

MINUTES

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING – 7:00 P.M.
January 14, 2004

Present:

John Hooker, Mayor	Cyndie Tidwell, Planner
Penny Rembe, Trustee/Mayor Pro Tem	Hank Rosoff, Administrator
David Siegel, Trustee	David Mathews, Attorney
Don Lopez, Trustee	Annabelle Silvas, Clerk
Pablo Rael, Trustee	Allen Leatherwood, Treasurer

1. CALL TO ORDER – The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, January 14, 2004 in the Warren J. Gray Hall. The meeting was called to order at 7:02 p.m.

A. APPROVAL OF AGENDA

MOTION: Trustee Rembe move approval of the agenda. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously.

2. PUBLIC COMMENT PERIOD

John McDowell expressed his concerns with the potential access to Rio Grande to the landlocked property north of Paseo on the east side of Rio Grande. He presented pictures that he had taken of trees with numbers painted on them.

Administrator Rosoff stated that there are no applications pending and that the land is part of the settlement of Paseo del Norte lawsuit and under the settlement of that lawsuit it states that it would be maintained as open space, owned by the public for a public purpose and the Village is the administrator of the space.

Trustee Lopez stated that he thought the marked trees had something to do with an underground pipeline from the river to the balloon park.

Larry Abraham stated his concerns about the traffic calming measures and whether or not they were going out to bid. He related conversations with Karen Jacobsen and the trustees.

Trustee Siegel spoke about things being quoted out of context regarding earlier board meetings and an email being publicized without his permission.

1
2 **Trustee Lopez** said that he hadn't heard anything from the administration, other trustees
3 or the mayor that we would be going with our on call engineering contract to build these
4 structures. The cost estimate ranged as high as 400 thousand, this included trails and
5 several other things. He said he believed under the procurement code, you would not
6 legitimately want to do that under an on call construction contract. He thought the whole
7 idea of trying to do this without bid was something that should be considered.
8

9 **Mayor Hooker** stated that we couldn't do anything nearly that big.
10

11 **Trustee Rembe** said when this idea was first mentioned it wasn't anything she was very
12 excited about. It was on agenda after agenda and was in the newspaper also, she never got
13 anything from Los Poblanos Orchards, but it was certainly not any hidden agenda.
14

15 **Mayor Hooker** said he thought there was a point of confusion in Mr. Abraham's
16 presentation. There are projects contracted with ASCG to design in accordance with the
17 engineering study that we started last fall. He described the 6 different problem areas that
18 were identified. The students' projects were just done as a senior project. Under the State
19 procurement code and under the agreements with the highway department or the DOT we
20 can call on state contracts, unit price contracts that exist on paving, striping, curb and
21 gutter, drainage projects that are under 10 thousand dollars, I believe. The projects have
22 been budgeted in the approved budget for the Village since July and these projects are
23 funded by a legislative grant for traffic safety in the village.
24

25 **Administrator Rosoff** said we don't have a dollar limit; we can actually do those on
26 larger projects.
27

28 **Mayor Hooker** said he was surprised that people say they were not consulted or advised
29 about the traffic calming measures. It went out in the newsletter and pictures were posted
30 in the lobby. The trustees are not asked to review all public works projects. The board can
31 ask that a project be brought back for review and public discussion. If a public meeting
32 on these projects is wanted it just needs to be requested.
33

34 **Larry Abraham** apologized to Trustee Siegel and if he was being belligerent. He said no
35 one had asked Karen Jacobsen if the projects were going out to bid or to an on call
36 contractor. He asked if the projects had already been approved by the board. He asked if
37 the projects were going out to bid.
38

39 **Mayor Hooker** said the projects were going out to bid in February and that the Village
40 should have a complete estimate and at that point we will know whether they could be
41 done under a PO or a contract. At that point they will be presented to the Board in
42 February. If there is a question or concern at the first meeting in February we can review
43 it again and decide whether to proceed or stop at that point.
44

45 **Larry Abraham** stated that they just wanted to know what was going on since they were
46 getting different answers.
47

48 Long discussion concerning the traffic calming measures and whether they have been or
49 will be approved by the Board and are going to be built and/or bid on.

1
2 **3. CONSENT AGENDA**

3 **A. Approval of Minutes - Regular Meeting – December 10, 2003**

4
5 **B. Receive Department and Committee Reports**

- 6 1. Police
7 2. Fire
8 3. Animal Control
9

10 **MOTION:** Trustee Rembe moved approval of the consent agenda. Trustee Rael seconded
11 the motion.

12
13 **VOTE:** The motion carried unanimously.
14

15 **4. PUBLIC HEARINGS AND APPLICATIONS**

16
17 **A. THE MAYOR AND BOARD OF TRUSTEES HAS APPEALED THE**
18 **APPROVAL OF THE FOLLOWING REQUEST GIVEN BY THE PLANNING**
19 **AND ZONING COMMISSION AT THEIR REGULAR MEETING HELD ON**
20 **AUGUST 26, 2003: A REQUEST BY ROBERT M. CALVANI FOR A HEIGHT**
21 **VARIANCE TO BUILD A SOLID WALL OF 6 FEET ADJACENT TO CHAVEZ**
22 **ROAD AND IN THE A-1 ZONE. THE PROPERTY LOCATED AT 1017 EL**
23 **ALHAMBRA CIRCLE NW AND LEGALLY KNOWN AS LOT NUMBERED**
24 **FOUR (4) OF EL CABALLERO NORTE SUBDIVISION, A SUBDIVISION**
25 **WITHIN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, AS THE**
26 **SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN**
27 **THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW**
28 **MEXICO ON JULY 31, 1978, IN PLAT BOOK D8, PAGE 172. THIS PARCEL**
29 **CONTAINS APPROXIMATELY 1 ACRE. THIS APPLICATION WAS DEFERRED**
30 **FROM THE DECEMBER 10, 2003 REGULAR BOARD OF TRUSTEES MEETING.**
31

32 **Attorney Matthews** swore in the people planning on speaking and spoke about the Court
33 of Appeals and how the appeals must be handled. He said the testimony must be given
34 under oath, the applicant is subject to questions from the Board of Trustees or any opponent,
35 and we can not add witnesses after the first hearing.
36

37 **Bob Calvani** made his presentation and explained why he wanted to have a 6' wall.
38

39 **Marianne Woodard** (from audience, not able to hear everything) mentions an offer of
40 proof.
41

42 **Attorney Mathews** explained that an offer of proof was a device used in court when
43 evidence is not admissible but the court allows you to go ahead and testify as to what your
44 testimony would be, even if it is not admissible.
45

46 **Marianne Woodard** said that her testimony would have been that the issue is not about the
47 noise problem or if Mr. Calvani is entitled to build a wall at all. The issue is if there is going
48 to be a wall, where does it go. She referenced the covenants of the Home Owners

1 Association.

2
3 **David Lapal** (president of the Home owners Association) said he felt walls can change the
4 character of an area. He felt the character of the Village was at stake and asked the Board to
5 deny the application for the wall.

6
7 **Trustee Rembe** said she spoke to some people in the neighborhood about there not being a
8 good place to walk along Chavez Rd. and if the Village Center is developed, would Mr.
9 Calvani be willing to give up some of his land that used to be the 20 foot horse trail.

10
11 **Bob Calvani** said he didn't think he wanted to donate that much land and didn't think the
12 Village would be willing to pay him for it.

13
14 **Planner Tidwell** said that she wanted to remind the board that in the first planning report
15 that was written on Mr. Calvani's proposal, when he met with me and spoke about the issue
16 of wanting to enclose the pool, etc., we came up with a plan that he would ask for a 6' wall
17 for 55 feet on the east end of the property line, the other 150 feet of frontage on Chavez
18 would be a 4 foot height. At the P & Z meeting he presented two plans.

19
20 The discussion went on with Mr. Calvani stating more reasons about building the wall and
21 the trustees asking questions regarding other walls along Chavez Rd.

22
23 **MOTION:** Trustee Siegel moved to overturn the variance that was granted by the Planning
24 & Zoning Commission. Trustee Rembe seconded the motion.

25
26 **VOTE:** The motion carried 3 to 1 with Trustee Lopez voting no.

27
28 **The Mayor convened the meeting for a break @ 8:25 pm, and reconvened @ 8:34.**

29
30 **B. A REQUEST BY THERESA CARDENAS OF TC BUILDING &**
31 **DEVELOPMENT FOR JUDY CALDWELL (PROPERTY OWNER) FOR A ZONE**
32 **MAP AMENDMENT TO SU-1 ZONING TO ALLOW FOR A MAJOR**
33 **SUBDIVISION WITH SPECIAL DENSITY BONUS AND PRELIMINARY PLAT**
34 **FOR A MAJOR SUBDIVISION FOR RECOMMENDATION FOR THE BOARD OF**
35 **TRUSTEES CONSIDERATION. THE PROPERTY IS CURRENTLY ZONED A-1.**
36 **THE PROPERTY IS LOCATED AT 7100 RIO GRANDE BOULEVARD NW AND**
37 **LEGALLY KNOWN AS A TRACT OF LAND IN SCHOOL DISTRICT NO. 4,**
38 **BERNALILLO COUNTY, NEW MEXICO, WITHIN THE ELENA GALLEGOS**
39 **GRANT, WHICH IS BOUNDED; ON THE NORTH BY LAND NOW OR**
40 **FORMERLY OF J.A. MCDONOUGH; ON THE SOUTH BY LAND OF R.L.**
41 **HARRISON; ON THE EAST BY THE EASTERLY LINE OF THE CHAMISAL**
42 **ACEQUIA; AND ON THE WEST BY THE EASTERLY LINE OF RIO GRANDE**
43 **BOULEVARD; AND WHICH IS DESCRIBED BY SURVEY MADE BY R.S.**
44 **HARRIS IN JANUARY, 1948, AS FOLLOWS... SAID TRACT IS SHOWN AND**
45 **DESIGNATED AS TRACT 139-B-1 ON MAP 27 OF THE SURVEY OF THE**
46 **MIDDLE RIO GRANDE CONSERVANCY DISTRICT. THIS PARCEL CONTAINS**
47 **APPROXIMATELY 13 ACRES. THESE APPLICATIONS HAVE BEEN**
48 **FORWARDED WITH A RECOMMENDATION TO DENY, WITHOUT CITING**
49 **THE CODE, BY THE PLANNING AND ZONING COMMISSION AT THEIR**

1 **REGULAR MEETING HELD ON JUNE 24, 2003. THIS REQUEST WAS**
2 **DEFERRED FROM THE OCTOBER 8TH REGULAR BOARD MEETING. THE**
3 **APPLICANT HAS REQUESTED DEFERRAL FOR ANOTHER SIXTY DAYS.**
4

5 **Trustee Siegel** stated that since the density bonus has been removed the request should go
6 back to P&Z.
7

8 **MOTION:** Trustee Siegel moved to remand this issue back to Planning & Zoning
9 Commission. Trustee Rembe seconded the motion.
10

11 **VOTE:** The motion carried unanimously.
12

13 **5. OLD BUSINESS**
14

15 **A. DISCUSSION AND APPROVAL TO ADVERTISE IN**
16 **SUMMARY AN AMENDMENT TO CHAPTER 31 OF THE**
17 **CODIFIED ORDINANCE, ZONING AND ZONE MAP**
18

19 **Trustee Lopez** asked about the 280' in the northern area and who wanted it instead of
20 200'.
21

22 **Administrator Rosoff** spoke about the public meeting and the discussions that went on
23 there concerning the setback areas.
24

25 **Mike Anderson** said he needs a reasonable compromise and he felt 280' is excessive and
26 that 175' to 180' would be acceptable.
27

28 **Larry Abraham** said his concern is that he would like to have all the information and
29 asked for the history of the property.
30

31 **Trustee Siegel** said he would like the history also.
32

33 **Mike Madiolli** said he felt the 280' setback was excessive and severe. He said he felt 200'
34 is reasonable.
35

36 **MOTION:** Trustee Siegel moved approval to advertise. Trustee Rembe seconded the
37 motion.
38

39 **VOTE:** The motion carried unanimously.
40

41 **6. NEW BUSINESS**
42

43 **A. DISCUSSION AND APPROVAL OF JOINT POWERS**
44 **AGREEMENT BETWEEN THE NEW MEXICO ENERGY,**

1 **MINERALS AND NATURAL RESOURCES DEPT & VILLAGE OF**
2 **LOS RANCHOS**

3
4 **Administrator Rosoff** explained that this allows the Fire Department to get reimbursed for
5 fighting fires in the Bosque.

6
7 **MOTION:** Trustee Siegel moved approval. Trustee Rael seconded the motion.

8
9 **VOTE:** The motion carried 3 to 1 with Trustee Rembe voting no.

10
11
12 **B. DISCUSSION AND APPROVAL OF EDITORIAL POLICY FOR**
13 **THE VILLAGE NEWSLETTER**

14
15 **Trustee Siegel** said he felt political advertising should be stricken from the newsletter. He
16 said it didn't belong there because it's published at public expense and would be more
17 valuable for each candidate to receive free space to make their position known. He felt
18 advertisements for Village businesses were fine, but no political ads.

19
20 **Trustee Lopez** disagreed and said that it is similar to a newspaper and newspapers accept
21 ads as long as you are paying for them.

22
23 **Frank Mangano** said he agreed with Trustee Siegel. He also spoke about the December
24 issue that had scripture quoted in some of the ads.

25
26 **MOTION:** Trustee Siegel moved to approve without political advertising, advertising
27 should be limited to commercial ads for businesses in the Village.

28
29 **VOTE:** The motion fails for lack of a second.

30
31 **Trustee Siegel** warned of a possible abuse of power and the possibility of a lawsuit.

32
33 **Bill Schen** said he felt the public needs to know and he enjoys the newsletter and is not
34 worried about the editorial content because it seems as if it's been kept very reasonable.

35
36 **Trustee Siegel** said he felt every newsletter should have a synopsis of what the P&Z
37 Commission decided and decisions that were made by the Board.

38
39 **Christian Reed** asked if the advertising was limited to businesses strictly in the Village or
40 if outside businesses could also advertise.

41
42 **MOTION:** Trustee Lopez moved to approve the policy as presented. Trustee Rembe
43 seconded the motion.

44
45 **VOTE:** The motion carried 3 to 1 with Trustee Siegel voting no.

46
47
48 **C. DISCUSSION AND APPROVAL OF PRECINCT BOARD**

1 **APPOINTMENTS FOR THE MARCH 2, 2004 ELECTION**

2
3 **MOTION:** Trustee Siegel moved approval of the precinct board appointments. Trustee
4 Rembe seconded the motion.

5
6 **VOTE:** The motion carried unanimously.

7
8 **D. DISCUSSION AND APPROVAL TO ADVERTISE IN**
9 **SUMMARY AN ANTIFREEZE SAFETY ORDINANCE REQUIRING**
10 **BITTERING AGENT IN ANTIFREEZE AND ESTABLISHING A**
11 **PENALTY**

12
13 **MOTION:** Trustee Siegel moved approval to advertise in summary. Trustee Rael
14 seconded the motion.

15
16 **Trustee Rael suggested in making it “all”, including the 55 gallon drums.**

17
18 **Trustee Siegel accepted the amendment to his motion to include “all antifreeze sold**
19 **within the Village limits.”**

20
21 **VOTE:** The motion carried unanimously.

22
23 **E. PRELIMINARY DISCUSSION OF PROPOSED USE OF**
24 **PROPERTY AT 1776 MONTANO ROAD AND MOTION TO**
25 **APPROVE SUBMITTAL OF SPECIAL USE PERMIT APPLICATION**
26 **FOR DIRECT ACTION OF THE BOARD OF TRUSTEES ON**
27 **FEBRUARY 11, 2004**

28
29 **Mr. Dozzo** spoke about his application and plans for the 1776 Montano property. He said
30 they would use most of the buildings as offices, but would also like to install a children’s
31 treatment center that would be both daycare and a residential facility. He explained why he
32 was bypassing the planning and zoning meeting.

33
34 **Trustee Siegel** said he was a little concerned and wondered what the criteria for bypassing
35 the P&Z is.

36
37 **Attorney Matthews** said that the Board can bypass the P&Z when necessary because the
38 state statute defines the zoning authority as the governing body, which is what the Board is.

39
40 **Trustee Siegel** said even if we vote on this there is no guarantee that it is going to be
41 approved.

42
43 **MOTION:** Trustee Lopez moved to accept the application as submitted. Trustee Rael
44 seconded the motion.

45
46 **VOTE:** Trustees Lopez and Rael voted aye, Trustees Siegel and Rembe voted no, Mayor
47 Hooker voted aye. Motion carried 3 to 2.

1 **7. FINANCIAL BUSINESS**

2
3 **A. CASH REPORT - OCTOBER**

4
5 **Allen Leatherwood** reported that the receipts for the month of October were \$197,000.00.
6 The expenditures were \$310,000.00, and the reason for the higher expenditures for the
7 month was the extra payroll period in the month and we also bought a \$20,000.00 police
8 vehicle. The year to date is a deficit of \$139,000.00. Our cash did go down \$89,000.00, but
9 year to date our cash is only down \$13,000.00. There was a bad month in October, with
10 expenditures of \$196,000.00 in the Municipal Street Fund, but most of those are
11 reimbursable by the state. The total cash that we have on hand is \$2,035,000.00.

12
13 **MOTION:** Trustee Siegel moved approval of the cash report. Trustee Rembe seconded
14 the motion.

15
16 **VOTE:** The motion carried unanimously.

17
18 **8. REPORTS**

19
20 **A. MAYOR'S REPORT**

21
22 **Mayor Hooker** said he met with the Bernalillo Town Council to explain our economic
23 development work on 4th St. and our MainStreet™ team that we've put together and learn
24 about what they are up to. Susan Keith has almost single handedly created an Agribusiness
25 Task Force under the Council of Governments and there has been an incredible response to
26 it. Frank Mangano was appointed to the Public Involvement Committee, and John Sparks
27 was appointed to serve on the Regional Recreational Trails Committee. He thanked all the
28 volunteers in the Village that have served the last year. The Village will be getting a new
29 deputy, Joe Nelson.

30
31 **Trustee Lopez** spoke about the Middle Rio Grande Regional Water Plan. He asked when
32 the Board wanted to place this on the Board Agenda. The Board decided on the Jan. 28th
33 meeting.

34
35 **Mayor Hooker** spoke about the town hall meetings for future needs of our seniors by area
36 agency on aging. He said he was meeting with the City of Albuquerque staff on air quality
37 the next day at 3:30.

38
39 **B. ADMINISTRATOR'S REPORT**

40
41 **Administrator Rosoff** reported that an accountant has been hired. Waste Management
42 will be back at the next meeting to talk about the contract and we'd like to get firm
43 direction from the Board on which recycling direction you want us to pursue. Joe Nelson
44 has taken the radar gun out already. There was a public meeting to discuss the proposed
45 zoning regulations for the Guadalupe Character Area, about 12 people attended, there
46 was a lot of public comment and we will present a synopsis of that meeting at the next
47 Board meeting.

1
2 **C. LEGAL REPORT**
3

4 **Attorney Mathews** said the Sanchez brief is due in two weeks. Gemini Fireworks still
5 has no sprinkler system and continues to use the spotlights; those issues will be taken up
6 with the district court. He received reports of unsheltered trash and junk on four
7 properties in Los Ranchos. There are still some problematic properties on Rio Grande and
8 a fence issue on Guadalupe. There is still a lawsuit pending against J&J. The radio station
9 on 4th St. needs to get their business registration. He said he was asked today to look into
10 metropolitan redevelopment areas. He said they also need to look into the drainage
11 easements on Garduno.
12

13 **Trustee Lopez** asked about a synopsis.
14
15

16 **D. PLANNER'S REPORT**
17

18 **Planner Tidwell** said it was quiet in the Planning Department, no applications at this time.
19

20 **Mayor Hooker** said coming up is the walkability workshop the end of March.
21

22 **Planner Tidwell** said the date of the National Team's survey of 4th St. is March 29 from 8
23 am until 12 noon. The meeting is in the Sheriff's Substation Conference Room.
24
25
26

27 **E. FIRE DEPT. REPORT**
28

29 **Administrator Rosoff** reported that the Fire Department has now received the formal
30 notice of the grant for the water truck worth about \$120,000.00. We now have about as
31 many volunteers as we can manage.
32

33 **F. ENGINEER'S REPORT**
34

35 **Karen Jacobsen** said she made a misstatement to Mr. Abraham when he called. The traffic
36 signal on 4th and Los Ranchos has a camera that is not quite aimed correctly for westbound
37 traffic and that is in the process of being fixed. She requested to be on the agenda for an
38 upcoming Board meeting to discuss the traffic calming measures on Rio Grande. She spoke
39 about the Trails Committee and that they now have a map of proposed trails.
40

41 **Trustee Lopez** asked about the AMAFCA funding that was provided to the Village for
42 drainage.
43

44 **Administrator Rosoff** said that \$40,000.00 has been spent so far on the 4th St. project. It
45 wasn't provided, it was earmarked, we have to go back and ask them for it. We are going to
46 ask them for the rest of it as part of the purchase of the drainage pond for 4th St.
47

1 **9. TRUSTEES INFORMAL DISCUSSION**

2
3 **Trustee Siegel** said that the Gemini Fireworks has been dragging on and it needs to be dealt
4 with. He also spoke about AX Propane on 4th St. and safety issues.

5
6 **Trustee Rael** asked for a status report on Northdale and the plaza across the street.

7
8 **Planner Tidwell** said she'd been in contact with the contractor in Phoenix who will be
9 bringing the Bank of America facility to the site, it's a modular construction. They have to
10 do asbestos abatement before they can knock the existing buildings down and the contractor
11 is 14 days behind schedule. The bank will probably be constructed and operational within
12 90 days once the site is prepared. Northdale has a new owner.

13
14 **Trustee Lopez** said he planned to attend Municipal Day on February 5th in Santa Fe.

15
16 **10. ADJOURNMENT**

17
18 **MOTION:** Trustee Rembe moved to adjourn at 10:20 p.m. Trustee Rael seconded the
19 motion.

20
21 **VOTE:** The motion carried unanimously.

22
23 **APPROVED** by the Board of Trustees of the Village of Los Ranchos de
24 Albuquerque this _____ day of _____, 2004.

25
26
27
28 **ATTEST:**

29
30
31
32
33
34 _____
35 Annabelle Silvas, CMC
 Village Clerk