

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.

BOARD OF TRUSTEES REGULAR MEETING

February 13, 2008 -7:00 p.m.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Mary Homan, Trustee

Tim McDonough, Trustee

Pablo R. Rael, Trustee

Annabelle Silvas, Clerk

Kelly S. Ward, Administrator

Terry Nighbert, P&Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, February 13, 2008 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

Mayor Abraham stated that a closed meeting was held at 6:00 p.m. and only those items stated on the posted notice for the closed meeting were discussed.

MOTION: Trustee Rael moved approval of the Mayor's closed meeting statement. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Mayor Abraham invited the Boy Scout Honor Guard to introduce themselves.

A. APPROVAL OF AGENDA

MOTION: Trustee Lopez moved approval of the agenda with a note that staff will recommend deferral of Items 6.A. and 6.B. to the March 12, 2008 meeting. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. *Village Fire Department Presentation to Bernalillo County Fire Chief Bett Clark*

Fire Chief Greg Perez presented a plaque to Bernalillo County Fire Chief Bett Clark who is retiring at the end of the month. He said she has been a great friend and partner to the Village in her time as Chief.

2. PUBLIC COMMENT PERIOD

Dr. Lillian Ann Torrez, 908 Los Prados de Guadalupe Dr. NW, said she was born in the North Valley and has lived here all of her life. She said she is a candidate for APS Superintendent and she is asking for everyone’s support to have every child in the APS move to the top educational ranks. Her phone number is 235-4888.

Barbara Chavez, 6201 Nabor Road and 946 Chavez Road, asked for a timeline as to when they are going to fix the side of Nabor Road behind her fence between the body shop and Nabor Road. She asked if they are going to fix it at the end of the project or sometime sooner.

Mayor Abraham responded that he would raise her question at the Construction Meeting with the contractor on Thursday at 2 p.m.

Linda Straus, 1211 El Portal NW, said they have noticed for sometime a lot of speeders coming in and out of Tinnin Farms and also coming through from Rio Grande. She asked if there was anything she could do to slow the traffic.

Kelly Ward said he has received two phone calls and a visit from neighbors in the last week and a half. He said one of the residents picked up the Speed Hump Policy which outlines the steps necessary to have speed humps installed. He said his impression was that the resident was going to go door-to-door to get the petitions filled out.

3. CONSENT AGENDA

A. MINUTES – REGULAR MEETING–JANUARY 9, 2008

B. DEPARTMENT AND COMMITTEE REPORTS

1. LAW ENFORCEMENT/BCSD
2. FIRE
3. ANIMAL CONTROL

MOTION: Trustee Homan moved approval of the Consent Agenda with the exception of the January 9, 2008 Minutes, which have been deferred to the March meeting. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported that:

- There will be a Town Hall Meeting on Wednesday, February 20, which will start for the public at 6 p.m. with an informal question and answer period. Refreshments will be available. Then at 7 p.m., there will be a formal question and answer period. For the Trustees and P & Z Commissioners, at 5 p.m. there will be a tour of open space and the new fire station.
- They are working on some trail signs regarding ditch etiquette, the Village's leash laws and picking up after your dog.
- They are working on two gateways for 4th Street, one at each end and they will have a contest on design of the gateways. They are also working on gateways at both ends of Rio Grande in the median. There will also be another gateway at Osuna and Second St.
- We have a new *Journal* reporter by the name of Juan-Carlos Rodriguez. Carolyn Carlson has resigned to take a private job.
- The Election will be held on March 4th and there were no write-in candidates for Mayor or Trustees. The incumbent and one other person are running for Judge. He encourages everyone to vote. Absentee voting will be held until February 29 from 8 a.m. to 5 p.m.
- A couple new places are opening at Los Ranchos Villa—Barb's Restaurant; Dr. Moy, Optometrist; and LaCarniciera, a butcher shop.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported that:

- There have been discussions with the Sheriff's North Valley Area Command regarding scheduling of the four officers. They now have a new schedule so that the Village is covered from 7 a.m. to 2 a.m.
- Regarding the cell tower, the Village signed the lease with Verizon and expects construction to begin in about 30 days.
- The Area I & J sewer project is progressing. The County has a proposal from the Contractor which would shorten the timeframe of the project by 3 months. It would require the Village to allow the Contractor to maintain a rolling closure on Rio Grande which means that Rio Grande would be completely closed through the majority of the construction.
- Regarding the bike lane being constructed in conjunction with the Area I & J project, he will bring to the March meeting a cooperative agreement with the County to pay for the bike lane. An extra 4 feet of pavement will be laid and the road will be striped to include a bike lane on both sides of Rio Grande. The estimated cost of the bike lane from Chavez to Paseo is approximately \$482,000.
- Gates are being installed at the Albuquerque Main Canal at Ortega and Chamisal which would limit public access to sections of the ditch to pedestrians and equestrians.
- Regarding the Village Center, surveys and title searches are being completed; appraisals are starting. The Village had an agreement with the property owners for an appraiser that they selected but the Village could not come to a financial arrangement with the appraiser so another appraiser will have to be selected by the property owners.

- The Capital Outlay Bill, as it sits now on the Governor's desk awaiting his action, has approximately \$899,000 worth of appropriations for the Village. He said the breakdown is: bike lane on Rio Grande, \$254,000; open space purchase, \$275,000; new fire station, \$200,000; Community Barn, \$70,000; and maintenance equipment, \$100,000.

C. PLANNER'S REPORT

Planner Nighbert reported that:

- The Planning staff presented the Floor Area Ratio Ordinance covering all zones in the Village including the C-1 zone to the Planning & Zoning Commission and they made a recommendation to the Board of Trustees for approval.
- Staff presented a second ordinance reorganizing the Village Sign Ordinance which adds new definitions and regulations covering shopping centers, sandwich boards, banners, trucks with advertisements, electronic signs, message boards and maintenance of existing signs. The Planning & Zoning Commission recommended the BOT approve the ordinance with the corrections and amendments.
- Staff presented a third ordinance clarifying and adding regulations to Section 24, Approvals and Appeals, of the Zone Code. This language will help the department in notification of adjoining property owners and neighborhoods to clarify specifically the sections on Bed and Breakfasts and Diminimous Home Occupation licenses. The Commission recommended approval to the Board.
- Sam Gollis, Chairman of the P&Z Commission, has completed his 5th term which will require a new appointee to the Commission.
- Staff is working with NM DOT for emergency repairs on El Pueblo, Los Ranchos and Ranchitos intersections on 4th Street. The base and underlay of the pavement on both northbound and southbound lanes has deteriorated.
- The pace of building permits has slowed considerably and may affect budget revenues for 2008.

D. LEGAL REPORT

Attorney Martha King reported that:

- She worked on the Retail One case, Landau Appeal, Neff Appeal, the Desert Oasis recovery case, and an employee matter.
- She worked with Linda Seebach on ordinance development.
- She worked on negotiations with Verizon and finalized the lease.
- She served as legal counsel for Planning & Zoning.

E. FIRE DEPT. REPORT

Fire Chief Greg Perez reported that:

- Monthly training was conducted last month which was a focus on team effectiveness and effective communication.

- They have interior and exterior designs for the new fire station which will be available at the Town Hall Meeting on February 20.
- The dive team assisted APD on a body recovery in the South Valley a few weeks ago.
- Preparations are under way to relocate the Fire Department, if needed, due to the sewer construction.
- They continue to work on the Emergency Management Plan and Jeff Phillips is available this evening if the Board has questions about the proposed ordinance.
- On February 20 they have a table-top exercise and the focus will be to identify all of the potential threats that exist in the Village today and to work on a plan to address those threats.
- There are currently 6 individuals on a fire that is threatening the Bernalillo County Jail on the Westside.
- They have 3 individuals who have been trained as instructors and they will conduct the first in-house Firefighter I class.
- The call volume for last month was 73 calls, the majority were EMS calls.

5. FINANCIAL BUSINESS

A. CASH REPORT – JANUARY

Treasurer Haines reported that the ending cash balance at January 31 was \$6,784,597.18 which represents an increase of \$214,567.34 from the prior month. She said the cash balance without the bond and open space money would be \$2,532,136.00. She said the year-to-date revenues exceed expenditures by \$4,330,902.98; without the bonds and open space, the year-to-date revenues would exceed expenditures by \$595,297.38. She said the Village received the money from Bernalillo County Treasury for \$77,069.24. She said the totals for tax revenue are \$110,421.78 and the first payment of \$74,541.96 has already been paid.

MOTION: Trustee Lopez moved approval of the Cash Report. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-2-1 – REVISING THE 2007/2008 FY BUDGET – LEGISLATIVE MINIMUM WAGE ACT

Administrator Ward said they had previously discussed the Minimum Wage Act which was passed last legislative session and the impact it would have on Firefighter pay. He said the Legislature has now fixed the issue of folks who work nonstandard weeks. He said they are amending the budget to reflect approximately a \$17,000 decrease in expenditures.

MOTION: Trustee Lopez moved approval of Resolution No. 2008-2-1 revising the 2007/2008 FY Budget pertaining to the Legislative Minimum Wage Act. Trustee Homan seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 4-0.

6. PUBLIC HEARINGS AND APPLICATIONS

A. AN APPEAL BY RON CHAVEZ OF PLANNING AND ZONING COMMISSION APPROVAL OF CU-07-04, A REQUEST FOR A DRIVE-THROUGH COFFEE SHOP IN THE VC ZONE AND THE 4TH STREET COMMERCIAL CORRIDOR, ON DECEMBER 11, 2007, AGENDA ITEM 5A. THE PROPERTY IS LOCATED AT 6561 4TH STREET NW AND IS LEGALLY KNOWN AS TRACT 41G, M.R.G.C.D. MAP NO. 29, ELENA GALLEGOS GRANT IN PROJECTED SECTIONS 28 AND 29, T11N, R3E, N.M.P.M. CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, MAY 31, 1962. THE PROPERTY CONTAINS .9317 ACRES MORE OR LESS. CU-07-04

MOTION: Trustee Homan moved to defer Items 6.A. and 6.B. to the March 12th meeting. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. REQUEST BY JOSHUA J. SKARSGARD, ESQ. AGENT FOR DOUG PETERSON, PROPERTY OWNER, FOR SITE DEVELOPMENT PLAN APPROVAL FOR NEW COMMERCIAL CONSTRUCTION IN THE VILLAGE CENTER ZONE AND FOURTH STREET COMMERCIAL CORRIDOR. THE PROPERTY IS LOCATED AT 6561 4TH STREET NW AND IS LEGALLY KNOWN AS TRACT 41G, M.R.G.C.D. MAP NO. 29, ELENA GALLEGOS GRANT IN PROJECTED SECTIONS 28 AND 29, T11N, R3E, N.M.P.M. CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, MAY 31, 1962. THE PROPERTY CONTAINS .9317 ACRES MORE OR LESS. SDP-07-07.

(This item was deferred to the March 12 Board of Trustees meeting.)

C. REQUEST BY BETTY BLEA FOR FINAL APPROVAL FOR SITE DEVELOPMENT PLAN FOR COMMERCIAL CONSTRUCTION IN THE C-1 ZONE OF THE 4TH STREET COMMERCIAL CHARACTER AREA. THE PROPERTY IS LOCATED AT 7222 4TH STREET AND IS LEGALLY KNOWN AS TRACT 153-B M.R.G.C.D. MAP 27, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS 1.458 ACRES MORE OR LESS. SDP-07-08

Trustee Homan recused herself from voting on this item because she is an adjoining property owner and as such she may desire to make a public statement as an interested citizen.

Mayor Abraham said he understands that Trustee Homan may participate with comments and she will not vote on the item.

(Attorney King swore in those speaking on this item.)

Planner Nighbert discussed his Planner's Report No. PZ-08-15 and said the property is a dual-zoned property which is C-1 for the first 300 feet in depth from 4th Street and then it is R-2 for the remainder of the tract running east to the Chamisal Lateral. He said the commercial part of the property lies within the 4th Street Character Area and the R-2 residential portion lies within the Chamisal Character Area. He said the proposed project will remodel the two existing structures and construct three connecting units to make a retail office center on the property. He said 22 parking spaces are provided for the offices, 4 of which are handicapped. He said the comprehensive grading and drainage plan has been submitted and reviewed by the Village-designated engineer. He said four ponding sites are provided—one in front, two behind the existing building, then a large pond at the rear of the property. He said the ponds on the southern portion of the property behind the buildings will not encroach onto the adjoining property and the applicant has agreed to meet the recommendations of the Village-designated engineer. He said the parking requirements are adequate and meet the required Off Street Parking Ordinance. He said the Planning & Zoning Commission recommended approval for the site development plan with the following conditions: Section 18, Landscaping, shall be met; Section 19, Dark Skies, shall be met; and Section 21, Signs, shall be met. He said the **Findings** were:

- A. The Site Development Plan meets the Economic Goal of the 2010 Master Plan:
 - 1) 4.7.2 Commerce Goal, 4.7.2.1 objectives and 4.7.2.2 Policy A: *Specifically, the Site Development Plan, with the renovation of the existing structures and the addition of two new commercial buildings will meet the goal to revitalize Fourth Street, encourage small businesses providing basic services, low commute businesses and specialty shops.*
- B. The Site Development Plan meets the requirements of Section 24.E. §(D)
 - 1) Pedestrian, traffic and emergency access requirements are met,
 - 2) Off-street parking requirements are met,
 - 3) Public sewer and water are available,
 - 4) On-site ponding and storm water retention is provided,
 - 5) Economic, noise, glare, and odor effects are mitigated,
 - 6) The community will benefit from the renovation and new construction in a compatible architectural style that compliments the Village commercial corridor.

Jeff Wooten, Wooten Engineering representing the applicant, 5017 Sanbusco Drive, Rio Rancho, said he was available for any questions regarding drainage or utilities.

Trustee Lopez asked if the Village Engineer had checked the calculations.

Planner Nighbert responded that the Village had retained Advanced Engineering to provide a review of the Site Development Plan and the Grading and Drainage Plan specifically. He said they made 19 comments and the applicant has agreed to meet those comments.

Fire Chief Perez asked if the applicant was aware that the building would have to be sprinkled and any remodel greater than 50% on the two existing structures would also have to have a fire sprinkler system installed.

Planner Nighbert responded that he believed the applicant had been notified of that requirement. He said the Fire Marshal did check the fire turnaround.

DaVon Knackstedt, 7218 4th Street, said he needed to make whoever aware that his property which is adjacent to Unit A actually comes further towards it and he doesn't know with regard to property lines how much space he has from his building to the new building that is being planned. He said his property is historical and used to be a Route 66 Taos Motorcourt. He said he does not want to have an encroachment on that building whereby he may have to change the façade of that building. He said that is his main concern and also issues of drainage.

Mary Homan, 7318 4th Street and 7320 4th Street, said her property is directly north of the project. She said she has talked with Ms. Blea on this and she just needs some confirmation on the record regarding what they have discussed. She said one of the plans shows the pond listed as Pond D as two-thirds back on the R-2 piece of property. She said the 300 foot mark that is indicated as the line that is directly above it to the north, that this pond is actually a little bit further to the west and that on the far right-hand side of that pond, there is a notation about a new trash enclosure and that is not where that will be located. She said it will be located in the little area between the pond and existing Unit E. She asked Ms. Blea or her representative to confirm that on the record.

Betty Blea, 10040 Los Cantados NW, said regarding Ms. Homan's request, that existing pond that is there is not as far back as it shows on the Site Plan. She said there was a miscommunication and her designer pushed the pond back and put the dumpster to the east. She said that is not what they are going to do. She said they are going to leave the dumpster directly behind the existing building and leave the pond as it is and that is what she told Ms. Homan she would do. She said the property that is exactly south of her, the problem she has is that she has a survey and his roof comes over her property almost a foot and half to two feet. She said the problem is that her ponding will not suffice for his drainage and she recommended to him that he may want to do something with his drainage. She said she is not trying to be difficult, but she does not think it is her responsibility to correct his drainage.

Trustee Lopez said on the Site Plan dated 09-16-07 and 02-05-08, it looks like there is a very small easement that goes along the property. He asked what the dashed line indicated.

Jeff Wooten said it is a 5 foot PNM right-of-way easement for electric.

Trustee Lopez asked for a legal opinion if there is an easement already there and this new property is not going to be building in that easement, does it have any effect?

Attorney King responded that an easement just means that you can't build in that area but theoretically there is a remedy that Ms. Blea could assert.

Mayor Abraham said he does not think it is the Board's business to deal with the overhanging roof situation.

Jeff Wooten said that on the issue of the overhanging roof, he had explained to the parties that it was a civil matter. He said since the easement is a PNM easement, he doesn't have the details but it is possible that it would be for overhead lines.

DaVon Knackstedt said the initial plan had a 7 foot utility easement. He said he has tried to find a State survey in that area and he did not find one.

Trustee Lopez said generally the MRGCD maps are based on description but on newer properties there are pins in the ground.

Trustee McDonough inquired, referring to the letter of January 16th, whether all of these things had been corrected or just a statement that they will be fixed in the future.

Planner Nighbert said they would be fixed in the future. He said some of these comments refer to the building plans, which have not been designed yet. He asked what specifically was in question.

Trustee McDonough said there were several: [6] Is there a water block at the entrance? Please show spot elevations; [7] Provide detail grades for the handicap parking areas and paths to assure that it meets ADA requirements; [10] Please provide infiltration calculations for the proposed ponds. We recommend that pond infiltration would be less than 24 hours. He said there are a number of issues which have been addressed in the letter from the review engineer that we would want resolved before we took action. He said the process that he is familiar with is that drawings are submitted, they come back with comments, the comments are fixed, resubmitted and when everything is approved, then it moves forward for approval. He felt that the Board was getting ahead of itself approving things with outstanding issues that get left for staff to follow up on to make sure they get addressed. Whereas, if the Board takes the position that nothing will be approved until all the comments have been addressed, the applicants will make sure that they get addressed in order to get the approval. If the Board approves them without these things, they just get left.

Planner Nighbert said some of the comments concern the design of the building. Is the request that the building is designed before the site plan is approved and submitted with the site plan? Those are the type of questions which need to be asked.

Trustee McDonough said he would agree. He said he did not think it is an issue of the site plan. He said elevation, infiltration, the drainage type issues are the issues for the site plan because there is a grading plan before them. The survey says seven feet and the site plan says five feet for the PUE, is it seven or five feet? He said he believes it is the applicant's job to check things, not staff. Staff has a full time job.

Jeff Wooten said that he could see the easement discrepancy on the plan, but that is on the property to the south and does not directly impact the development of the property. As far as the drainage request and the letter from Mr. Biazar, and he had spoken with him, if the letter had said that certain items need to be amended or corrected prior to, that option would have been pursued. But the letter clearly states that based on the review, it meets site plan approval, so nothing was pursued.

Trustee Lopez said the reference was to the first paragraph of Mr. Biazar's letter which says, "The plan meets the requirements for Site Plan Approval. However, the following comments have to be addressed prior to Grading Permit and Building Permit Approval". That was the instruction given to the applicant.

Trustee McDonough said he was just making the argument that these things really need to be addressed prior to coming to the Board for approval and not be a burden on staff to make sure these things get addressed. If the Board withholds approval until all the concerns from the review engineer have been addressed, and maybe [there needs to be] instructions from the review engineer that these things need to be addressed prior to approval. His experience is that all the comments should be addressed prior to approval.

Betty Blea said that she thought she had come here for site plan approval. She said the request is for elevations and the list the surveyor is working on. She said she thought this is just site plan approval and there were no problems with the site plan and it was the next step when things had to be addressed. She said all of the things will be addressed and this is not trying to get around anything. She said she thought all the things would be addressed at final approval.

Trustee McDonough asked if the Board would see this again.

Planner Nighbert said no, the Board would not see the actual building permit, which is the next step.

Trustee McDonough said there is an ongoing discussion about drainage.

Planner Nighbert said that if that is the case, staff will delay putting any site development plan on the agenda until the comments are addressed.

Mayor Abraham said that in this particular case, Mr. Nighbert should be directed to make sure that they get done.

Trustee McDonough asked if there was a specific drainage plan approval for commercial development.

Planner Nighbert said no, the only thing the ordinance says is...there is no drainage ordinance with specifics. The consultant selected was reviewing per City of Albuquerque, we don't have a PPM. The site development plan approval process for the City of Albuquerque sometimes includes the building plans. It is certainly within the purview of the Board to go through that process. What has happened in the past is that as long as the applicant meets the requirements, it is brought to the Board for approval of the site development plan. We do not have ordinances in place that set specifics for grading and drainage plans. There are no specifications in place for development of the infrastructure, paving requirements or curb requirements or any of the other requirements which sometimes show up in grading plan reviews.

Trustee Lopez said that this same discussion occurred 12 years ago and there were people in the audience who were up in arms because they did not want roads and streets

like the City of Albuquerque, with sidewalks and such. They wanted it on a case by case basis, so that is how it evolved to today.

Trustee McDonough said that drainage is his thing, how much was just spent fixing drainage problems at Fourth and Osuna? How much was invested in Taft Field? This is the Valley and the Valley has drainage issues. He said he was fixed on the plans having to demonstrate that drainage is addressed. He was being educated that the Village does not have those specific requirements.

Planner Nighbert said that we could hire engineers to write an ordinance.

Trustee Lopez said he was familiar with another municipality which has to review and approve the drainage master plan with all the specific requirements for every developer and person working in the community. This is not an unusual problem.

Planner Nighbert said the Planning Department does the best it can to follow the goals of the Master Plan. One is that it tends not to be regulation heavy on small businesses who come into the Village and build. He recognizes that drainage is a problem. The Village needs more specifics. He said that perhaps one engineer should be hired to review all plans because engineers tend to view things from a different perspective. Site plans are brought forward as soon as possible so the process does not take a year or two such as the City of Albuquerque or Bernalillo County do. There is no desire to short change the citizens in any way. He asked for guidance for staff from the Board. The site development plans were brought forward as they were in the past, where as long as the applicant agreed to the findings of the reviewing engineer, there was some assurance that the Trustees would approve it. If that is not the case, then it needs to be conveyed to the applicant that once we receive the reviewing engineer's listing, the conditions will have to be met prior to going before the Board.

Trustee McDonough said that there was no danger of competing with the City or Bernalillo for the length of time to get through the permitting process. No one wants that. There are specific requirements for drainage in the subdivision process. It is addressed in the platting process that there has to be a drainage plan review.

Planner Nighbert said that is correct, but those specifications are not written down. They are based on the 100-year flood, but they are not specific.

Trustee McDonough said they are based on the DPM, based on off-site flows and everything else. These are standard approaches. His request is that the plans are reviewed for issues, whether there needs to be language put in the ordinance or not, they are reviewed for drainage, so that drainage problems are not created; and prior to coming before the Board for approval, the plans are fixed to address the comments from the reviewing engineer. If there are wrong numbers on the pond areas, fix the pond areas. If they do not have enough elevation call outs, fix them, so that there is a set of plans for drainage purposes that are correct. They just have to build to the plans. This takes the burden off of the staff to follow up with 19 comments to make sure that every one is addressed.

Planner Nighbert said that that would be done.

Trustee Lopez said that in the past site plans were approved with conditions which require a written response and an acceptable response to each of the comments. He inquired if this was an acceptable thing to do.

Trustee McDonough said that puts the burden on staff to follow through. If approval is withheld until that is done, then it will be done.

Mayor Abraham said that is probably true, but all the applicants need to know what rules we are playing by. He did not think it should be a burden on any of the businesses. Everyone needs to know the process. There needs to be a process.

Trustee McDonough said that all engineers have dealt with the situation. It is the DPM, all except historic flows stay on site. He would appreciate not seeing them until all the issues are addressed.

Jeff Wooten said 18 of the 19 comments are very minor and Mr. Biazar did provide his own calculations and obviously felt there were no public safety issues. He said there is a certain amount of volume that they are required to have on-site and their ponds exceed that required volume. He said Mr. Biazar did list other comments in order for them to address prior to building permit because Mr. Biazar did not feel they were major issues and from his experience, that is pretty standard. He said the one item would be the infiltration rates which at this point he does not like providing that up-front cost to design building facades because it costs pretty good money. He said they understand that they cannot get a building permit until those comments are addressed.

Trustee McDonough said it still does not resolve the issue of the overhang on the property.

Jeff Wooten said there is a comment with the overhang that says they must address off-site drainage issues prior to a building permit.

Trustee McDonough asked if by saying it is the neighbor's problem that is how they are going to address it.

Jeff Wooten said regarding the ponding question that would be adjacent to the neighbor, if it turns out that he is not required to divert the water, the comment from Mr. Biazar is we have to accept that off-site drainage or figure it out another way. He said they will have to come to a conclusion on that civil issue in order to obtain the building permit.

DaVon Knackstedt said he does not know if a stake survey was done since Ms. Blea purchased the property. He said he cannot find a stake so he does not know where the property line is in relation to his overhang. He said he would suggest a staked survey.

Trustee McDonough said he would like these items resolved before the Board approves it.

MOTION: Trustee McDonough moved to defer until the March 12, 2008 meeting in order for the issues to be resolved. Trustee Rael seconded the motion.

VOTE: The motion carried, 3-0.

7. OLD BUSINESS

A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE ANNEXING TERRITORY INTO THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE. THE PROPERTY IS LOCATED AT 8409 2ND STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED IN ALAMEDA, WITHIN SECTION 16, T11N, R3E, N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, BEING KNOWN AS TRACT 149-B, AND A PORTION OF TRACT 146-A2, M.R.G.C.D. MAP 24, THE PROPERTY CONTAINS 1.31 ACRES, MORE OR LESS

Planner Nighbert said this issue has come before the Board before as a sketch plat for a Site Development Plan and as an endorsement from the Board for a recommendation to the Bernalillo County Commission that they allow the Village to annex the territory. He said the letter is in the packet dated October 24, 2007, signed by Sanford Fish, and has 3 conditions. He said the applicant has agreed to bring them forward and the Planning staff recommends adoption of the Ordinance to annex property into the Village.

MOTION: Trustee McDonough moved approval of Ordinance No. 214 annexing property located at 8409 2nd Street. Trustee Rael seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 4-0.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO INCREASE THE SOLID WASTE COLLECTION RATES WITHIN THE VILLAGE BY 3.5% AS PREARRANGED IN THE AGREEMENT WITH WASTE MANAGEMENT

Administrator Ward said the CPI Index is the measurement used to adjust rates with Waste Management and they have requested a rate increase based on the CPI. He said staff is recommending approval of the increase which will be effective April 1, 2008.

Trustee Rael asked if the low income rate is something new.

Marlene Feuer, P. O. Box 15700, Rio Rancho, said she is the “garbage lady”. She said the low income rate had not appeared in previous rate sheets because it was imbedded in the contract. However, she asked Administrator Ward if he would like to see it reflected in the rate sheet and he said he did.

Trustee Homan said it seems not that long ago that Waste Management asked for a fuel adjustment. She asked what that percentage of increase was.

Marlene Feuer responded that the percentage on the residential was 2.52%, on commercial 2.15% and it was based on a per load on the roll-off of \$6.22 a load.

Trustee Homan said in her experience there are a number of increases that are triggered by CPI and a large portion of CPI is the fuel adjustment portion. She asked if they are not double dipping by granting the 3.5% on top of the fuel adjustment that they just granted.

Marlene Feuer said they have a white paper that she can send to Administrator Ward for distribution to the Board. She said the CPI is not particular to their industry because their fuel is so intensive.

MOTION: Trustee Rael moved approval to increase the solid waste collection rates. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

**B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-2-2 –
ADOPTING THE GOVERNOR’S EXECUTIVE ORDER FOR THE NATIONAL
INCIDENT MANAGEMENT SYSTEM IN THE VILLAGE OF LOS RANCHOS**

Fire Chief Perez said the President directed Homeland Security to develop and administer a National Incident Management System (NIMS). He said the purpose was to provide a consistent, nationwide approach for Federal, State and Local governments to come and work together effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. He said the resolution before the Board will show that members of the Fire Department have taken all the appropriate training and would be ready to activate the NIMS response system in the event of a large-scale disaster in the Village.

Trustee Lopez asked who would be writing the Emergency Operations Plan.

Fire Chief Perez responded that he and Jeff Phillips would write a new plan.

MOTION: Trustee Lopez moved approval of Resolution No. 2008-2-2 adopting the Governor’s Executive Order for the National Incident Management System in the Village of Los Ranchos with particular emphasis on the preparation of the necessary Emergency Operations Plan. Trustee Rael seconded the motion.

ROLL CALL VOTE: Trustee McDonough, yes; Trustee Homan, yes; Trustee Lopez, yes; Trustee Rael, yes.

VOTE: The motion carried unanimously, 4-0.

**C. DISCUSSION AND APPROVAL TO ADVERTISE IN SUMMARY AN
ORDINANCE ESTABLISHING AN EMERGENCY MANAGEMENT PROGRAM**

Fire Chief Perez said this is the second portion of the action taken to approve the resolution. He said this is an ordinance establishing an Emergency Management Program acknowledging the Emergency Management Director, which at this time is the Mayor; identifying the emergency management organization; authorizing appointment of an emergency management coordinator; providing duties and responsibilities; granting necessary powers to cope with threats to life and property; authorizing cooperative and mutual aid agreements; and for related purposes.

Jeff Phillips, 605 Schulte Rd. NW, said he is a professional emergency manager and has always wanted to be involved with local government.

MOTION: Trustee Rael moved approval to advertise the ordinance in summary. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0

D. DISCUSSION AND COMMENT ON THE GARDUÑO ROAD STORM DRAINAGE IMPROVEMENTS PROJECT AGREEMENT BETWEEN THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY, THE VILLAGE OF LOS RANCHOS AND BERNALILLO COUNTY

Administrator Ward said he mentioned in January that they had a meeting with AMAFCA regarding their 2008 storm drain management plan and project plan. He said included in that plan was a fix for Garduño Road. He said there appears to be money to address drainage issues and in a meeting with AMAFCA, Bernalillo County and the Village an agreement was reached whereby the Village would manage, on behalf of AMAFCA, the construction of a remedy for drainage on both the east and west side of Garduño Road. He said a draft of the Agreement was included in the Board packets and he would appreciate receiving any comments the Board might have. He said after comments are received from the various Boards, they will go to another phase of drafting. He said what this calls for is the transfer of potentially \$1.5 million to the Village to design and construct a drainage system for both the east and west side of Garduño Road. He said the Village would have to acquire some easements so that the water from Garduño Road on the west side could be handled. He said the first section of the agreement would be a \$75,000 design to the 65% and then decisions would have to be made by the three bodies on whether they had enough money to continue.

Trustee Lopez asked how the design engineer would be selected.

Administrator Ward said per the Agreement, the County Engineer's on-call list will be used to select an engineer.

Trustee Rael said on Page 6, Item 2.8. it requires the contractor to provide commercial general liability insurance of at least \$1 million naming AMAFCA, the County and NM DOT as additionally insured. He asked why the Village was not also included.

Administrator Ward responded that he believes AMAFCA was assuming that since it was our contract we would have that clause in there to include the Village.

E. DISCUSSION AND APPROVAL OF MATCHING FUNDS IN THE AMOUNTS OF \$10,000 AND \$17,300 FOR THE 2008 SCENIC BYWAY GRANT AWARDED BY THE NM DEPARTMENT OF TOURISM

Administrator Ward said the Village applied for Scenic Byway money and were awarded a grant of \$40,000 and the Village's match is \$10,000. He said in December the Village was contacted by Scenic Byways and told they had an applicant who dropped off and there were additional funds available that would require a Village match of \$17,300. These funds would be used for gateways into the Village.

MOTION: Trustee Rael moved approval of the matching funds for the Scenic Byway grant. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Homan said she is proud to announce that the Girl Scouts are now also meeting at Old Village Hall, in addition to the Boy Scouts who were already meeting there.

Trustee Homan said she was notified by a Village resident that the skunks are already out. She asked what the Village policy was going to be as far as picking up skunks.

Mayor Abraham said the Village will not be picking up skunks; however, if they are dead in the street, they will be removed by Animal Control.

Administrator Ward said Critter Control will pick up skunks for a fee and the "Skunk Man" will pick them up and take them to a better place.

Trustee Homan announced that she will not be at the March 12, 2008 Board meeting.

Trustee Rael said he believes the Village should be proactive and try to come up with boundaries that we want instead of allowing new developers to do these piece meal annexations. He also suggested a fee be charged to developers for annexation.

Trustee Homan said she agrees with Trustee Rael that the Board should come up with what the preferred boundaries would be and then work toward that.

Trustee Rael said he also thinks it would save time if staff did not have to read all the items. He said the Board reads the packet before the meeting and they could then just make a motion.

Trustee McDonough said his wife would like him to bring her concern that the Village not put stop signs on Rio Grande Blvd. He said he believes it is a subject that should be discussed.

Trustee Lopez said he thinks the Village should have a traffic study performed before anything else is done about stop signs on Rio Grande.

10. ADJOURNMENT

Mayor Abraham adjourned the meeting at 9:05 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2008.

ATTEST:

Annabelle Silvas,
Village Clerk