

MINUTES

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

BOARD OF TRUSTEES REGULAR MEETING

January 10, 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

Tape 1-Side 1-Index 000

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, January 10, 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.

B. PRESENTATION BY NCA ARCHITECTS ON THE SITE SELECTION FOR A NEW FIRE STATION

Mildred Ortiz, NCA Architects, presented the report on their evaluation of the potential site selection for a new fire station. They evaluated the following six locations: Schulte & 4th, Bledsoe & 4th, Los Ranchos & 4th, Llano Lane & 4th, Ranchitos & 4th Street, and El Pueblo & 4th. She said eight criteria were used in their study: acreage, access, zoning, visibility, adjacencies, expansion, distance and response. She said of the six sites, Schulte and 4th Street had the following advantages: it is a one-acre site with expansion opportunity, it is highly visible to create an identity for the Village, access is positive and its zoning is appropriate.

John Layman, NCA Architects, said what they were looking at on the Schulte & 4th Street site was whether they could reuse the existing metal building. He said the building in place is worth about \$10 per square foot and it would cost about \$5 per square foot to tear it down. He said to remodel it would cost about \$145 per square foot versus new construction at \$165 per square foot. He said some of the advantages for keeping the metal building are that the structure is in place and it would minimize some site demolition. He said some of the disadvantages are that it hinders the design and spatial needs of the facility and the structure may need modifications to bring it up to building codes. He said it also hinders future expansion. He said the advantages

for new construction of a facility and not keeping the metal building are that it gives them design flexibility and meets spatial requirements as well as expansion. He said the disadvantages to that are that there would be more site preparation and demolition to remove the slab and the building itself.

Trustee Lopez asked if the presentation could be made available to the Board and the public for further study.

John Layman responded that he could make copies available to the Village on Thursday, January 11.

Tape 1-Side 1-Index #061

2. PUBLIC COMMENT PERIOD

Bruce Muhr, 336 Enchanted Valley Place, said he appreciates the extensive study on the fire station site. He said he feels like someone is putting a trumpet factory next to his home and that 4th and Schulte is the wrong spot for the fire station. He said he believes there will be a problem for the fire trucks entering traffic. He said it was also pointed out that putting a fire station next to a school is not a good idea. He said he is asking that the Board give consideration to the points he has raised.

Fred Sanchez, 357 Enchanted Valley Road, said he did not realize there were other sites under consideration for the fire station. He said he thought the only site would be at 4th and Schulte. He said his main concern is for safety. He suggested that they conduct a simulated emergency run at 4th & Schulte. He said he is also concerned about the fire truck making an emergency run when children are leaving school. He said he is recommending that the Board reconsider 4th & Schulte as the number one site due to safety issues.

Tape 1-Side 1-Index #120

3. CONSENT AGENDA

A. MINUTES –REGULAR MEETING –DECEMBER 13, 2006

Trustee Lopez said on page 18, line 32, Mr. Cvetic’s name was misspelled and Trustee Homan noted the same misspelling on page 18, line 26.

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 changes to the Minutes. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 1-Side 1-Index #132

4. **REPORTS**

A. **MAYOR'S REPORT**

Mayor Abraham reported that:

- He would like to thank everyone for attending this evening's meeting. He said the only way to make sure the Village is on the right course is by input from citizens and businesses.
- The Growers' Market 2006 season had a customer count of 14,854 which represents an increase of 21% over the last year and this did not include the second day of the Lavender Festival in order to keep the numbers consistent. He said he would like to acknowledge Sue Brawley and the other volunteers on the committee for doing a tremendous job.
- The Mayors' Caucus luncheon was held today at Silva's Saloon in Bernalillo and Mayor Patricia Chavez put on a great luncheon. There were 2 or 3 changes in Pueblo leadership and he believes there is a lot of cooperation among the different entities.
- They continue to interview companies to build the cell tower. They are working on lengthy contracts which are being reviewed by our attorney. There are 4 carriers who are under contract or very close to signing: T-Mobile will be the lead with Cingular Wireless, Verizon Wireless and Alltel Wireless. He said they are also talking with an internet provider to provide internet off this tower throughout the community. He displayed the bark sample for the cell tower tree and also sample branches. He has been assured that it will not look like a cell tower from a couple hundred feet away. He anticipates going to construction in less than 90 days and it should not take longer than 45-60 days to build it from that point.

B. **ADMINISTRATOR'S REPORT**

Administrator Vigil reported that:

- He and the Mayor met with Representative Zanetti to discuss the Village's legislative program and she was very supportive of the proposed capital outlay program.
- The Municipal Court handled two land use cases concerning inoperable vehicles and debris on the lots. Both residents responded, have cleaned up their property and the cases were resolved without prejudice.
- They met with Joe Craig who is chairing the Open Space Committee and the Trust for Public Land last week. They discussed where the Village is headed with the open space issues and the Trust reported that their negotiations with the Andersons are progressing well.
- They met with Sites Southwest to review their preliminary report concerning the "project area" of the Village Center Zone and whether it meets qualifications under state statutes. The report will be turned over to the Attorney for review.
- They submitted a grant application for the Community Development Block Grant for \$400,000 to address the storm water drainage issues on Garduño.
- They received notice from the State of New Mexico that they are accepting applications for the 2007/2008 local government road fund and the Village will be evaluating various road conditions that need support.

- The Boy Scouts have built 6 picnic tables and received \$300 in donations, but they could use additional financial support. Checks should be made payable to Troup 9 Boy Scouts.
- They have sent a letter of interest to apply for an American Byways grant for 2007. They received grant funding earlier which was used to buy the bus stop shelters for 4th Street and the report from Sites Southwest on the scenic and historic issues on 4th Street, Camino Real and old Route 66.

C. PLANNER'S REPORT

Planner Nighbert reported that:

- He included the Department's Annual Report in the Board packets. The Planning Department issued 96 building permits in 2006 versus 60 in 2005. They have written over 100 Planning Reports and approved 11 subdivisions. Staff has also completed several important research projects to aid the Planning Commission and Board in making decisions on text amendments and policy questions. The Year 2007 will also be busy with the VC Zone changes, commercial developments, annexation requests, open space planning, paving of El Pueblo from 2nd Street to Rio Grande, and project management of the new fire station.
- The 4th Street Project is at 323 days of 300 days and most of those extra days are due to weather which continues to be a problem in the final stages of the project. December 2006 was wetter than normal and January has been colder than usual so there are difficulties with paving and finishing concrete. A preliminary punch list was made and they hope to have the final change order before the Board for the February 2007 meeting.

D. LEGAL REPORT

Attorney King, Chappell Law Firm, reported that:

- They represented the Village on two litigation matters in District Court which were appeals from the decisions of the Board.
- They are monitoring two other matters that may eventually require litigation.
- They are reviewing the cell tower leases to ensure they reflect the exact intent of the Village.
- They have reviewed some of the resolutions in the Board packets and worked with administration on normal Village business.

E. FIRE DEPT. REPORT

Chief Perez reported that:

- In December, Fire Marshal Cordova and Rochelle Ortolano both completed a firefighter instructor course which should help save money for training.
- They received an \$18,000 grant from the Department of Interior to help them prepare for wild land fire season.
- The Department participated in a Toys for Tots drive and was able to donate 6 bicycles. They also participated in Intel's Children's Carnival.

- Their first “Adopt A Class” program began yesterday. This is a program at Los Ranchos Elementary’s 2nd grade classroom. Four firefighters tutor the students.
- Their call volume for December 2006 was 65 EMS calls and 19 fire calls, which is a significant increase from September, October and November 2006. He said the snow resulted in 13 calls in a 24-hour period.

5. FINANCIAL BUSINESS

Tape 1-Side 1-Index #298

A. DISCUSSION AND APPROVAL TO ACCEPT THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE FINANCIAL STATEMENTS AS OF JUNE 30, 2006

Administrator Vigil said Farley Vener is present and will give the audit report. However, he said he wanted to point out that this administration started off with 17 findings carried over from the prior administration and currently there are no findings. He said they have resolved a major issue which was to make sure that they have an inventory of the Village’s entire fixed assets and also that they have an accounting of all the infrastructure. He said one of the issues of benefit to the residents was the Village’s aggressive approach to collection of gross receipts taxes for new construction, real estate, and making sure businesses are using the appropriate CRS number. He said the Village has also been aggressive in decreasing its expenditures by 26% and the fund balance in the financial audits has continued to increase, even with the 4th Street Project expenditures. He said they have also been dealing with the unique issue of the relationship with the Unser Racing Museum as a private corporation using public funds. He said due to Accountant Saavedra’s work and staff’s work, they have been holding the Unser Racing Foundation to the letter of the law to properly document their expenditures.

Treasurer Haines said she appreciates all the efforts of the staff that have gone into the successful financial position of the Village.

Farley Vener, Hinkle & Landers, P.C., said Administrator Vigil had covered the report pretty well. He said this was the fourth year that they have completed the audit. He said the first year they had 17 findings for the Village and as of June 30, 2006, they had zero findings. He said there has been a dramatic improvement in the type of things they look at and he is happy to say he can give the Village a clean opinion on their financial records as well as their compliance. He said the audit report is a public document available for review. He said the Village also issues a very good summary called “Management Discussion and Analysis” which shows what the Village is doing. He said from their point of view the Village is fiscally sound.

Trustee Lopez said on page 4 of the report there is a statement that he believes is critical for the audience to hear: “Contracts have been executed for state funded appropriations.” He said in the 3 years since the current ~~group of people~~ administration has been here, they have been diligent in making sure that when the legislature gives us money that we spend it for that intended purpose. He said he believes the people in the Village should applaud this administration for working as hard as they have.

Farley Vener said he believes the reason the Village is doing so well in that area is because they have good accounting right now.

Mayor Abraham said zero findings on a municipality is very rare and it is a credit to Accountant Saavedra, Treasurer Haines and Administrator Vigil.

MOTION: Trustee Homan moved approval to accept the Financial Audit as presented. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 1-Side 1-Index #435

B. CASH REPORT – OCTOBER AND DECEMBER

Treasurer Haines reported that Accountant Saavedra was on vacation in October so they are now presenting the report. She said the ending cash balance at October 31, 2006 was \$1,623,956.04. She said there were no significant items other than the 4th Street expenditures and the timing of the reimbursements. She said they received two grants from the state for the fire station – one was \$75,000 and the other was \$83,000.

Treasurer Haines reported that the ending cash balance at December 31, 2006 was \$1,666,853.61 and expenditures exceeded revenues by \$419,436.33 due to the down payment for the open space land that totaled \$750,000. She said the remainder was the 4th Street match for \$175,000. She said they had reimbursements of about \$742,000 and a state grant for \$242,369 for the Taft Multi-Purpose Field in December.

MOTION: Trustee Rael moved approval of the October 2006 and December 2006, Cash Reports. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 1-Side 1-Index #468

C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2007-1-1 REVISING THE VILLAGE'S 2006/2007 MID-YEAR BUDGET BASED ON THE ADJUSTMENT MADE TO THE WORKSHEET

Administrator Vigil said the Department of Finance & Administration requires that the governing bodies review the budget at mid-year and make any changes to the budget that was submitted for the fiscal year based on expenditures and revenues during the first 6 months of the fiscal year. He said staff has reviewed the Village's budget looking at income and expenditures as of December 31, 2006 and adjustments were based on the first 6 months' experience. He said one of the changes he would like to make to this year's budget occurred after they had done all of their analysis. The Fire Department General Fund was recently informed by the State that it has implemented new EMS regulations. If you are operating an Emergency Medical Rescue Service, you must have a Paramedic on staff. He said they had recommended a reduction for that line item of about \$13,000, but they want to restore \$5,000 to that line item. He said this will allow the Chief to bring people in to fill the Paramedic vacancies that occur so they can continue to operate the rescue.

Trustee McDonough asked about the reductions in revenues on the 4th Street Project. He said as far as coming in under budget for the anticipated contingencies, he asked if the savings were

all part of what we had contributed to the project in excess match or if there are reimbursements that have to go back to the funding agency based on the savings.

Administrator Vigil said based on the formulas and especially the \$902,000, there won't be any adjustments to reimburse the Federal, AMAFCA, APS or legislative funding. He said it is all related to the Village's expenditures because when they did the grants for the \$902,000, the major area of concern was the right-of-way acquisition.

Tape 1-Side 2-Index #000

MOTION: Trustee Lopez moved approval of Resolution No. 2007-1-1 revising the Village's 2006-2007 mid-year budget based on the adjustment made to the worksheet with the understanding that we will leave the \$5,000 balance in the Fire Department line item per Administrator's Vigil's comments. 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.

Tape 1-Side 2-Index #006

6. PUBLIC HEARINGS AND APPLICATIONS

There were no public hearings and applications.

7. OLD BUSINESS

Tape 1-Side 2-Index #008

A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE AMENDING TEXT TO THE COMPREHENSIVE ZONE CODE, CHAPTER 31, ZONING AND ZONE MAP, CHANGING SECTION 11. VILLAGE CENTER ZONE TO REDEFINE THE BOUNDARIES OF THE VILLAGE CENTER ZONE IN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE [WITHDRAWN]

Planner Nighbert said staff presented this ordinance to the Board for publication at the December 2006 meeting but later found an error where they had included 6 residential lots when in fact their intention was to exclude all residential lots from the VC Zone. He said they corrected that error and brought new language forward for the VC Zone in Item 7.B. which is for presentation at this meeting. He said they are requesting approval to advertise a text amendment to amend the boundaries and zoning regulations for the VC Zone.

MOTION: Trustee Lopez moved approval to withdraw Item 7.A. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 1-Side 2-Index #026

B. DISCUSSION AND APPROVAL TO ADVERTISE A TEXT AMENDMENT TO THE COMPREHENSIVE ZONE CODE, CHAPTER 31, ZONING AND ZONE MAP, CHANGING SECTION 11.VILLAGE CENTER ZONE TO CHANGE AMEND THE ZONING REGULATIONS AND REDEFINE THE BOUNDARIES OF THE VILLAGE CENTER.

Planner Nighbert said in the joint session the Planning Commission and the Board of Trustees discussed the need for a revision of the boundaries of the Village Center Zone as well as the need for major revisions to the regulations as written. He said this revision of the boundaries was approved for advertising at the December 13, 2006 Board of Trustees meeting and the Planning staff then mailed information to all Village property owners within the existing boundaries of the VC Zone. He said the reason for doing this was to remove the existing and established neighborhoods from the possibility of having much more dense properties encroach on their neighborhoods and to try to put a development plan together for the southeast corner of Osuna and 4th Street. He then discussed the details of the proposed revisions to the ordinance. He said staff will be accepting comments from the Board and the public during the month. He said they also plan to have another public meeting in the near future.

Trustee McDonough said he thought the last time they discussed this the intent in changing the boundaries of the Village Center Zone was to reflect the Master Plan boundaries. He said it now appears that the Village Center Zone is being extended outside of what he understood to be the core area.

Planner Nighbert said the Mayor presented a boundaries map at the Joint Session and asked that there be input from the Trustees and the Planning Commission and that was the boundary they drew.

Trustee McDonough asked what they are trying to achieve in the Village Center Zone and why it is being extended north on 4th Street.

Planner Nighbert said they left the commercial in and took the neighborhood out.

Trustee McDonough asked if much has changed other than requiring an economic development plan for the commercial property.

Administrator Vigil said not much has changed, but the area that is described in yellow on the map is the area where the commercial corridor exists. He said if you look at any potential developments that would occur in the yellow area, they would have the same opportunities for development as the core area so you can have consistency in terms of the types of regulations that would be impacting the major commercial corridor concentration. He said as you go north on 4th Street, the commercial development decreases once you pass Enchanted Valley Street. He said they have tried not to distinguish between the core area and the commercial area to allow for similar development opportunities.

Trustee McDonough said number 1 says "Payments in lieu of dedication of land for open space shall be accepted at commercially reasonable rates." He asked if we really want to say "shall" or say "may" and give the option to the Village.

Planner Nighbert said staff can look at that language.

Trustee McDonough said in the economic development plan although there are a number of steps identified that you must go through, he said he didn't see where it identifies what has to be addressed in an economic development plan.

Planner Nighbert said in the economic development plan they would have a checklist of what would be required, but he doesn't think it needs to be in the ordinance itself. However, he said if the Board wants a checklist included in the body of the ordinance, they can do that.

Trustee McDonough said he believes the ordinance should say that an economic development plan must address certain aspects of the development.

Trustee Homan said on the red-lined version on page 14 or the cleaned up version on page 6, under Section K. Signs, the word "are" should be struck in the beginning of the first sentence.

Trustee McDonough asked about the statement that the maximum height of buildings or structures is 32 feet. He asked if they wanted to give some allowance to taller buildings and higher density.

Planner Nighbert said he will add language that says "or as approved in the economic development plan".

Trustee Homan said on page 8 under E. Area Regulations, Item 7, she has a concern about equipment not extending 3 feet above the roof line. She asked how that would affect dish antennas, etc.

Planner Nighbert said that is something that could be addressed in the site development plan or as a variance.

Trustee Rael said on page 13, the bottom part of the definition is duplicated on the next page.

Planner Nighbert said notices will be sent out when the next public comment meeting will be held. He said they will send the ordinance language with the notice and they will also notify residents of Merit Acres and other affected areas.

Public Comment

Cindy Sylvester, 333 Willow Road, said she has met with her neighbors regarding the changes to the VC Zone. She said they were glad to find out they were not included in the project area but they are still very much opposed to high density residential dwellings 25 feet from their backyard line. She said she knows the Village has had their dream of a Village Center for 15 years, but some of her neighbors have lived there for 60 years, 30 years, and 20 years. She said they do not want apartments or big buildings in their backyards.

Mike Contreras, Retail One, 6301 Indian School Rd., NE, Suite 206, said it would be nice to be notified of public hearings. He said he was never notified of the meetings and he owns land at 4th and Osuna.

Delbert Lanham, 355 Willow Road, said he is concerned about the church and whether it will be taken over through eminent domain. He said it is a residential property and the other residential properties were excluded from the VC area.

Administrator Vigil responded that the church has a special use designation. He said in terms of eminent domain or condemnation, it will depend on those who govern the church to determine

whether the price that is offered is fair. He said it must be a fair market value, there can be negotiations with the church about above or under market value and some interest in the development. He said the use of eminent domain will not occur if the Village gets the cooperation of the property owners to sell their property. He said a lot will depend on the economic development plan and the ability to consolidate all the parcels into one development. He said everything depends on developing the request for proposal for commercial people to come in with proposals. He said the second part is in the award process.

Delbert Lanham said as a church they have been there many years, they have been a loyal part of the community and to be uprooted and have to relocate, which is costly, he would like to request that their area be exempted from the zone.

Mayor Abraham said he could assure them that he would not displace a church unless they want to be displaced. He said the word “eminent domain” came up because several of the land owners in the project area came to the Village and asked if the Village would threaten to condemn them because there were advantages through the condemnation process. He said it will be a last resort to use eminent domain and if it is used, it will be used responsibly. He said they will not displace any residents who do not want to be displaced.

Reverend David Letts, 355 Willow Road, said he is the pastor of the Holiness Bible Church and they had a meeting the other night and determined that they do not want to sell the property. He said they want to have their property stricken from the plan and will take the Mayor’s word that he will not push them out. He said he is troubled because he was told they have been targeted as a “blighted” area and he would like to know what that means.

Mayor Abraham said “blighted” is a legal term and it does not mean “run-down”. He said it sometimes has to do with the lot size configuration, the variation in ownership and it is just a term in the eminent domain statutes.

Attorney King said it is an area that has a lot of different factors, some of them being slum-type things but it can also mean land that is land-locked or un-developable for reasons like fragmented ownership, or no access. She said another example would be that it is hard for the owners to develop it and for it to be usable because of the way the lot lines are laid out.

David Siegel, 7014 Guadalupe Trail, said he agrees with Trustee McDonough about the vagueness of the site development plan component.

Mayor Abraham asked Mr. Siegel: “Why when you were a Trustee did you include El Paraiso, Mullen, and Nara Visa neighborhoods plus Leo Bartolucci’s property in the Village Center Zone?”

David Siegel said those lots were included because of the idea of having a denser residential development and mixed use commercial residential development in that vicinity. He said that was the language in the Master Plan at that time and it was hoped that it would put more rooftops close to a pedestrian friendly situation. He said the new plan appears to be a Menaul Blvd./San Mateo type of development.

Mayor Abraham said he has been to every El Paraiso and Mullen Neighborhood Assoc. meeting and the last thing they want in their neighborhood is higher density.

David Siegel said he can agree with honing down the size of it

Camille Varoz-Casaus, 427 El Paraiso Dr. NW, said she has concerns about high density development in her area.

Tape 1-Side 2-Index #583 thru Index #603

Tape 2-Side 1-Index #000

Robert Chavez, 324 Enchanted Valley Place, said they attended a long Planning & Zoning meeting last night regarding a development that was approved even though a moratorium for development in the VC Zone was in place.

June Gonzales, 305 Willow Road, said she was here 10-15 years ago complaining about the trailer park which has now been consumed by the VC Zone and she is hoping it will go away. However, she said she would rather have the trailer park there than have 2-3 story condos.

Nancy Ellis-Hines, 326 Willow Road, said she is a lifetime resident and she appreciates the attempt to take the residential neighborhoods out of the VC Zone. She said she wants to beg for big buffers, more than 25-foot buffers, between her neighborhood and whatever commercial interest is going in.

Mayor Abraham said they are going to have another public comment period and the date will be posted on the website.

Trustee McDonough asked if when they advertise they also publish the ordinance and whether the things they talked about that need to be looked at and possibly changed will be included before it is published.

Administrator Vigil responded that they cannot include all the adjustments made this evening unless the Board wants to defer action. He said the comments from this evening's meeting and the future public meeting will be included in the notes and possible changes to the proposed ordinance that will come before the Board in February.

MOTION: Trustee Lopez moved approval to advertise in summary a text amendment to the Comprehensive Zone Code, Chapter 31, Zoning and Zone Map, changing Section 11. Village Center Zone to change and amend the zoning regulations and redefine the boundaries of the Village Center. Trustee Homan seconded the motion.

VOTE: The motion carried, 3-0. Trustee Rael recused himself.

Tape 2-Side 1-Index #070

C. 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

Trustee Lopez commented that there has been quite a bit of correspondence received on this item and he assumes that the audience will be permitted to speak tonight. He said this may be one that they want to defer.

Mayor Abraham said there are a lot of people present who want to comment. He said he thinks they should allow some discussion and he agrees that deferring the item is probably in the best interest of everyone.

Planner Nighbert said the Board of Trustees and the Planning & Zoning Commission met in a joint study session to discuss this issue. He said the discussion centered on imposing a more restrictive floor area for new residential construction on A-1 zoned properties throughout the Village. He said the need for these restrictive floor areas was due to the very large residential houses being built in Prado subdivision and in the new subdivisions recently approved. He said the trend of larger homes on one acre or less lots was taking place along some of the other residential streets in the Village as well. He said the consensus of the joint study session was to direct the Planning staff to prepare the text amendment to present for first publication to the Board of Trustees at the December meeting, which was done. He said tonight's meeting is for approval or whatever the Board decides. He said the text amendment adds language to Sections 6.E., Area Regulations, that impose the floor area ratios under Subsection H., Village Form Element, to all A-1 properties in the Village. He said it defines the total floor area as enclosed floor space, but excludes open portals, porches, gazebos and non-enclosed outdoor living areas and agricultural buildings that are used for agriculture. He said the standard for one acre of gross lot area allows no more than 15.65% of that gross area to be built as enclosed floor space or 6,730 square feet.

Mayor Abraham asked for a show of hands from the audience indicating those who would speak in favor of the amendment and then those who would speak against it. He said there appeared to be quite a few people opposed to it.

Public Comment

John Robb, 7200 Rio Grande Blvd., said he is there to speak on behalf of the Los Ranchos Neighborhood Association. He said they support the proposal and share the concerns that the joint study session raised. He said the character of the Village is changing whereby large homes are being placed on relatively small lots of one acre or less. He said the character of the Village has been relatively modest homes on larger sized tracts. He said the concept of building enormous houses on small lots is a new trend and he believes it threatens the Village.

Bonnie Kelly, 6900 Rio Grande Blvd., said they took 3 lots and consolidated them into one lot. She said Rio Grande Blvd. was traditionally zoned 2-acre lots with the 280-foot setback. She said it is the only beautiful boulevard in the City and she believes it would be a shame to change that.

Duane Brown, 1110 El Alhambra Circle, said he wants to echo comments from Mr. Robb and Ms. Kelly and he believes this is an appropriate use of the Village's regulatory powers to promote the rural and open space character of the Village. He said he commends them for bringing it forward and hopes it is adopted.

Joe Brawley, 8528 Rio Grande Blvd., said the floor area ratio is an attempt to address something that began to happen in 1998. He said when the land is gone and the economy falls, they will be standing there with no open space. He said the open space for the Village is its only currency and that is what distinguishes the Village from Albuquerque. He said they have discussed this issue over a very long period of time and encapsulated it in the Master Plan. He said the

Planning & Zoning Commission is made up of builders, lawyers, architects and other citizens and he would urge the Board to weigh heavily their recommendations.

Ed Paschich, 6844 Rio Grande, said he believes this item should be deferred because they need more input from the affected people. He said he thinks there is a way that will enhance the character of the Village while respecting the right of private property.

John Calvin, 733 Chavez Road, said that when the Master Plan was passed no one remembers that because there was only one person in the audience and that was him. He said it is good to see the residents coming out and voicing their opinion. He said he has been building here for a quarter century and has been concerned about open space over the years. He said he agrees with John Robb but he believes the economics of the time and the beauty of the Village have attracted people from all over the country that have the money that it costs to live here now. He said as the price of the land has risen, they are attracting people who want to build bigger houses. He said he is in favor of the ordinance in its essence, but specifically he thinks they can do something better with it. He said perhaps this is an opportunity to address a larger issue which is establishing some guidelines for architecture in general.

Tim McNaney, 805 El Alhambra Circle, said he is speaking on behalf of the Caballero Norte Neighborhood Association. He said all of their properties are affected by the A-1 zoning. He said they have a 9-member board and 7 members were present last night and in a 6 to 1 vote they voted in opposition to the proposed changes. He said they are not against open space but they felt that the percentages were too restrictive. He said one of their suggestions was that a committee or forum be created to look at this and some of their members from the private sector would like to be involved.

Kevin Grannan, 713 Talon Court, Rio Rancho, said he represents the Prado North Valley Home Owners Association and the Board of Directors have met and reviewed this amendment and they oppose it. They feel the documents they have in place are sufficient and address the issues that are part of the amendment.

Mayor Abraham said he doesn't believe this would cover Prado since it was under other restrictions for the subdivision.

Planner Nighbert said it wasn't specifically excluded at this time, but it will have to be clarified.

Lynne Andersen, President of the National Association of Industrial and Office Properties, New Mexico Chapter, 504 Camino Espanol NW, said the New Mexico Chapter is very concerned about unintended consequences because so much of what they do is mixed use development.

Mayor Abraham said he received a lot of letters and phone calls regarding this item. He said one of the concerns was about homes that are already over 6,000 sq. ft. and if they want to do a remodel how this would affect them. He said he believes there is a lot in the ordinance that can be tightened up.

Tape 2-Side 1-Index #402

Trustee Comments

Trustee Lopez said he believes a committee comprised of residents of the Village to review this is a good idea even though the ordinance has a lot of merit.

Trustee Homan asked what the process would be for deferral whereby they could gather the comments and be able to review all of the issues and consider all of the consequences of the ordinance.

Administrator Vigil said in terms of process they need to set time limits but he said they can also defer with some process for review by setting up a committee or whatever process they want to undertake to gather input on the ordinance.

Mayor Abraham said he believes there needs to be a clear understanding of how it impacts all the subdivisions and how it impacts remodel projects.

Administrator Vigil said another alternative is to remand this to the Planning & Zoning Commission for further study and have them conduct the public hearings.

Trustee McDonough said it appears everyone is on the same page as far as what they are trying to protect and where they are trying to go with this first effort. He said he believes this needs to be done quickly. He said hopefully they can do something about architectural standards without turning it into a cookie cutter approach. He said this can't be a year and a half effort to come up with this ordinance.

Trustee Rael asked what kind of timeframe they are looking at if they don't act on this item tonight and defer it to the February meeting. He asked how long after that would it come to the Board of Trustees.

Administrator Vigil said the timeline is at the discretion of the Board of Trustees. He said based on the discussion so far, if they want to form a committee then there would need to be action at the February meeting. He said if they want to remand it to the Planning & Zoning Commission with specific instructions, then the Board would need to set a timeline for P&Z to bring their recommendations back at the March or April meeting.

Trustee Rael said his concern is that if there are projects already submitted, would the Village be able to delay those or would there have to be another moratorium.

Administrator Vigil responded that each of those plans would have to come before the Planning & Zoning Commission or the Board of Trustees so there would be a process to look at each one individually. He said you could also establish a moratorium on all development within the A-1 Zone. He said since there has been quite a bit of work and input on this item, he believes it could be accomplished within 3 months.

Mayor Abraham said he believes there should be a two-fold approach whereby staff and Planning & Zoning need to investigate how it affects subdivisions in general and each one in particular. He said he also thinks there needs to be input from builders who can have their own committee.

Trustee Homan said she would hope that the Board would support a diverse committee to go forward on this made up of interested residents, builders, architects and not just the Planning & Zoning Commission. She said she thinks the Board needs to get more information on this item.

Bonnie Kelly, 6900 Rio Grande, said she understood the function of the Planning & Zoning Commission was to make this recommendation after doing a great deal of work. She said she hates to see them reinventing the wheel and putting this aside. She said just because there are more builders at the meeting than citizens of the community, it should not be delayed further.

Mayor Abraham said he is troubled because Caballero Norte Neighborhood Assoc. opposed this 6-1 and that is the Village's original subdivision. He said if they oppose this, there is a problem somewhere or they need to understand what the Village is trying to accomplish.

Tape 2-Side 2-Index #000

Camille Varoz-Casaus, 427 El Paraiso, said this is a prime example of a situation that will warrant further studies and she would be willing to serve on the committee and get other people in her neighborhood to be part of this.

Scott Henry, 8801 Jefferson NE, said he owns a ½ acre lot in Los Poblanos where he could build a very large home if he wanted to. He said he is a homebuilder and has chosen to build his own home in Los Ranchos. He said he doesn't think the ordinance can be adopted and placed on subdivisions that have already been approved.

Joe Brawley, 8528 Rio Grande, said about 60% of the Village is non-compliant in the A-1 Zone, meaning the lots are already small, that the setbacks are non-conforming, that the Village is indeed diverse. He said he believes having a broad-based committee working quickly and intensely is the way to go.

Mayor Abraham said he is going to appoint Mr. McNaney as the chair of the committee that will get the builders together and other interested persons who are willing to serve.

MOTION: Trustee Lopez moved that Item 7.C. be deferred to the April 2007 meeting with the understanding that a committee shall be formed and the names be presented to the Board of Trustees at their February 2007 meeting. The second condition is that this item be remanded to the Planning & Zoning Commission with the understanding that the committee which is approved by the Board of Trustees make recommendations to the Planning & Zoning Commission who will then make their recommendation which the Board will consider in the April 2007 Board of Trustees meeting. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

John McDowell, 7201 Guadalupe Trail, said he is a member of the Planning Commission and he is concerned that a committee is being formed of people who are concerned with what was presented to them and they only represent one side of the issue. He said it appears that you are making Planning & Zoning represent the other side.

Betty Tichich, 6724 Edgewood Dr., said her question was how the committee would be chosen and if residents could be members. She said she would like to volunteer to be on the committee.

D. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE ADOPTING THE INTERNATIONAL FIRE CODE 2003 EDITION AND INCLUDES SEVERAL AMENDMENTS TO THE 2003 IFC TO REQUIRE AUTOMATIC FIRE SPRINKLER SYSTEMS IN ALL NEW COMMERCIAL STRUCTURES AND RESIDENTIAL STRUCTURES, INCLUDING ATTACHED AND DETACHED GARAGES AND SHOPS

Mayor Abraham recessed the meeting at 9:40 p.m. and reconvened at 9:45 p.m.

Mayor Abraham requested that Item 8.B., Discussion and Approval of Resolution No. 2007-1-2, be heard first; reference Tape 2-Side 2-Index #138.

Tape 2-Side 2-Index #314

Chief Perez said the Fire Department has advertised and is now requesting adoption of the International Fire Code along with amendments to the 2003 Edition. He said the 2003 Edition will align the Village Fire Codes with the City of Albuquerque which has recently adopted the code for commercial establishments. He said Bernalillo County and the State of New Mexico are also proposing to adopt the same code. He said the new code has many safety regulations for both operations and building of new structures. He said the special amendments to the 2003 IFC specifying the mandatory installation of automatic fire sprinklers in all new commercial structures and residential buildings, regardless of size, was due in part to the trend of building larger homes in the Village. He said the Fire Department recommends that the Board of Trustees approve the 2003 IFC with the amendments for the mandatory installation of fire sprinkler systems.

Trustee Homan said during the discussion last month to advertise with the more stringent requirement for mandatory sprinklers in residential applications, they had hoped to have some comments from the public. She asked if any comments had been received.

Administrator Vigil said it was properly advertised and they did not receive any comments.

Chief Perez said the appeal wasn't against the International Fire Code, it was against a ruling found in the Uniform Fire Code 1997 that allowed for the mandatory sprinklers.

Trustee McDonough said he has several comments and edits, some are typographical and some are for understanding.

Chief Perez said he will correct the typographical errors and he would ask that the Board give him their substantive changes.

Trustee McDonough referenced page 8, 308.3.1.1. He said as he reads that you are not allowed to use a barbeque grill under a covered patio if it is combustible. He asked if that was covered in the code or added as an amendment. He asked if we really want to do that.

Chief Perez said there is language in the code which is vague and they just tightened up the language. He said it appears that the version he has in his packet is different from everyone else's. He said he was not sure which version was the correct one.

Mayor Abraham said Trustee McDonough should continue with his comments but they should probably defer this item to the February meeting.

Trustee McDonough said on page 9, 508.5.8, Reflective Markers, it suggests to him that the Village needs to put blue reflective markers every place there is a fire hydrant.

Chief Perez said they started installing the reflectors two years ago and they are a tremendous asset in locating fire hydrants.

Trustee McDonough said on page 10 it talks about the zero tolerance for sprinklers. He said he is not in favor of it because the discussion started based on fighting fires in large houses and the difficulty for the Fire Department. He said now it has moved to making everyone who builds put in automatic sprinklers. He said he is not ready to mandate that and would prefer to have an education program to educate people on the value of the sprinklers. He said he would be open to saying over a certain square footage based on the conversation about the bigger houses.

Chief Perez said when he first came before the Board he had a set square footage but it was at the Board's request that he changed it. He said it was his thought that a home that was less than 3000 square feet would not be mandated to have sprinklers.

Trustee McDonough said he would like to get the code and go through it because it is talking about different groups and he doesn't know what that means.

Chief Perez said each of the groups refers to the different types of residences and they begin to go into industrial areas, senior care assisted living homes, performing arts centers, assembly areas and they each refer to a specific type of area.

Trustee McDonough asked what Group R-3 and new occupancies referred to and the exceptions noted concerning construction with adobe material.

Chief Perez responded that R-3 is residential and as far as the adobe construction, they would look at the plans and see how many walls are created of adobe. He said this one was difficult for them because there is no code anywhere that speaks to adobe construction.

Trustee McDonough referenced page 17, 3301.2.2., Prohibited Fireworks. He said he thought it had to come before the Board of Trustees for approval and it doesn't say that.

Chief Perez said he sets forth the resolution and then the Board of Trustees approves it. He said he can expand that section to say "approved by the Board of Trustees".

Tape 3-Side 1-Index #000

MOTION: Trustee Homan moved to defer Item 7.D. to the February 14, 2007 Board of Trustees meeting. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

8. NEW BUSINESS

Tape 3-Side 1-Index #005

A. DISCUSSION AND APPROVAL TO AUTHORIZE THE VILLAGE TO ISSUE A REQUEST FOR PROPOSAL FOR COMPETITIVE SEALED PROPOSAL FOR PROFESSIONAL LEGAL SERVICES

Administrator Vigil said they are requesting the Board's approval for the issuance of a Request for Proposal for professional legal services.

MOTION: Trustee McDonough moved approval to authorize the Village to issue a RFP for legal services. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 2-Side 2-Index #138

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2007-1-2 – DECLARING THE INTENT OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS, TO ISSUE INDUSTRIAL REVENUE BONDS IN AN AMOUNT UP TO [\$15,000,000] IN CONNECTION WITH A PROPOSED PROJECT FOR SANDIA PREPARATORY SCHOOL TO REFUND THE OUTSTANDING VILLAGE OF LOS RANCHOS DE ALBUQUERQUE INDUSTRIAL REVENUE BONDS (SANDIA PREPARATORY SCHOOL PROJECT) SERIES 2002 AND TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP BUILDINGS AND FURNISHINGS ON THE SANDIA PREPARATORY SCHOOL CAMPUS

This item was discussed prior to Item 7.D., Discussion and Approval to Adopt International Fire Code.

Dick Heath, Headmaster of Sandia Preparatory School, said he commends everyone for presenting democracy in action. He said 5 years ago Sandia Prep came to a different Board of Trustees and Mayor with a proposal for an Industrial Revenue Bond to help them with their capital projects. He said they built a student center and a 20 classroom building. He said they currently have 80 families from Los Ranchos who have children attending Sandia Prep. He described the school which consists of Grades 6-12 with 665 students attending. He said they are asking for a Resolution through the Village as a conduit to do a \$10 million issue.

Trustee Lopez said the item mentions \$15 million but Mr. Heath just said \$10 million and he wondered which amount was correct.

Dick Heath responded that \$10 million was what they need. He said they want to build a new gymnasium which will cost about \$3.5 to \$4.0 million and additions to their performing arts center that will include instrumental music, choral music, art, photography, digital photography and digital film making which will cost about \$4.0 million. He said they have \$4 million remaining on the previous bond and they have \$2 million in the bank.

Trustee Lopez asked if there are any legal problems with this arrangement.

Administrator Vigil said there is no problem because the Village is acting as a conduit. He said they have also discussed how the bond itself would be structured. He said because of the \$3.6 million that the Village hopes to get approved, if Sandia did a \$5.0 million then they would still be under the \$10 million in one year.

Duane Brown said the \$10 million is a limitation imposed by the Internal Revenue Code. He said it prohibits anyone who issues more than \$10 million a year from designating the bonds as bank qualified bonds. He said if things are done right, on March 13 there will be an election approving the issuance of General Obligation Bonds for \$3.6 million. He said they would not have to count the \$2 million they are refunding but they would have to count the \$8 million in new money and that would take you over the \$10 million federal tax limitation and you would not be able to designate them as bank qualified. He said they are hoping to be able to do this as a draw-down issue which could mean that you wouldn't treat all the bonds issued here as the \$8 million component until the money is actually drawn down and that wouldn't happen until 2008. He said another potential solution is having the Village bonds purchased by the New Mexico Finance Authority which provides AAA insured interest rates.

Administrator Vigil said this is an inducement resolution that is being adopted and it starts the process.

Duane Brown said under state law as the Village you can issue Industrial Revenue Bonds for a project located anywhere within 15 miles of the boundary of the Village. He said they will have to approach the City of Albuquerque to obtain their host approval. He said this resolution will allow them to start drafting the bond documents and put the structure in place since they know that the Village is willing to serve as the issuer of the bonds on behalf of Sandia Prep. He said there is no obligation by the Village to repay the bonds and it is all strictly a conduit transaction.

MOTION: Trustee Lopez moved approval of Resolution No. 2007-1-2 declaring the intent of the Village of Los Ranchos de Albuquerque, subject to the satisfaction of certain conditions, to issue Industrial Revenue Bonds in an amount up to \$10,000,000 in connection with a proposed project for Sandia Preparatory School to refund the outstanding Village of Los Ranchos de Albuquerque Industrial Revenue Bonds (Sandia Preparatory School Project) Series 2002 and to provide funds to acquire, construct and equip buildings and furnishings on the Sandia Preparatory School Campus. 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.

Tape 3-Side 1-Index #013

C. DISCUSSION AND MOTION TO APPOINT AN OPEN SPACE GENERAL OBLIGATION BOND COMMITTEE TO PROMOTE THE ISSUE.

Administrator Vigil said as he explained at the last meeting, when the Board adopted the ordinance to go forward with the General Obligation Bonds, it is necessary to appoint a committee so they can become active in raising money for the "Vote For" promotion. He then discussed the following persons who expressed interest in serving on the committee: Joe Craig, Rod Groves, Penny Rembe, Duane Brown, Janislee Wiese, Patti Serna-declined, either Mr. or Mrs. Simon, and Richard Follingstad.

Trustee McDonough moved to appoint the members listed on the memo to the Open Space Bond Committee with the following changes: less Patti Serna and the addition of Duane Brown, Richard Follingstad and Mr. or Mrs. Simon. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Tape 3-Side 1-Index #068

9. TRUSTEES INFORMAL DISCUSSION

Chief Perez said he had rechecked the Board packets and determined that the version of the International Fire Code Ordinance included in the packets was the correct one.

Trustee Rael said that Betty Tichich had brought forward a petition with 67 signatures asking the Village to do something with the property just east of the ditch on Osuna that has been abandoned for several years. He said he sees that it is now included in the Village Center Zone and he thinks it would be nice to have a park there.

Mayor Abraham said he would like to discuss the resistance to the CDBG Grant the Village received from residents on Garduño Road. He said staff receives calls all the time about pumping water off Garduño Road and they thought the solution was applying for the CDBG Grant to purchase a northern lot and turn it into a retention pond to store the water and also turn it into a park. He said staff heard from Garduño Road residents that they don't want a park in their neighborhood. He said one of the ones resisting is Mr. Davis who constantly calls the Trustees complaining about the water.

Administrator Vigil said the residents feel it would be an "attractive nuisance" for people who live on their street. He said they told the residents it would not be an active park with playground equipment or anything like that.

Trustee Rael said the Water Board is having discussions about using eminent domain to purchase a New Mexico Utility. He said he serves on the Water Board as a representative of the Village and he asked if the Board thinks he should become more vocal and active.

Administrator Vigil said he believes the Village should be having a voice and any of the acquisition actions taken by the Water Board will be paid for by the rate payers. He said it will be part of everyone's utility bill.

Trustee Homan said she would like to commend the Village staff for the promptness in processing the Village Business Licenses.

Tape 3-Side 1-Index #172

10. ADJOURNMENT

MOTION: Trustee Lopez moved to adjourn the meeting at 10:36 p.m. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

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

ATTEST:

Annabelle Silvas,
Village Clerk