS PROJECTED INTO THE TOWN OF ALAMEDA GRANT, BERNALILLO COUNTY, NEW MEXICO, FILED IN THE OFFICE OF THE BERNALILLO COUNTY CLERK ON NOVEMBER 21, 1984. 8833 FOURTH STREET IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND KNOWN AND DESCRIBED AS TRACT 193 AS SHOWN ON MAP NO. 24 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT, LOCATED WITHIN SECTION 16, T. 11 N., R. 3 E., N.M.P.M., AS PROJECTED INTO THE ALAMEDA GRANT, BERNALILLO COUNTY, NEW MEXICO. THE PROPERTIES CONTAIN 0.3333, 0.3636, AND 0.17 ACRES MORE OR LESS RESPECTIVELY.

*(Attorney Winter swore in Planning and Zoning Director Ms. Justice)*

Ms. Justice explained that the applicant desires to develop an addition, open side canopy, and portal to an existing building at these properties. The addition would be 1661 square feet of enclosed space. The primary use of this building will be a

combination of office space and commercial storage. The property has been used as a contractor's yard in the past. Other buildings included on this site plan are existing structures that will not alter building footprints. One is an existing commercial building used for retail and one is an existing residence, also currently used for retail but will become office space. The Sketch Plat review occurred administratively during the subdivision process. The applicant is in the process of subdividing the property to alter the lot lines.

The Planning and Zoning Commission voted 4-3 to forward a recommendation of approval of the site development plan. The reason for the close vote was removal of Condition #1 that "the applicant must apply for a conditional use for a construction yard and commercial storage facility. The conditional use must be obtained prior to approval of the final plat, or the use of the building must change and be noted on the final plat." Most of the discussion revolved around determining whether or not the legally non-conforming use had been discontinued. It was confirmed that the legally non-conforming use had not been discontinued, so Condition #1 was no longer necessary.

Much of the supplemental documents provided by the applicant are in support of use as a contractor's yard.

The site development plan criteria appear to comply with design regulations, parking spaces and ADA accessible. Landscape development has been met. The Grading and Drainage Plan was done by a licensed Professional Engineer. The Village Designated Engineer reviewed the plan and noted any corrections that needed to be made. Light pole needs to comply with the Dark Sky ordinance.

The Planning and Zoning Department recommends the Board of Trustees approve the Site Development Plan with the following conditions:

1. There must be shared drainage between Lot A 1 and Lot B 1, through a drainage easement, on the filed subdivision plat. This plat must be filed before building permits are obtained.
2. Any future signage must comply with the Sign Ordinance and sign permits must be obtained.
3. Exterior lighting must comply with the Dark Skies Ordinance §9.2.20.
4. The site development plan must meet Bernalillo County Fire Department requirements.
5. Construction shall meet all current Village, County, and State Codes.
6. The site development plan must be executed by the applicant.

The proposed development meets the requirements of the C-1 Zone and meets the site development plan and is supported by the Village Master Plan.

*(Attorney Winter swore in Mr. David Montoya)*

Mr. David Montoya indicated that Tiffany was very clear but is willing to answer any questions.

*Trustee Pacheco asked that if the retail locations are going to stay?*

*Mr. Montoya indicated that they will stay.*

*(Attorney Winter swore in Pam Montoya)*

*Pam Montoya spoke in favor of the applicant, and mentioned that everything will remain the same, it's just going to better the existing building that is there.*

*(Attorney Winter swore in Eric Munn)*

*Eric Munn, agent and architect on the project, spoke in favor and concurred with the conditions. Looks forward to moving forward on the project.*

**Mayor Lopez asked for a motion to approve the Site Development Plan.**

**MOVED:** Trustee Pacheco moved to approve SDP 20-01  
**SECONDED:** Trustee Lewis

**ROLL CALL VOTE:** Trustee Rael-Yes  
Trustee Lewis-Yes  
Trustee Pacheco-Yes  
Trustee Riccobene-Yes  
**CARRIED:** Motion Passed 4-0

**10. OLD BUSINESS**

A. NONE

**11. ANNOUNCEMENTS**

A. NONE

**12. NEW BUSINESS**

A. DISCUSSION AND APPROVAL OF ORDINANCE NO. 271; DECLARING THE 4TH STREET REVITALIZATION PROJCT CORRIDOR FROM SCHULTE ROAD, NORTH TO PUEBLO SOLANO ROAD A MORATORIUM STREET; AND PROPOSING AMENDMENTS TO THE STREET EXCAVATION ORDINANCE REGULATING MORATORIUM STREETS.

Attorney Winter reminded the Board that they passed Resolution No. 2020-06-01, adopting the policy to amend the Ordinance. The Ordinance preserves projects and does not allow for cutting into the pavement, curb and landscaping

along the corridor and is not limited to Fourth Street. Attorney Winter went into detail explaining the ordinance and policy.

**Mayor Lopez asked for a motion to approve Ordinance No. 271**

**MOVED: Trustee Lewis moved to approve Ordinance No. 271**

**SECONDED: Trustee Riccobene**

Trustee Rael made some comments and suggested some changes.

Attorney Winter indicated that the Ordinance needed a bit of a face lift and responded that Trustee Rael's comments are timely and appropriate. Suggested utilizing a consultant to update the Ordinance.

**ROLL CALL VOTE: Trustee Rael-Yes  
Trustee Lewis-Yes  
Trustee Pacheco-Yes  
Trustee Riccobene-Yes**

**CARRIED: Motion Passed 4-0**

**B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2020-07-04;  
PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM  
ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF  
TRANSPORTATION.**

Ms. Rinaldi presented the information regarding the cooperative agreement and listed what the project encompassed.

**Mayor Lopez asked for a motion to approve Resolution No. 2020-07-04.**

**MOVED: Trustee Lewis moved to approve Resolution No. 2020-07-04**

**SECONDED: Trustee Pacheco**

Trustee Pacheco asked if there can be a change to the listed projects with another project that is not listed that may be more of a priority.

Ms. Rinaldi responded that this is the task order with the specific information that need attention at this time.

**ROLL CALL VOTE: Trustee Rael-Yes  
Trustee Lewis-Yes  
Trustee Pacheco-Yes  
Trustee Riccobene-Yes**

**CARRIED: Motion Passed 4-0**

C. PURSUANT TO § 3-11-6 (1) NMSA 1978; THE MAYOR SHALL SUBMIT FOR CONFIRMATION THE NAMES OF PERSONS WHO SHALL BE EMPLOYED BY THE MUNICIPALITY TO THE BOARD OF TRUSTEES FOR APPROVAL.

- a. CONFIRMATION OF SABRINA APODACA, ADMINISTRATIVE ASSISTANT; AGRI-NATURE CENTER; TEMP TO FULL TIME.

Administrator Simon presented the need for a full-time administrative assistant at the Agri-Nature Center.

**Mayor Lopez asked for a motion to approve Sabrina Apodaca**

**MOVED:** Trustee Rael moved to approve the confirmation.  
**SECONDED:** Trustee Pacheco

**ROLL CALL VOTE:** Trustee Rael-Yes  
Trustee Lewis-Yes  
Trustee Pacheco-Yes  
Trustee Riccobene-Yes

**CARRIED:** Motion Passed 4-0

D. TOPICS FOR DISCUSSION ONLY; ASSISTED LIVING FACILITIES IN RESIDENTIAL AREAS, FOOD TRUCKS, AND DISCERNING BETWEEN AGRICULTURE AND AGRICULTURE COMMERCIAL.

Planning and Zoning Director Justice explained that these are topics of importance that are coming up in the Village and would like to have a discussion to include assisted living, food trucks, Agriculture and Agricultural Commercial, Grower's Market and Art's Market.

Mayor Lopez offered that the Trustees take the time to look at these items of importance and give it more thought.

Trustee Lewis suggested getting a couple of Trustees together at a time and schedule a meeting with Administrator Simon and Tiffany.

Trustee Riccobene suggested that the Village take the time to address each item and do so with thorough thought.

Trustee Rael said that we need to have discussion on all these topics but would like to address the large greenhouses that can be used for growing marijuana. If we allow agriculture is that part of what we want to allow, and I know that the large greenhouses will be used for that or can be used, and they could eventually just be all over the village. Expressed his opinion that food trucks should be

limited to Fourth Street, commercial areas and not residential.

### **13. TRUSTEE INFORMAL DISCUSSION**

#### **Trustee Rael:**

- Asked if staff was doing anything to address the concerns on Calle Pajarito?

*Administrator Simon indicated she is trying to address each item one by one.*

#### **Trustee Lewis:**

- Wants to address the repeated issues that keep coming up, staff and the board need to figure out how can we move forward in tackling these topics, such as short-term rentals, greenhouses, safety, etc....
- Maybe we meet once a month after the meeting to address these issues, we need to do something better than just having an informal discussion.

#### **Trustee Pacheco:**

- Commented on the Master Plan and indicated that housing was one of the items of most importance. Now is the time for us to start thinking before we know it, years are going to pass and we're not going to be any further ahead.

#### **Trustee Riccobene:**

- Agrees with all the Trustees thoughts. And would also like to move forward in addressing these items that have been brought forward and schedule time with staff.

#### **Mayor Lopez:**

- Spoke about and commended the Village's exceptional staff for functioning at a high level.

### **14. ADJOURNMENT**

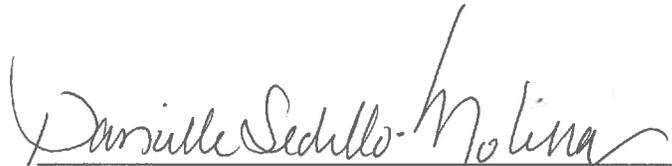
The meeting was adjourned by Mayor Lopez at 8:45 p.m.

**Seconded-Trustee Lewis**

**PASSED AND APPROVED** by the Board of Trustee of the Village of Los Ranchos de Albuquerque on this 12<sup>th</sup> day of August 2020.

{SEAL}

  
Donald T. Lopez, Mayor PE, CMA

  
Danielle Sedillo-Molina, Village Clerk