

# MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD N.W.  
BOARD OF TRUSTEES REGULAR MEETING

**May 9, 2007 - 7:00 P.M.**

**Present:**

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Tim McDonough, Trustee

Pablo R. Rael, Trustee

Mary Homan, Trustee

Annabelle Silvas, Clerk

Juan Vigil, Administrator

Terry Nighbert, P&Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

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## 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, May 9, 2007 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

### A. APPROVAL OF AGENDA

**MOTION:** Trustee Lopez moved approval of the agenda. Trustee Rael seconded the motion.

**VOTE:** The motion carried unanimously, 4-0.

## 2. PUBLIC COMMENT PERIOD

**Arnold Sargeant**, 850 Chamisal Rd., stated that when he was a Trustee one of his major concerns was the irrigation ditches. He said he believes the ditches are the treasure of Los Ranchos. He asked Augusta Meyers and Corky Herkenhoff to address the Board.

Gordon (Corky) Herkenhoff stated that he has been a full-time farmer for about 40 years and his entire livelihood depends on how many bails of hay come out of his bailers. He said he can't do that without water. He said everyone knows the threat that New Mexico's water is under because of the value of it.

**Augusta Meyers** stated that she echoes what Corky stated about keeping the water control with the Conservancy District and supports keeping the valley green. She said she currently holds the At Large position and was appointed to fill the remaining two years of the At Large member. She said she is now running for one of the three Bernalillo County positions.

## 3. CONSENT AGENDA

### A. MINUTES – REGULAR MEETING–APRIL 11, 2007

**Trustee Homan** said she had corrections as follows: page 6, line 9, after the word screens, insert “at each Council member’s station”; page 10, line 4, strike the “a” before planned; page 13, line 5, change the word “is” to “was”.

**B. DEPARTMENT AND COMMITTEE REPORTS**

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

**MOTION:** Trustee Rael moved approval of the Consent Agenda with the amendments to the Minutes. Trustee McDonough seconded the motion.

**VOTE:** The motion carried unanimously, 4-0.

**4. REPORTS**

**A. MAYOR'S REPORT**

**Mayor Abraham** reported that:

- Staff has been reviewing banner themes for 4<sup>th</sup> Street and Osuna. They have ordered 20 banners: 4 “Welcome to the Village of Los Ranchos” banners with Scenic by-Ways logo and 16 with “Shop and Dine in Los Ranchos”. At the bottom of each banner will be a smaller banner with Lavender Festival dates. Sponsorships by local businesses can also be displayed. The banners should give a fresh look to 4<sup>th</sup> Street and identify when you are entering the Village. There will definitely be a banner at Osuna and 4<sup>th</sup> Street.
- Some new shops have opened where Calico and Vernon’s are located. There is a new flower and gift shop and a gallery. There is a new coffee shop that has opened called Sunrise Café and it is right across the street from Farmers’ Feed.
- The MRGCD Elections are being held June 5, 2007.
- Staff mailed out nearly 1900 Agriculture Committee Surveys and so far about 400 have been returned.
- They are working on a wireless internet service and he hopes to use it for camera security in the park as well as offering internet services to businesses and residents.

**B. ADMINISTRATOR'S REPORT**

**Administrator Vigil** reported that:

- The T- Mobile contract was finalized and presented to them for signature. It is currently being reviewed by their attorney. He contacted Verizon and they want to perform a site visit next week; he also left a voice mail for Cingular. T-Mobile also informed him that Sprint has indicated an interest in collocating on the tower. If they receive the signed contract next week, all requirements in terms of the building permits will have been met and construction could begin in the next 10 days.

- A meeting on the 4<sup>th</sup> Street Project was held today with Dave Owsley, Dolly Herrera and Richard Lovato from Larkin; Dick Rowles from Star Paving; and Pancho Sanchez from APS. They went over the punch list for the entire project. About 90% to 95% of the major issues have been accomplished. There are some areas at Taft that will require a change order, but overall everything is in order.
- Regarding the MAP funding, Albuquerque Asphalt has begun working on installing infiltrators at 4<sup>th</sup> and El Pueblo and they should begin paving and resurfacing on Friday from Guadalupe Trail eastward to 2<sup>nd</sup> Street.
- Bernalillo County informed us they are going to have an open space master plan public meeting for the Bachechi property on May 17 at the Alameda Elementary School from 6 p.m. to 8 p.m. They will be discussing their Master Plan and issues such as open space, trails, education, interpretive components, equestrian access and other ideas. The issue for the Village is the impact of traffic on Rio Grande Blvd.
- He met with representatives from the Finance Authority and went over their program profile regarding how they can help us in terms of financing. A major concern for the Village is the match requirement for GRIP II, which is \$1.4 million.
- NMDOT called regarding the surplus equipment because they were concerned with the amount the Village has available in its budget fund. He said he is hopeful that they will give us approval.
- They received approval to use the barn for groups of 25 or less and it has been used twice by local Boy Scout Troops. They hope to get the fire sprinkler system installed and a fire rating so that it can be used by larger community groups.

**Trustee Lopez** asked if the Village had given the contractor substantial completion on 4<sup>th</sup> Street.

**Administrator Vigil** responded that during the walk-through the contractor was given substantial completion.

## C. PLANNER'S REPORT

**Planner Nighbert** reported that:

- The VC Zone Ordinance and boundaries have been approved; therefore, staff is drafting an RFP for the Metropolitan Redevelopment Area by private developers. A meeting will be scheduled with all property owners to discuss the RFP and the total project.
- The moratorium for the VC Zone will end on June 30; however, since the Ordinance has been passed and the boundary has been reduced and redefined, there is one development that will be coming in under the old C-1. They have a meeting with the developer this week. The moratorium on two story residential homes in the Guadalupe Trail Character Area also expires on June 30.
- He and Chief Perez will be meeting with the architect on the new fire station.
- The Village has been tasked to draft the NPDES Ordinance to meet the EPA requirements. Staff asked for a waiver for cities of less than 10,000 population for the one discharge of 5 cfs into the Rio Grande at the 2<sup>nd</sup> Street drain. The EPA denied the request.
- He and Linda are trying their best to keep up with the Code Enforcement duties.
- He has spent a lot of time on the Floor Area Ratio Ordinance and attended the 6 meetings that were held.

## **D. LEGAL REPORT**

**Attorney King** reported that she:

- Worked with Administrator Vigil and T-Mobile in order to finalize the contract.
- Worked on some details of the Unser Agreement that the Department of Finance requested.
- Researched a subdivision application matter.
- Continued to work on the Landau 1 and 2 cases which have now been consolidated into a single case.
- Served the defendants in the Gasman case and they are trying to wrap it up.
- Worked on the 4<sup>th</sup> Street Project and a temporary construction matter.
- Researched matters related to Eminent Domain.

## **E. FIRE DEPT. REPORT**

**Chief Perez** reported that:

- They have been busy on Phase 2 of the swift water training and he believes it will be great exposure for the Department.
- Firefighters Joe Martin and Ryan McCarthy are now certified fitness trainers and they can design a fitness program for the department, the administration staff and the Board of Trustees for those who are interested.
- They met with the architect for the new fire station three times this month and have set a meeting for next Monday to give final approval on the design.
- They participated in the breast cancer awareness walk which was attended by about 17,000 people.
- They have graffiti removal spray on their trucks and are cleaning graffiti when they see it.
- APS rejected the initial agreement and now they want an individual agreement with each fire department. Until a new agreement is approved, they will continue to do inspections of Albuquerque Public Schools in their jurisdiction and will continue to send their findings to the safety folks at APS.
- They are operating on a Mutual Aid Agreement with Rio Rancho Fire Department that has expired. Rio Rancho was unable to get the agreement reviewed in time to bring before this Board. They will continue to operate under the old agreement until the new agreement can be approved at the Board's July 11, 2007 meeting.

## **5. FINANCIAL BUSINESS**

### **A. CASH REPORT – APRIL**

**Treasurer Haines** reported that the ending cash balance as of April 30, 2007 was \$2,029,640.44. She said for the month of April, our revenues exceeded expenditures by \$119,654.51 and our year-to-date expenditures exceed revenues by \$609,256.54 and that has gone down from the previous month.

**Trustee Lopez** asked how the gross receipts have been tracking for the last 10 months.

**Treasurer Haines** said they are doing very well.

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

**VOTE:** The motion carried unanimously, 4-0.

**B. DISCUSSION AND APPROVAL TO ADOPT THE 07/08 FISCAL YEAR BUDGET**

**Administrator Vigil** said they presented the preliminary budget at the last meeting. He said Accountant Saavedra made some minor adjustments based on Franchise Taxes and Gross Receipts Taxes increasing those by a slight amount based on the latest data. He said he has also looked at other areas where he has reduced the building permits from \$78,000 to \$75,600, home occupation licenses from \$3,400 to about \$3,000 and the merchandise sales to about \$300. He said the total revenue is now at \$2,806,559. He said other changes were the inclusion of the match for MAP II on the El Pueblo project and a recommendation that the Code Enforcement Officer position become a full-time position with the addition of some plan review duties.

**Trustee Lopez** asked what the “local reserve requirement unavailable for budgeting” of \$194,007 represents.

**Accountant Saavedra** responded that DFA requires you to have a 1/12 percent of expenditures in reserves in the general fund. He said the Village’s reserves are normally around \$2 million. He said the cash reserves at the end of Fiscal Year 2008 should be \$2,482,000.

**Mayor Abraham** said the Village has approximately \$800,000 more now than they did 3 years ago and that is after purchasing open space, completing the 4<sup>th</sup> Street Project, hiring 3 new firefighters and all the other expenditures.

**Trustee Homan** said she understands this budget includes raises for staff.

**Administrator Vigil** said the budget includes a 5.1% increase in salaries for all of the employees except the Mayor, Trustees, Treasurer and him.

**Trustee Homan** said she understands why the Mayor and Trustees are not getting a raise, but she believes there are other valued employees who should be recognized with an increase.

**Trustee Lopez** said he thought it had been 4 years since the Mayor’s salary was increased and perhaps it was time to think about an increase since an election was coming up in 2008.

**Mayor Abraham** said he believes he has been lax in not recommending a raise for Administrator Vigil that is the same as what is being requested for the other employees.

**MOTION:** Trustee Homan made a motion to increase the Administrator’s salary by the same 5.1% as the other employees. Trustee Lopez seconded the motion.

**Trustee Homan** said because of the detail provided on a monthly basis, the audits are easy to follow and they have been without exception.

**Trustee McDonough** said Accountant Saavedra does an excellent job of putting the budget together and leaves no room for questions. He said over the year they have completed the 4<sup>th</sup> Street Project, completed the barn, purchased open space property and they still have a healthy reserve. He said he has also noticed that there has been a continuing decrease in department expenses and he gives credit to the administration for a well managed operation.

**MOTION:** Trustee McDonough moved approval of the budget with the amendment to the Administrator's salary of the 5.1% cost of living increase. Trustee Homan seconded the motion.

**VOTE:** The motion carried unanimously, 4-0.

## **6. PUBLIC HEARINGS AND APPLICATIONS**

**A. REQUEST FOR FINAL SITE DEVELOPMENT PLAN APPROVAL BY ROB HELMICK FOR NEW COMMERCIAL CONSTRUCTION IN THE C-1 ZONE OF THE 4<sup>TH</sup> STREET COMMERCIAL CORRIDOR. THE PROPERTY IS LOCATED AT 7512 4<sup>TH</sup> STREET AND IS LEGALLY KNOWN AS TRACT A, PLAT OF RINCONES DE LOS RANCHOS, M.R.G.C.D. MAP NO. 27, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AUGUST, 2006. THE PROPERTY CONTAINS 2.20 ACRES MORE OR LESS.**

*Attorney King swore in those who wished to speak under Item 6.A.*

**Planner Nighbert** presented Planning Report No. PZ-07-37 which concerns final approval for a Site Development Plan to allow for new commercial development in the Fourth Street Commercial Corridor. He said this property is located at 7512 4<sup>th</sup> Street which is the old Hacienda site. He said the applicant is Rob Helmick who is proposing to build a commercial development consisting of four retail or restaurant buildings strategically placed on the lot to avoid both row alignment and big box effects. He said each building is one story in height with a square tower of 26 feet in height, offset building entrances and overhangs with covered portals between the offsets. He said each building consists of 4,920 square feet and they are accessible from two or more sides, depending on tenant preferences. He said the grading and drainage plan has been submitted to the Village and has been reviewed by the Village designated engineer. He said parking is provided between the two groups of buildings and the site is well landscaped. He said the Planning and Zoning Commission forwarded a recommendation of approval with 8 conditions. He said the Department provided findings and they are all in accordance with the commercial plan goals and objectives of the 2010 Master Plan as well as the Commercial Performance Standards for private property in the Master Plan Goals.

**Trustee Lopez** asked what the engineer's comments were on the grading and drainage plan.

**Planner Nighbert** responded that the only comments were that the pond was generally as large as it needed to be and swales needed to be placed in the parking areas to be sure the drains from the buildings and parking lots were drained properly at a slow rate back to the detention pond where it infiltrates back into the soil. He said they plan to harvest the water in order to irrigate the landscaping trees.

**Rob Helmick**, 1515 San Patricio SW, stated that he is finding a little more resistance to this property as far as getting tenants interested than he thought he would. He said he thinks he now has a situation where if he builds it they will come. He said he is working on a possible 5,000 sq. ft restaurant tenant who would be relocating from the central corridor. He said he is looking at an office mix and hair salon. He said the traffic here has increased since the 4<sup>th</sup> Street/Osuna corridor has opened up. He said he looks at this project as being the anchor project to that corridor from Osuna to Los Ranchos.

**Trustee Lopez** asked what the construction schedule will be.

**Rob Helmick** said he would like to break ground by the end of August. He said he has one tenant who would like to be in by January 2008.

**Trustee Lopez** asked if this was the final color scheme.

**Charles Wilder**, Architect, 1501 San Patricio SW, said the color printer never prints the true colors. He said they want to do traditional valley colors mixed with stones, rusted metal, etc. He said they want to pay homage to the north valley.

**Trustee McDonough** said he likes the layout on the site and appreciates them not asking for a bunch of variances. He said he heard there might be other interest in surrounding properties to do some redevelopment. He asked if Mr. Wilder saw any synergy building up in the area.

**Charles Wilder** said he heard there were activities with the trailer park and the space next to the school. He said with all the landscaping on 4<sup>th</sup> Street he thinks it will become a destination shopping area.

**MOTION:** Trustee Homan moved approval of the site development plan, with Conditions A through H set by the Planning & Zoning Commission, for the Helmick new commercial construction. Trustee Rael seconded the motion.

**Trustee McDonough** asked if Mr. Helmick reviewed all the conditions and was okay with them.

**Rob Helmick** said he did review all the conditions and agrees with them.

**Administrator Vigil** said the MAP Project will be a resurfacing of 4<sup>th</sup> Street from Schulte north to El Pueblo and also installing infiltrators to deal with ponding in certain areas. He said the Village is making every effort to promote business along 4<sup>th</sup> Street.

**VOTE:** The motion carried unanimously, 4-0.

**B. A REQUEST BY CHERRY, SEE, REAMES ARCHITECTS FOR ALBUQUERQUE PUBLIC SCHOOLS FOR FINAL SITE DEVELOPMENT PLAN FOR CONSTRUCTION OF A MEDIA CENTER, KINDERGARTEN ADDITION AND PARKING LOT AT LOS RANCHOS ELEMENTARY SCHOOL. THE PROPERTY IS LOCATED AT 7609 4<sup>TH</sup> STREET NW AND IS LEGALLY KNOWN AS TRACT A, LOS RANCHOS ELEMENTARY PLAT, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY CONTAINS 6.4260 ACRES MORE OR LESS, AND TRACT A PLAT OF TRACT A, BOARD OF EDUCATION,**

**BEING A REPLAT OF TRACT 58B AND 59A, M.R.G.C.D. MAP NO. 27. THIS PROPERTY CONTAINS .6040 ACRES MORE OR LESS.**

*Attorney King swore in those speaking under Item 6.B.*

**Planner Nighbert** presented Planning Report No. PZ-07-32 which concerns the final site development plan to allow for new construction at Los Ranchos Elementary School in the 4<sup>th</sup> Street Commercial Corridor. He said the plan is to construct a Media Center and Kindergarten classroom on the school property proper and to pave and landscape the vacant C-1 tract on the northwest corner of 4<sup>th</sup> and Los Ranchos Road for staff and teacher parking. He said the proposed buildings are one-story brick and stucco that matches the existing school building. He said both buildings will be sprinkled for fire safety as well as having a 20 foot fire access road around the school and an additional fire hydrant and post indicator valve. He said the first phase of the project will be to pave the parking lot which will be for staff and teachers, thus allowing the parking lot in front of the main school building for parents and other visitors. He said the second phase of the project will be to construct the new classrooms and media center. He said the 11 modular classroom buildings will be moved to accommodate the construction of classrooms. He said the Civil Engineer for the project completed the drainage plan and it was forwarded to the Village designated engineer who will review it and deliver their project comments before a building permit will be issued. He said the Planning & Zoning Commission recommended approval of the Site Development Plan with 5 conditions.

**Planner Nighbert** stated that Chief Perez had a meeting with APS last week and noted that if the 6 modular units become permanent, they will have to have fire sprinklers installed.

**Charles Rowland**, Cherry/See/Reames Architects, 220 Gold Avenue, SW, said he was available for questions.

**Trustee Lopez** asked when the grading and drainage comments will be available.

**Planner Nighbert** said he requested them for no later than June 20.

**Trustee McDonough** said there was an effort in the past to pave the area that will be the new parking lot and it was denied by the prior administration due to drainage issues. He said he would just like to caution about that and note that there will be much pressure on Planner Nighbert to make sure the drainage really works. He said they have enough ponds at 4<sup>th</sup> Street intersections already.

**Charles Rowland** said that APS has agreed that they not only will move the portable buildings this summer but they will also recondition the drainage pond that is on the property behind the school. He said the other drainage pond will be handled during the construction that will probably start sometime in the fall.

**MOTION:** Trustee McDonough moved approval of the final site development plan for the APS construction of a media center, kindergarten addition and parking lot. Trustee Homan seconded the motion.

**VOTE:** The motion carried unanimously, 4-0.

**C. AN APPEAL BY DOUG PETERSON, LOS RANCHOS VILLA, LLC. TO THE BOARD OF TRUSTEES OF ACTION TO DENY APPLICATIONS V-07-02, V-07-04, AND V-07-07 BY PLANNING AND ZONING COMMISSION ON FEBRUARY 13, 2007 AGENDA ITEM 5A, REQUESTS BY GEORGE RAINHARD AND ASSOCIATES, AGENTS FOR LOS RANCHOS VILLA, LLC. FOR VARIANCES FROM THE VILLAGE CENTER ZONE FOR NEW COMMERCIAL CONSTRUCTION IN THE VC ZONE AND IN THE FOURTH STREET COMMERCIAL CORRIDOR. THE PROPERTY IS LOCATED AT 6561 4<sup>TH</sup> 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. DEFERRED FROM THE APRIL 11, 2007 MEETING.**

**Mayor Abraham** stated that this item will be deferred to the July 11, 2007 meeting because the traffic plan has not been completed. However, he said the plan has been promised to the Village by June 20 so that it can be reviewed.

## **7. OLD BUSINESS**

**A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE AMENDING TEXT TO THE COMPREHENSIVE ZONE CODE, CHAPTER 31, ZONING AND ZONE MAP, TO IMPOSE A MORE RESTRICTIVE FLOOR AREA RATIO FOR ALL A-1 PROPERTY WITHIN THE VILLAGE OF LOS RANCHOS. THIS ITEM WAS DEFERRED FROM THE APRIL 11<sup>TH</sup> BOARD MEETING**

**Planner Nighbert** stated that the Floor Area Ratio A-1 Advisory Committee presented their recommendations to the Planning & Zoning Commission at a Special Meeting on Monday, April 30, 2007 to consider the remand of the Floor Area Ratio in the A-1 Zone of the Village by the Board of Trustees at their February 14, 2007 regular meeting. He said the Advisory Committee also recommended several companion changes to the Code. He said these changes were in concert with the Floor Area Ratio to regulate not just the size of the residential buildings in the A-1, but to provide massing and setbacks that will assure view preservation and step backs for two story houses avoiding the large high single wall facades that have caused much controversy. He said the Advisory Board met 6 times and heard dissenting views presented by several residents and the Rio Grande Neighborhood Association on the Advisory Committee's "25% Floor Area Ratio standard for a one acre lot in the A-1 Zone" recommendation. He said the Planning & Zoning Commission considered and discussed all of the recommendations and there were 9 regulatory subsections the Commission considered changing to achieve the Village character and view preservation goals that were in the 2010 Master Plan: (1) A sliding FAR table (20% FAR Table) with a 20% FAR Standard on a one acre tract; (2) The definition of the Floor Area Ratio; (3) The height of building from existing grade to the top of the pitch, top of the parapet or top of the mansard roof line; (4) Single story buildings are limited to 17 feet in height; (5) Two story buildings are limited to 26 feet and the second floor of the structure is limited to 60% of the first floor enclosed square footage; (6) Any façade wall exceeding 15% of the total linear feet of the perimeter that is above 17 feet in height shall be considered a second story and shall be stepped back by 4 feet or the 45° angle plane; (7) Solar access setbacks and step backs shall remain at the 31° angle plane above horizontal along all points identifying said southerly setback lines of north adjacent properties; (8) A 45° angle plane drawn upward from the property

line intersecting with the highest point of the building adjacent to that property line will be the minimum setback distance from the property line; and (9) No land containing existing structures shall be subdivided into an area less than the allowable lot size for the FAR of the existing structures on the land.

**Planner Nighbert** discussed the FAR Table which lists the lot size in square feet, the lot size in acres, the maximum floor area ratio and the resulting maximum floor area gross square footage total. He said Planning & Zoning wanted the maximum to be 15,000 sq. ft. which would take it to 5 acres and that would be the maximum you could build on any property. He said the Advisory Committee and the Planning & Zoning Commission also recommended that the Board consider the FAR Scale Model which was presented by Planning Assistant Linda Seebach. He said you would take the square footage of every house that was built in a particular character area, determine the mean square footage, then apply it to all construction in the character area. He said the floor areas would be gathered through the database of the County Assessor's records. He said these ideas will be brought back to the Board for its action at a later meeting. He said the recommendation from the Planning & Zoning Commission to the Board of Trustees was that it adopt the following text amendments to the Village Zone Code: (1) Adopt a 20% Floor Area Ratio Standard for one acre lots in all residential zones with a sliding scale for all sized lots as calculated on the FAR Table; (2) Adopt the text amendment changes to the Zone Code, and (3) Direct the Village staff to research the Character Area FAR Scale concept. He said there were also secondary recommendations brought up if the FAR and associated text amendments were approved that involve important questions that should be addressed: (1) Is the current Guadalupe Trail Character Area FAR to be replaced by the new ordinance? (2) Should five new subdivisions that were approved by the Board with floor area limitations be regulated by this FAR ordinance? (3) Should a FAR be imposed on those Special Use Zones and Special Use Permit Planned Residential Developments which were approved with no provisions for size limitations?

**Trustee Rael** asked if it would be legal for the Board to go back and change subdivision approvals that were previously approved.

**Attorney King** said she believes this is something that should be discussed in closed session.

**Planner Nighbert** noted that the Planning & Zoning Commission recommended all residential zones, but they were only really tasked with A-1. He said because the remand was only for the A-1 Zone, he believes that is the only zone that should be considered.

**Mayor Abraham** asked how this item was advertised and whether it needed to be re-advertised.

**Administrator Vigil** read the legal advertisement which clearly referred only to the A-1 Zone.

**Planner Nighbert** said that technically the A-2 and A-3 are specific zones and specific sections and they refer back to the A-1.

**Mayor Abraham** said he would like to give members of the Planning & Zoning Commission and the FAR Committee an opportunity to speak and answer questions.

**John McDowell**, 7201 Guadalupe Trail, said he is with the Planning & Zoning Commission and he attended all the meetings of the FAR Committee. He said they did recommend that this go to

all residential zones but since they were charged with A-1 that the Board needs to deal only with A-1. He said this needs to be acted on this evening because there is no Board Meeting until July. He said that subsequent to this action, they believe each character zone needs to be re-evaluated with the information and apply it as an overlay to this A-1 recommendation. He said that is the feeling of the committee and the reason is because it ties it to the 2010 Master Plan. He said Guadalupe Trail already has a floor area ratio and it is the Board's decision on whether to leave it as it is or change it. He said they do have a 2-story moratorium that runs out in July and they thought possibly the moratorium could be extended until the Planning Department can supply the needed information on the character areas.

**Trustee Homan** asked if Mr. McDowell would perceive the second story on the Guadalupe Trail Character Area as having a different treatment than the other residential areas.

**John McDowell** said he doesn't perceive that at this moment, but he said on Rio Grande you have 17 foot high, one story houses and you could argue that Guadalupe Trail should have the same.

**Trustee McDonough** asked what the level of consensus was from the committee on the recommendations that came forward to Planning & Zoning.

**John McDowell** responded that except for the percentage of floor area ratio, the consensus was very strong.

**Mayor Abraham** asked if it was true that if they left the Guadalupe Character Area floor area ratio in place and there was a conflict, the more restrictive would apply.

**Attorney King** responded that the more restrictive would apply only to the A-1.

**John Robb**, 7200 Rio Grande Blvd. NW, said he is Vice President of the Los Ranchos Neighborhood Association and speaks in support of the proposal of the Planning & Zoning Commission and urges the Board to act on something tonight. He said the concept of the Master Plan was to have comparatively small homes on large tracts and instead you now have very large homes on small tracts. He said the Rio Grande Character Area is the most vulnerable right now because these are the large tracts that the developers are after. He said this is the very area that you wanted to preserve because of its special unique qualities. He said he believes passing the FAR is vital to the Village's future.

**Mayor Abraham** said he has some concerns about the sliding scale and why it isn't 20% across the board or a percentage across the board. He said he doesn't see why someone with a ½ acre can build a bigger house in relation to someone with an acre.

**John Robb** said he was not directly involved in the sliding scale. He said the Mayor's point is a good one but he would not hold up action. He said getting something in place to replace the 50% is urgently needed.

**Duane Brown**, 1110 El Alhambra Circle, NW, said he would like to second what John Robb just said. He said the committee listened to a lot of different views and concerns and he believes something should be done now. He said he would also like to compliment Terry Nighbert and Linda Seebach on their work and recommendations concerning the existing character areas.

**Trustee McDonough** asked if there was any input from Mr. Brown's neighbors on how this type of FAR impacts them and their future plans for expanding their homes.

**Duane Brown** said the Neighborhood Association Board met last night and he reported on the recommendation of the FAR Committee and made it known that the Board of Trustees would be meeting this evening. He said his neighbors realize that under this ordinance those people who want to expand their homes can do so and therefore he does not believe there is resistance to the ordinance.

**Betty Tichich**, 6724 Edgewood Dr., said she agrees with everything that has been said and she supports the ordinance as it has been presented. She said she urges the Board to follow through with a plan like this for the whole Village. She said she supports Linda's recommendation for the various character areas.

**Bonnie Kelly**, 6900 Rio Grande Blvd. NW, said she wants to urge action this evening. She said one of her issues is the 280 foot setback on Rio Grande.

**Trustee Homan** referred to Page 1 of the report and asked if sheds, out buildings, equipment buildings, etc., would be included in the floor area ratio.

**Planner Nighbert** responded that they would be included.

**Trustee Homan** noted that there is a renumbering problem on Page 9 of 11. She said Section 6, Subdivision, should actually be Section 5.

**Planner Nighbert** said that on the next page, Section 7.A.2., Section 7.A.3, and Sections 8 and 9 should all be deleted because they deal with other zones.

**Trustee Homan** said she would like to express her similar concern that 20%, even on a sliding scale, seems like an enormous sized building in most cases.

**Planner Nighbert** reiterated that the 7 members of the Planning Commission agreed to the 20%.

**Mayor Abraham** said that it should be on every size lot, not just an acre. He said maybe this could be the stop-gap for now by getting it on the books and then look at including A-2, A-3, SU-1, and R-3.

**Trustee McDonough** said there were 2 tables, one in the packet and one that was handed out. He said he understands the table that was in the packet came with the Planning & Zoning Commission's recommendation.

**Planner Nighbert** said he and John agree that both tables need some help. He said when the original floor area ratio table was approved, first by the Planning Commission and then by the Board for the Guadalupe Trail Character Area, it started with a 3,000 square foot lot and had a .43 multiplier. He said it has only been recently that a question was raised on whether we start with 3,000 square feet and the FAR multiplier is anything but a larger number to give the smaller lots a bigger building area. He said what came forward to the Board was actually a product of the original FAR Table with just a change in the percentage. He said if the Board chooses, they

can direct staff to change the table to a more straight line percentage beginning at 3,000 square feet and working up to a maximum.

**Trustee McDonough** asked which of the two tables reflects the curve associated with the Guadalupe Trail Character Area.

**Planner Nighbert** responded that it was the second one handed out because it has a lower number for the smaller lots.

**Trustee McDonough** said he understands the discussion of everybody getting open space. He said the impact on smaller lots is considerable in terms of being able to build a house for a family. He said he understands the rationale for the curve. He said he prefers the curve that allows more house on the smaller lot. He said he would be opposed to a straight line 20% approach.

**Trustee Homan** said she has a concern about how the height of the house has changed repeatedly over the years. She said she would like to see a decision made that they can stick with.

**Mayor Abraham announced a break at 9:20 p.m.**

**Meeting reconvened at 9:45 p.m.**

**Attorney King** reported that a suggested approach was to go from the beginning through the entire document and make sure they are only addressing A-1. She said the Ordinance will remain the same except there will be one paragraph added to set forth the notice and publication.

**Planner Nighbert** said they would like to add just after the last Whereas but before the “Now Therefore Be It Ordained” a paragraph that reads: “Whereas, the Board of Trustees remanded the Floor Area Ratio Ordinance to the Planning & Zoning Commission; and Whereas, the Board of Trustees appointed a Citizens Advisory Committee on the Floor Area Ratio in the A-1; and Whereas, the Floor Area Ratio Advisory Committee held at least 6 publicly noticed meetings; and Whereas, the Planning & Zoning Commission held a publicly noticed Special Commission Meeting solely for hearing the Floor Area Ratio issues; and Whereas, the Planning & Zoning Commission recommended to the Board of Trustees a Floor Area Ratio and text amendments to the Village Zoning Code; NOW, THEREFORE....” He said after the word “(A-1), delete the wording “Section 7 Agricultural/Residential (A-2) through the end of the 8<sup>th</sup> line where it ends with “(R-3)” and then leave the remainder of the sentence. He said the following changes should also be made: on Page 9 of 10, change number 6. Subdivision to number 5. Subdivision; on Page 10 of 10, delete Chapter 31, Section 7 (A-2); delete Chapter 31, Section 7 (A-3); delete Section 8 R-2 Residential Zone; and delete Section 9 R-3 Residential Zone.

**Attorney King** also noted that at the bottom of Page 9, delete reference Chapter 31, Section 7 (A-2). She also said on Page 4 of 10, “Section 4. Establishment and Interpretation of Zones and Character Areas” should be stricken. She said there will be associated renumbering and re-lettering throughout based on the strikeout.

**Planner Nighbert** said the reference to Section 4 in Line 4 following NOW THEREFORE needs to be deleted.

**Attorney King** said the “Whereas, the governing body find the amendments are necessary and proper to address preservation of Village scale and open vistas...” needs to be deleted. She said they need to add “rural areas” following open space in the 4<sup>th</sup> Whereas paragraph.

**Planner Nighbert** said on Page 5 of 10, under paragraph (a) Floor Area Ratio, which Floor Area Ratio Table do we need and if we decide on one, can staff be directed to fix the minor inconsistencies in the table that may be noted due to the map and what is the table going to consist of?

**Mayor Abraham** asked where they are addressing the issue of once the calculations are made on greater than one acre that they retire their subdivision rights. He said you don’t want people building and then subdividing.

**Planner Nighbert** said that situation is addressed in Item 5. Subdivision on Page 9 of 10.

**John McDowell**, 7201 Guadalupe Trail, said there is a mathematical correction that needs to be made on the second page of the more restrictive FAR Table that was distributed this evening.

**Trustee McDonough** said the second table allows a greater percentage on the larger lots. He said if you look at the 99,000 square foot lot size, it allows a 13% FAR, but on the original scale it only allowed 11%.

**Mayor Abraham** said you don’t want to penalize them so much that you reward them to subdivide.

**Planner Nighbert** said he was trying to get the FAR Table at 15,000 square feet for 3 acres and then after that it would stay at 15,000 for the maximum, but his math went awry.

**MOTION:** Trustee McDonough moved to adopt the Ordinance amending Floor Area Ratio for all A-1 zoned property in the Village of Los Ranchos as amended in discussion as stated by Ms. King, others and staff with the 20% table distributed prior to the meeting that caps the covered area at 15,000 square feet at 3 acres and above. Trustee Lopez 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.

**John McDowell** said he believes the Committee would like to see going back and looking at each character area to overlay the Floor Area Ratio and make adjustments as appropriate.

**Mayor Abraham** said he thinks it would be a 2-step process whereby they advertise and then incorporate the A-2, A-3, R-3 and everything else immediately the next time and then start the character overlays after that. He said he thinks they would advertise for the next meeting in July.

**Linda Seebach** said she would like to clarify that they need to be character areas or zones, but not both. She said the character areas include the zones and you could have more than one zone in a character area.

**B. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF VILLAGE OF LOS RANCHOS INDUSTRIAL BONDS (SANDIA PREPARATORY SCHOOL PROJECT) SERIES 2007 IN THE PRINCIPAL AMOUNT OF UP TO \$10,000,000; AUTHORIZE THE MAYOR TO EXECUTE THE INDENTURE TRUST, BOND PURCHASE AGREEMENT AND THE INSTALLMENT PURCHASE AGREEMENT.**

**MOTION:** Trustee Homan moved to defer this item to the July 11, 2007 meeting. Trustee Rael seconded the motion.

**VOTE:** The motion carried unanimously, 4-0.

**8. NEW BUSINESS**

**A. DISCUSSION AND APPROVAL TO ADOPT RESOLUTION NO. 2007-5-1 ESTABLISHING FEES FOR INTACT ANIMALS IMPOUNDED BY THE VILLAGE ANIMAL CONTROL OFFICER**

**Administrator Vigil** said this is a proposal to adopt a resolution establishing fees for intact animals impounded by the Village Animal Control Officer. He said in October 2006 the Board adopted the amendments to the Ordinance to add the definition for spaying and neutering of animals and the responsibility of pet owners. He said this was in response to the City of Albuquerque's new fees if the Village did not have spaying and neutering specifically noted in its Ordinance. He said there was a grace period given to all pet owners to allow them to spay or neuter their animals that expired in April 2007. He said in order to have the intact permits established by policy, staff is recommending that the Board adopt Resolution No. 2007-5-1 which sets a fee of \$75 for the initial permit and \$35 for renewals. He said when they impound an animal they want to microchip it so they can track it and to get justification from the pet owner as to why that animal should remain intact.

**Trustee Homan** said there is a typo which appears after the asterisk on each of the permits. She said there is an extra space which needs to be deleted after the word "Intact" and then the right quotation mark will appear correctly.

**MOTION:** Trustee Rael moved to adopt Resolution No. 2007-5-1 establishing fees for intact animals impounded by the Village Animal Control Officer. 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.

**B. DISCUSSION AND APPROVAL TO AUTHORIZE THE MAYOR TO EXECUTE THE FINAL AGREEMENT BETWEEN THE DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION AND THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE FOR THE APPROPRIATIONS MADE IN THE LAWS OF 2007, CHAPTER 42, OF THE LEGISLATURE**

**Administrator Vigil** stated that the Village received an Agreement from the Department of Finance and Administration, Local Government Division, that included \$4,645,000 in appropriations for projects funded by the 2007 Legislative Session. He said this includes funding for open space at \$2,925,000. He said when he read the Agreement, it included language “near Anderson fields” and when he did some research on that, he found the Governor had vetoed that language in his Executive Message #49 and that the final bill had deleted the language. He said the other appropriations that were included were \$500,000 for the Fire Station, \$605,000 for the Unser Racing Museum, \$20,000 that was reappropriated to the Fire Station, \$15,000 also reappropriated to the Fire Station, \$55,000 reappropriated to the Fire Station and \$525,000 in open space. He said he contacted Mr. Robert Apodaca of the Local Government Division and informed him of the findings and then personally went to Santa Fe to deliver the agreement with his amendments. He said Mr. Apodaca has signed the agreement and it is now ready for signature by the Mayor with the approval of the Board of Trustees.

**Trustee Homan** said on the third line of the summary it references \$4,645,000, but on Page 2 of the document it is showing \$4,410,000. She said in the Mayor’s report last month he referenced over \$7 million. She asked what the correct number is.

**Administrator Vigil** said the \$7 million included GRIP II and the \$4.4 million is what he calculated out of the Legislative Appropriations and not all of those are in the \$4.6 because there were some additional monies included like the Department of Transportation monies for bike paths and road improvements. He said he must have missed some appropriations and they missed some on the other end. He said they still have to resolve what the final total is.

**MOTION:** Trustee McDonough moved approval to authorize the Mayor to execute the final agreement for State funding. Trustee Lopez seconded the motion.

**VOTE:** The motion carried unanimously, 4-0

**C. DISCUSSION AND MOTION AUTHORIZING THE VILLAGE TO ISSUE A REQUEST FOR PROPOSALS FOR THE COMPLIANCE AND FINANCIAL AUDIT OF THE FISCAL YEAR ENDED JUNE 30, 2007 BY AN INDEPENDENT PUBLIC ACCOUNTANT**

**MOTION:** Trustee Lopez moved approval to authorize the Village to issue a Request for Proposal for audit services. Trustee Rael seconded the motion.

**VOTE:** The motion carried unanimously, 4-0.

**9. TRUSTEES INFORMAL DISCUSSION**

**Trustee Homan** reported that the fire hydrant at her property has been painted.

**Trustee Rael** reported that a lot of trash was removed from the ditches during the ditch clean-up.

**Trustee Rael** said he will bring a case or two of water from the San Juan Chama Project for anyone who would like to try it.

**Trustee McDonough** said he recalls that under the conditional use for the barn, the Board was to approve an operating plan. He suggested that the plan should be completed as soon as possible.

**Mayor Abraham** said there are 3 pages of questions and answers about the barn and he asked Juan to submit it to the Caballero Norte Homeowner Association to see if they have any additional questions that they would like addressed. He said the 2 functions held there were Cub Scouts and Boy Scouts and these were held outside the barn.

**10. ADJOURNMENT**

The Mayor adjourned the meeting at 10:20 p.m.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**ATTEST:**

\_\_\_\_\_  
Annabelle Silvas,  
Village Clerk