

# MINUTES

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

## BOARD OF TRUSTEES REGULAR MEETING

July 8, 2009 -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

Kelly S. Ward, Administrator

Linda Seebach, P & Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

Rosemary Hall, Exec. Secretary

### Excused Absence:

Annabelle Silvas, Clerk

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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, July 8, 2009 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, 3-0.

**Mayor Abraham** noted that Trustee Homan was running a little late.

## 2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT]

None.

## 3. CONSENT AGENDA

### A. MINUTES –JUNE 10, 2009–Regular Meeting

### B. DEPARTMENT AND COMMITTEE REPORTS

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

**MOTION:** Trustee Lopez moved approval of the Consent Agenda. Trustee McDonough seconded the motion.

**VOTE:** The motion carried unanimously, 3-0.

#### **4. REPORTS**

##### **A. MAYOR'S REPORT**

**Mayor Abraham** reported on the following:

- The Village had a great 4<sup>th</sup> of July fireworks display and there were a couple parades as well.
- Administrator Ward and his 4-H Group represented Los Ranchos in the Corrales Parade.
- Lavender in the Village is this weekend and the Barn Dance is being held Friday, July 10. Received RSVPs from Senator Dede Feldman and Representative Bill O'Neill that they will attend. There was a lot of publicity for Lavender in the Village and everyone is hoping for a large crowd.
- Our County Commissioner is a sponsor and has two tables at the Barn Dance. He has been advertising Lavender on Channel 5.
- Administrator Ward and staff have been working all week to get ready for Lavender.
- There were fun times this morning chasing eight sheep that broke out on to 4<sup>th</sup> Street.

##### **B. ADMINISTRATOR'S REPORT**

**Administrator Ward** reported on the following:

- Most of the items they have been working on for the last month will be reviewed at this meeting and action taken.
- A final walkthrough on Taft Field was held and APS accepted it. APS was billed for the \$155,000 and the project should be complete. Hopefully an announcement will be made in the *Village Vision* about its use as a community facility.
- The permanent signal lights at 4<sup>th</sup> and Los Ranchos should be erected this week.
- They are in the process of conducting the environmental work on Rio Grande Blvd., south of Chavez to Montañó Road. The first submittal to NMDOT was two weeks ago and then the project should go out for bids.
- Sidewalks and curb are going in on Osuna and milling and resurfacing should begin this week.
- Annabelle is out on medical leave beginning June 30, 2009.
- Met with the engineers on the Garduño Road storm drain project and they will proceed to the next level of design. The project cost is about \$1.2 million.

**Trustee Lopez** asked for an update on the sewer project.

**Administrator Ward** responded that it is complete and operational. He said notices have gone out to all residents that they can hook in.

**Mayor Abraham** asked for information on the Derwelis' repair.

**Administrator Ward** said this was about some shoulder repair work on La Senda. He said the County told him they had done it in January of this year and the residents do not feel it was done adequately. He said he will have to meet with them to determine what their needs are.

### **C. PLANNER'S REPORT**

**Planner Seebach** reported on the following:

- She has been working with the Bernalillo County GIS Department and they are adding the ABCWUA and the Public Works infrastructure so the Village will have its sewer system and water system available for use on GIS. She said that will be a tremendous help in determining who has hooked up to the sewer and who has not.
- Working with the New Mexico Environmental Department to make the determination on which residents are exempt from hooking up to the sewer because their property is more than 200 feet from the connection. The letters to residents will go out after a meeting to be held on July 15.
- After long deliberation regarding Chapter 4, the Building Code Ordinance, they have determined how they can get back to being codified. It will be a matter of writing a new ordinance and putting that into the codified ordinance for that chapter.
- They had extensive breaking, entering and vandalism in an empty house in the Village. They have been working with the Sheriff's Department and with the management company to make sure the building is secured. They now have a list of empty houses for the Code Enforcement Officer to watch so there are no recurring problems.
- The building plans for the Challenger Center went to the County for a building permit.
- Letters were sent to all businesses in the Village informing them of the increase in the Gross Receipts Tax.
- She has received 29 Master Plan surveys from residents.

### **D. LEGAL REPORT**

**Attorney King** reported on the following:

- She worked with Administrator Ward on lease issues.
- She assisted in drafting some ordinances.
- She researched joint powers agreement issues.
- She said the District Court upheld the Caruso decision. They have applied for discretionary review to the Court of Appeals.
- She researched moratorium issues and family transfer subdivision issues.

**Mayor Abraham** said he would like Attorney King and Planner Seebach to look at the Village's Noise Ordinance. He read some decibel numbers that indicated he was currently speaking at 58, 54, 59 and 60. He said the Noise Ordinance says you can't be over 50 decibels at the property line. He said he believes the Village needs to adjust its Noise Ordinance so that it is reasonable.

**Planner Seebach** said she is working on that ordinance now.

**E. FIRE DEPT. REPORT**

Fire Chief Perez reported on the following:

- Performed EMS training this month and focused on heat related injuries in preparation for Lavender Festival.
- 470 calls for the year.
- Seven volunteers have completed their testing and have completed their rotations.
- Talks are moving forward with Bernalillo County Fire Department.
- Quarterly meeting with the Medical Director was held and he praised our members for their report writing skills.
- The Public Defender's Office held interviews this morning regarding a case and all three Paramedics involved in the case did a great job.
- A pancake breakfast will be held on the morning of July 11.
- Participated in the search for a firearm with APD last week at the river; however, they did not recover it.
- Will be conducting the first EMT-Basic class at the Village on Saturday, July 18 and it will continue through August 23. The primary audience will be Albuquerque's Police Force. It will be held 4 days a week.
- Fire Department will be selling bottled water for \$1.00 at the Lavender Festival.
- A first aid station will be set up near the Barn and at Los Poblanos Orchards.

**(Trustee Homan arrived at 7:15 p.m.)**

**5. FINANCIAL BUSINESS**

**A. CASH REPORT – JUNE**

**Treasurer Haines** reported that the ending cash balance for June was \$2,989,124.19 which was an increase of \$6,088.66 from the prior month. She said the cash balance without the bond and open space money would be \$2,668,466.72. She said the year-to-date expenditures exceed revenues by \$4,408,336.00. She said we received our bond revenue in the prior year and that is why there is such a difference. She said the Village has a good solid cash balance as well as revenues in excess of expenditures.

**Trustee Lopez** asked how the \$2,989,124.19 compared to the budgeted number a year ago.

**Treasurer Haines** responded that the balance was \$3,134,074 which was a little bit higher, but in light of everything that was accomplished this year, it was still good.

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

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

**B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-7-1 – ADJUSTING THE 2008/2009 FY BUDGET**

**Administrator Ward** said they are adjusting last year’s budget to meet actual expenditures. He apologized because the schedule of budget adjustments attached to the resolution only showed codes instead of the account name. He said the end result is that we will show a reduction in expenditures of \$109,582 and a reduction in revenue of \$47,020. He said that results in a positive swing to the cash balance of \$150,000 over the year. He said this is done so that our budget document matches our accounting system. He said each fund is adjusted so that the beginning balances match from one budget year to the next. He then explained each account in detail.

**MOTION:** Trustee Homan moved approval of Resolution No. 2009-7-1. 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.

**C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-7-2 – APPROVED BUDGET FOR THE 2009/2010 FY BUDGET**

**Administrator Ward** said they previously had an extensive conversation with the Board about the budget and they have made a few adjustments. He said their expectation is that they will collect \$488,879 less than the previous fiscal year. He said that is a 16% reduction in revenue. He said they added “construction regulation services” of \$17,500 because they expect to bring before the Board in August a Joint Powers Agreement with Bernalillo County to do the Village’s building permits and inspections. He said he added a little bit of money under “professional services – engineers” because they have to do a couple projects related to accumulation of water when it rains. He said under “capital expenditures” on page 11 of 11, they rolled forward a few items such as installing sewer lines for Village Hall and the tennis court property. He said ABCWUA notified the Village that it would be an additional \$20,000 to hook up both properties to the sewer.

**Trustee Lopez** said on page 8 of 11, there is \$204,899 in the budget for Police but he understands that we do not have a contract with Bernalillo County and probably will not have one for Police. He asked if that is correct.

**Mayor Abraham** responded that he would not say the agreement with Bernalillo County is dead, but in speaking with Darren White, he assured us we are fully covered and nothing is changed. He said he believes there may be communication problems between Thaddeus Lucero, John Dantis and down below. He said it sounds like when we did not reach an agreement, they just told the Sheriff’s Department that we do not have a contract and they reassigned our officers from Los Ranchos to North Valley. He said all of the officers are still covering the Village, they are still taking calls, etc. He said he hopes there will be more dialog with the County. He said he believes this may be a good opportunity to look at other options, such as a Police Chief and Officer located in Village Hall.

**Trustee Lopez** said his concern is that the Village not wait too long to make a decision. He said he believes if the Village is going to go forward on its own and have a Police Chief and

an Officer, then that decision should be made fairly soon. He said if we are going to have a contract with the County, then the miscommunications should be taken care of, whatever they may be. He said he believes the Village has 30 days to make a final decision.

**Mayor Abraham** said he has spoken with Attorney Chappell about what the Village's options are and Mr. Chappell has spoken with the Municipal League and Bob White at the City of Albuquerque. He said he will come back to the Board with some options. He said meanwhile they are using our cars and motorcycles.

**Trustee Lopez** said regarding the Fire Department budget, we are back to where we were in 2008.

**Mayor Abraham** said negotiations are still proceeding and he thinks they are going along the lines of what they originally talked about.

**Administrator Ward** said they did receive back from the County today a draft JPA coming out of their Legal Department for the Village's review. He said it still sits in the same condition as before. He said he will take another look at it, bring it before the Board and make a decision on where we go.

**Mayor Abraham** said the Site Plan and Building Plans for the Fire Station are on the agenda tonight. He said Greg and Kelly are also working on a grant with stimulus money that is due July 10.

**Chief Perez** said they will start to do the first round of awards on December 31, but they have until September 30, 2010 to disburse all \$210 million. He said we submitted a total project of \$2.6 million and are asking for \$1.3 million from the grant. He said the form stated they are anticipating 10,000 applicants and they will only be awarding 100 grants.

**Trustee McDonough** said he believes it is prudent to leave money in the budget for the Police

**MOTION:** Trustee Homan moved approval of Resolution No. 2009-7-2, which is the 2009/2010 Fiscal Year Budget. Trustee Lopez seconded the motion.

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

**D. DISCUSSION AND APPROVAL TO AWARD THE REQUEST FOR PROPOSAL FOR THE VILLAGE'S INDEPENDENT PUBLIC ACCOUNTANT/AUDITOR TO PORCH & ASSOCIATES, LLC, AND AUTHORIZE THE VILLAGE TREASURER AND ADMINISTRATOR TO NEGOTIATE A CONTRACT AND TRANSMIT SAME TO THE STATE AUDITOR FOR APPROVAL**

**MOTION:** Trustee Rael moved approval to award the RFP to Porch & Associates, LLC. Trustee Lopez seconded the motion.

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

**6. PUBLIC HEARINGS AND APPLICATIONS**

**A. RATIFICATION OF PLANNING AND ZONING COMMISSION APPROVAL OF FINAL PLAT FOR A MAJOR (5 LOT) SUBDIVISION IN THE C-1 ZONE ON JUNE 9, 2009, AGENDA ITEM 5C. THE PROPERTY IS LOCATED AT 6137 AND 6135 2<sup>ND</sup> STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 28, T11N, R3E, N.M.P.M. ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING TRACTS 74-B-1-B AND 74-B-2-B OF THE M.R.G.C.D. MAP NO. 29, AS SHOWN AND DESIGNATED ON THE RECORDS OF THE BERNALILLO COUNTY CLERK, JUNE 29, 2006. THE PROPERTY CONTAINS 9.9 ACRES MORE OR LESS**

**Mayor Abraham** noted that the applicants for Items 6.A. and 6.B. were not present.

**Planner Seebach** said the applicants were fully apprised of what the meeting was about and the public notice was posted. She said they may have felt it was not necessary for them to be here since it was an administrative action.

*(Attorney King swore in Planner Seebach.)*

**Planner Seebach** stated that on May 13, 2009, the Board of Trustees approved the Final Preliminary Plat for the North Valley Business Park. She said that due to a paperwork error, the Conditions of the Site Development Plan were read into the record as the Conditions for the Final Preliminary Plat. She said in order to establish a clear record, the request is for the Board of Trustees to ratify the Planning & Zoning Commission's approval of the Final Plat and the next item on the agenda will amend the aforementioned error so that the Board of Trustees' Conditions on the Final Preliminary Plat are those forwarded by the Planning & Zoning Commission for approval. She said the request is ratification of the Planning & Zoning Commission's June 9, 2009 approval of the Final Plat for a major 5 lot subdivision in the C-1 Zone, Agenda 5.C. with findings.

**MOTION:** Trustee Lopez moved ratification of the Planning & Zoning Commission's approval of the Final Plat for a major subdivision in the C-1 Zone. Trustee Homan seconded the motion.

**Trustee Seebach** said the findings need to be read.

**AMENDED MOTION:** Trustee Lopez amended his motion to include the Findings as follows: Pursuant to Ordinance 222, the Planning & Zoning Commission has authority to approve Final Plats for subdivisions. Consistent with its authority and on June 9, 2009, the Planning & Zoning Commission approved the Final Plat for the major (5 lot) subdivision with conditions and findings, Agenda Item 5.C. All requirements and conditions for the Final Plat were met. This action ratifies the Planning & Zoning Commission's approval of the Final Plat and the conditions attached thereto.

**Trustee Homan** continued with her second.

**Administrator Ward** explained that Mr. Chappell recommended that they clean up the record by the above motion and the one to follow in Item 6.B.

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

**B. A REQUEST FOR AMENDMENT TO CONDITIONS OF APPROVAL FOR FINAL PRELIMINARY PLAT APPROVAL FOR A MAJOR (5 LOT) SUBDIVISION IN THE C-1 ZONE. THE PROPERTY IS LOCATED AT 6137 AND 6135 2<sup>ND</sup> STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 28, T11N, R3E, N.M.P.M. ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING TRACTS 74-B-1-B AND 74-B-2-B OF THE M.R.G.C.D. MAP NO. 29, AS SHOWN AND DESIGNATED ON THE RECORDS OF THE BERNALILLO COUNTY CLERK, JUNE 29, 2006. THE PROPERTY CONTAINS 9.9 ACRES MORE OR LESS ACA-09-01**

**Planner Seebach** said this is the companion file where we correct our error for the Conditions of Approval for the Final Preliminary Plat passed on May 13, 2009 by the Board of Trustees to reflect the conditions forwarded by the Planning & Zoning Commission. She said the request is to amend the Conditions of Approval for Final Preliminary Plat for a major (5 lot) subdivision in the C-1 Zone.

**MOTION:** Trustee Homan moved approval and thereby correct the Conditions so they read:  
1.) The Final Plat shall contain all of the required language to be placed on the plat, i.e., Data notes, vicinity map, Public Utility Easement statements, restriction, legend and certifications, etc. 2.) All newly installed utility systems shall be underground. 3.) Site Development Plan SDP-09-03 has been approved for the Subdivision and will be implemented as approved. 4.) Development on each individual lot will be required to obtain Site Development Plan approval for commercial construction. 5.) Each lot listed for sale must obtain a Parcel Permit from the Village. 6.) A subdivision Improvement Agreement shall be executed prior to the recording of the Final Plat. 7.) A financial guarantee instrument in the amount of 125% of the estimated infrastructure costs must be submitted with the subdivision improvement agreement for infrastructure that is required for the subdivision. 8.) Disposition of the bill board will meet Ordinance 183, Section 21(C) (1). 9.) If codes and/or covenants are designed for the subdivision, the Village must review them for conformance with Village Ordinances. These 9 new conditions amended the prior conditions 1 through 11 which were stated previously in error. Trustee Rael seconded the motion.

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

**C. A REQUEST BY THE VILLAGE OF LOS RANCHOS, LOS RANCHOS FIRE DEPARTMENT FOR FINAL SITE DEVELOPMENT PLAN FOR A GOVERNMENT BUILDING IN THE VC ZONE. THE PROPERTY IS LOCATED AT 414 SCHULTE ROAD AND IS LEGALLY KNOWN AS LOTS NUMBERED THIRTY-EIGHT-A-ONE (38-A-1) AND THIRTY-EIGHT-A-TWO (38-A-2) OF SCHULTE ACRES, A REPLAT OF TRACT 38A BEING LOTS 38-A-1 AND 38-A-2, SCULTE ACRES, WITHIN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON MARCH 21, 2001, IN VOLUME 2001**

**C, FOLIO 87. THE PROPERTY CONTAINS 1.0008 ACRES MORE OR LESS. THIS ITEM WAS DEFERRED FROM THE JUNE 10, 2009 BOARD MEETING**

*(Attorney King swore in Kelly Ward, Chief Greg Perez and Linda Seebach.)*

**Planner Seebach** discussed Planning Report No. PZ-09-42 and noted that a minor subdivision is being processed to eliminate the lot lines and join the two lots together so that they will be looking at one whole lot in the Site Development Plan. She said the property is located in the non-project section of the Village Center Zone and is governed by a non-project section of Section 11. She said the proposed fire station is 7,900 square feet and the larger existing building will remain and will have future potential use as a government ancillary building (community center and meeting hall). She said the carport and small house will be removed. She said the Conditions of Approval are that the architects and engineers for the Village will meet the requirements of Ms. McDowell for the grading and drainage plan to meet the configuration that the Village needs. She said there is no floor area ratio requirement for non-VC zoned projects; there was no permeable surface requirement in the VC Zone; water and sewer availability have been obtained from ABCWUA. She said no variances are requested for the Site Development Plan. She said the Planning & Zoning Commission forwarded a recommendation of approval for Final Site Development Plan for a government building in the VC Zone with Conditions. She said the request is to approve the Final Site Development Plan for a government building in the VC Zone with Conditions 1 through 6 and Findings.

**Trustee Rael** said on page 2 of 4, third paragraph, last sentence: change “vegas” to “vigas”. Also, under Landscape, he said the second paragraph refers to “west” side and it should be “north” side.

**Trustee McDonough** said he assumes the ponds will drain within the requirements of Village ordinances.

**Planner Seebach** responded that Jackie McDowell went through them all and she did not see that there was a problem with them draining in 96 hours.

**Trustee McDonough** said there is a mis-label on the plan set from what the Authority gave us. He said it says there is a 10-inch AC water line in Schulte and an 8-inch PVC line in 4<sup>th</sup> Street and in their plans they talk about connecting all the water taps to an 8-inch PVC line in Schulte. He said an AC line is asbestos concrete, the tapping considerations are different and the age of that pipe is quite different. He said they need to be aware they are working with an AC pipe and not a PVC pipe before they put it out to bid.

**Mayor Abraham** invited Chief Perez to comment since he has been working on the Fire Station Project for a long time.

**Chief Perez** said he has been working on the project since he became Chief and he is excited to see they have reached this point. He said there have been years of work and the design has been changed many times, but he believes the Fire Department and the community can be proud of the final result. He said he believes they have been financially responsible and have been able to bring the project in at close to budget.

**Mayor Abraham** noted that they have preserved the 8,000 square foot metal building that could be used as a community hall, training rooms, or even a gymnasium.

**Trustee McDonough** said he assumes there is an option to come in off of Schulte and drive through into the building.

**Chief Perez** responded that they will be pull-through bays and there will no longer be a need to back into the bays as they presently do.

**MOTION:** Trustee McDonough moved approval of the Final Site Development Plan for a governmental building in the VC Zone with the following **Conditions:** 1.) The grading and drainage plan must follow the specifications of the Village designated Engineer for the back ponding area and the entire plan must be implemented according to the Village Engineer recommendations. 2.) The landscape plan concept be implemented via donations, utilizing drought resistant, native plants which adhere to the plan concept as closely as possible. 3.) The site be developed according to the approved Site Development Plan. 4.) All the requirements of the Albuquerque/ Bernalillo County Water Utility Authority shall be met in the installation of the utilities and governing rules and regulations adhered to. 5.) All new utilities to be installed underground. 6.) The Los Ranchos de Albuquerque Fire Station sign is approved as submitted for a larger sign. A sign permit must be obtained from the Village.

And the **Findings:** 1.) The proposal complies with the 2010 Master Plan, Section 4.1.2 Village Form Goal 4.1.2.2 Policy A: The Village will promote private development that is in keeping with Village scale. 2.) Master Plan goal 4.7.2. Policy A: The Village will promote development of a Village Center at Fourth Street and Osuna Road. 3.) Master Plan goal 4.8.2: The goal is to ensure the existence and availability of all services necessary to the health, safety, and welfare of all Village citizens, while recognizing the scale and resource limitations of the Village government. 4.) Master Plan 4.8.2.2 Policy A: The Village will provide community facilities and services as funding allows. 5.) The Site Development Plan meets the requirements of Ordinance 183 as amended, Section 24(E)(1). 6.) Satisfactory provisions have been made addressing accessibility, pedestrian safety, traffic control, and emergency access in case of fire, flood and catastrophe; Satisfactory provisions have been made for off-street parking and loading areas; Satisfactory provisions have been made for water and liquid waste facilities; Satisfactory provisions have been made for on-site drainage and storm water runoff; Satisfactory provisions have been made to address economic, noise, glare and odor effects of the proposed use on adjoining properties; and, Satisfactory provisions have been made for the overall health and safety of the community. 7.) The requested sign is approved and meets the requirements of Section 21(E)(3)(a) for sign size. 8.) The Village recently purchased two half acre parcels located within the VC Zone on Osuna at the Chamisal Lateral for open space that meets the requirements for the VC Zone. Trustee Rael seconded the motion.

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

## 7. **OLD BUSINESS**

There was no old business.

**8. NEW BUSINESS**

**A. DISCUSSION AND APPROVAL TO AWARD THE REQUEST FOR PROPOSAL 2009-001 TO WASTE MANAGEMENT OF NEW MEXICO FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE AND RECYCLING COLLECTION SERVICES AND AUTHORIZE THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT WITH WASTE MANAGEMENT.**

*(Mayor Abraham requested that this item be heard prior to Item 6.A.)*

**Administrator Ward** said the Village sent out a Request for Proposal for solid waste collection services and there were two respondents: Waste Management of New Mexico and All American Waste Collection. He said they had to deem All American's proposal as non-responsive. All American had asked the Village to consider reducing its performance bond amount. He said he did not feel comfortable going down to the level they needed to be at in order to satisfy the requirement of a performance bond. He said the Village then started negotiations with Waste Management about a new contract and a draft of that was included in the Board packets. He said they had an Option A and an Option B in their bid. Option A was status quo and Option B was not having roll-off containers as exclusive to Waste Management. He said one of the complaints from residents is that they have to use Waste Management for roll-offs because there is a perception that Waste Management's roll-offs are more expensive than everyone else's. He said Waste Management has also adjusted their rates and how they charge for roll-off services. He said if the Board feels that we should have a non-exclusive arrangement for roll-offs, then there is a price consideration for residents of an additional 6 cents per month, but if we keep it exclusive, then the Village will continue to receive a franchise fee on those charges and gross receipts tax. He said the other issue is the escalation clause which currently is 3.5% or CPI. He said Waste Management is not in a position to accept that cap so the Village has negotiated an 85% of CPI escalator. He said the basic component of how they conduct the services is much like it is today.

**Trustee Lopez** said the last time Marlene was here they had a discussion about fuel and he would like her to tell the Board where Waste Management stands with the fuel issue.

**Marlene Feuer**, Government and Public Affairs Manager, Waste Management of New Mexico Inc., said in the new rate base they have taken the fuel level up. She said they have also limited the times that they can come to the Village for fuel adjustments. She said previously they had been rating fuel from \$1.26 and when they did the proposal it was \$2.00 per gallon. She said the fuel adjustment will be looked at every 6 months instead of every 3 months.

**Marlene Feuer** then introduced Waste Management's Director of Operations, Alberto Guardado, and Mr. Paul Casaus, District Manager for Central New Mexico. She said Waste Management contracted with Research and Polling to conduct a survey to determine the level of customer satisfaction in Los Ranchos. She said the result of the survey was that there was an extremely high level of satisfaction with the trash collection services they currently receive. She said Los Ranchos has the highest percentage (about 80%) of recycling for any of their municipal contracts in the state. She said the one shortcoming noted in the survey was that when contacting Waste Management they were not given prompt service. She said they pledge to work on that.

**Marlene Feuer** said the proposal submitted to the Village reflected reduced rates on roll-off. She said previously they were taking an average that included disposal fees and therefore the rate looked extremely high. She said what they have done now is given a base rate of \$148, plus disposal. She said those places that give them very heavy loads will be paying more than those people who do average loads.

**Marlene Feuer** said they have not increased their rates to the residents or to commercial business; they have held their rates flat. She said the first opportunity for a rate increase will be October 1, 2010. She said their proposal includes twice a year green waste collection at no additional charge and they have increased their donation level to low income residential customers. She said they have also agreed to report gross receipts tax in the Village of Los Ranchos which means they will have to locate a facility here. She said her closing comment is that she is honored to have been the Village's "Trash Lady" for more than 10 years and she looks forward to being the Village's "Recycling and Trash Lady" for a lot more years.

**Trustee Lopez** said he wants to congratulate Marlene and her staff for doing such a great job.

**Mayor Abraham** asked why we don't recycle wood or lumber.

**Marlene Feuer** responded that they can now; however, it has to be separated in a roll-off container and it has to be clean without nails. She said a wood recycling company started up in the last year at Mt. Taylor.

**Trustee Rael** asked about recycling bottles and glass.

**Marlene Feuer** responded that there is no market locally. She said a pilot program was started out at the Rio Rancho landfill by a company out of Santa Fe who is trying to use glass to make other things but it is still in the experimental stage. She said shipping is part of the problem and the closest outlet they could find was in Oklahoma.

**Trustee McDonough** said he envisions the roll-offs to be primarily related to the construction industry.

**John McDowell**, 7201 Guadalupe Trail, said he is speaking as a sometimes contractor who also has marginal relationships with other contractors. He said the requirement that the roll-off only be from Waste Management is one of the negative things that people have to say and they want to know why they can't get one from another company that is cheaper. He said some are significantly cheaper, but not necessarily better.

**Trustee McDonough** said he understands that everyone is watching their bottom line and saving money where they can. He said his concern is where it all goes, how many companies are going to be running trucks in the Village to maintain all of these roll-offs. He said he recognizes that it is probably more expensive, but to open that door to anyone who has a roll off concerns him in terms of what is best for the environment and solid waste management.

**Trustee Lopez** said one of the reasons Waste Management has been effective is because they have a pretty good safety program and an excellent crew. He said if you open the door, you don't know what you will get.

**Mayor Abraham** said he believes the prices are a lot closer now, but his concern was the look of some of the roll-offs you see from other companies.

**Trustee Homan** said she agrees with the Mayor's observation that some of the roll-offs from other companies look like they were retrieved from the landfill itself. She said she believes Waste Management is the superior product.

**Mayor Abraham** asked what the franchise number would be if the roll-off part were lost.

**Administrator Ward** said he thinks it's about \$17,000 we would lose. He said it would not be a covered contract item.

**Trustee Rael** said he agrees that Waste Management is doing a good job.

**Marlene Feuer** said when they redid the contract, there was no limit on CPI. She said Administrator Ward asked about a 3.5% cap, but her corporation was not willing to do that. Instead, she said they did compromise that instead of a 3.5% cap where the Village was paying 100% of the CPI annually, they comprised to say 85% of whatever the CPI is but they could not give the Village a cap.

**MOTION:** Trustee McDonough moved approval to award the RFP to Waste Management and authorize the Mayor to negotiate and enter into the contract with Waste Management. Trustee Rael seconded the motion.

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

**B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-7-3 – A RESOLUTION ESTABLISHING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR FILMING IN ALL ZONES IN THE VILLAGE UNTIL DECEMBER 31, 2009**

**Administrator Ward** said based on our court case with the Caruso's and research into the other zones, we don't necessarily have an application process right now. He said in order to eliminate any confusion about that, we want to impose a moratorium and at the same time, structure a public input body that would discuss the issue of filming and potential restrictions or availability within certain zones, etc. He said the group would then come back to the Board with comments or suggestions about how to structure an ordinance concerning filming in the Village and do all that by December 31. He said Mr. Chappell is suggesting that the Village eliminate any confusion and say we are going to put a stop to anyone who is thinking about filming for the next few months. He said the Village will discuss the issue as a community and then come back to the governing body with that discussion.

**Mayor Abraham** said a task force seems cumbersome and he questions whether we want to make it that cumbersome. He said he doesn't know if there will be that many people interested, judging by the fact that no one came to this evening's meeting.

**Administrator Ward** said the first round is to make it as broadly appealing as possible, get as much input as possible and make sure there is no sense of favoritism in any of this. He said they are completely open to any adjustments to that aspect.

**Trustee Lopez** said you have given interested parties until September 19, 2009 to sign up for the Task Force. He said he thinks that gives everyone an opportunity to participate and then observe who comes to the table.

**Administrator Ward** said the significance of that date was because we do not have a *Village Vision* going out until September and that is the biggest vehicle for communicating with residents. He said an article can be included and then that will give people a couple weeks to indicate their interest in participating on the Task Force.

**Trustee Homan** asked if the *Village Vision* would be the only notification.

**Administrator Ward** responded that there is public notification of this meeting by posting of the minutes, placing something on our website, and our Facebook page.

**Trustee McDonough** said he would suggest changing the “shall” wording to “may” so that we are not obligated for every Trustee to pick two.

**MOTION:** Trustee Rael moved approval of Resolution No. 2009-7-3 with the wording changes. Trustee Lopez seconded the motion.

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

**C. DISCUSSION AND APPROVAL TO ADVERTISE AN ORDINANCE IN SUMMARY REVISING CHAPTER 4 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, AMENDING SECTION 1, 2, 3 AND ADDING SECTION 4 AND 5 PROVIDING FOR ADOPTION OF CODES, ADMINISTRATION, ENFORCEMENT, PERMITTING AND INSPECTIONS, TECHNICAL CODE AMENDMENTS AND REPEAL OF ORDINANCE 154.**

**Administrator Ward** said regarding building services, permitting, etc., the building code being used in the Village is the 1997 Uniform Building Code. He said Bernalillo County has just adopted this new package of codes and they had been using the 2006 code prior to that. He said the Village is trying to get in line with the current state of the building industry. He said this action will mimic what Bernalillo County has adopted and if we come to agreement with them for permitting in Los Ranchos, their guys will be operating the same in the Village as in the County.

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

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

**D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2009-7-4 – A RESOLUTION PLACING A MORATORIUM ON ACCEPTANCE OF SPECIAL USE PERMIT APPLICATIONS FOR FAMILY TRANSFER SUBDIVISIONS IN ALL ZONES UNTIL DECEMBER 31, 2009; ESTABLISHING A FAMILY TRANSFER SUBCOMMITTEE OF THE BOARD OF TRUSTEES; APPOINTING TWO MEMBERS OF THE BOARD OF TRUSTEES TO SERVE ON THE SUBCOMMITTEE; AUTHORIZING THE PLANNING AND ZONING COMMISSION TO ESTABLISH ITS OWN SUBCOMMITTEE; AND AUTHORIZING THE FORMATION OF A TASK FORCE. SUCH SUBCOMMITTEES AND THE TASK FORCE SHALL WORK TOGETHER TO STUDY FAMILY TRANSFER SUBDIVISION ISSUES.**

**Trustee Lopez** said he would like to offer his name as one of the Trustees to serve on this subcommittee.

**Trustee Rael** said he would also like to offer his name to serve on this subcommittee.

**Planner Seebach** said they have been researching New Mexico law and Attorney King found that both Santa Fe and Espanola have family transfer subdivision ordinances. There has been concern that there is a great potential for abuse of family transfer subdivision and that there was a general feeling that we needed to look at better ways to regulate it and make sure that the benefits go to families who deserve them.

**MOTION:** Trustee Homan moved approval of Resolution No. 2009-7-4 regarding family transfers. Trustee Rael seconded the motion.

**Trustee McDonough** suggested that the blanks be filled in with the names of Trustee Rael and Lopez.

**AMENDED MOTION:** Trustee Homan said the two Trustees whose names will be put into 3.A. and 3.B. will be Trustee Pablo Rael and Trustee Don Lopez and that the wording of “shall” be changed to “may”.

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

**E. DISCUSSION AND APPROVAL TO INSTALL SPEED HUMPS ON VINEYARD ROAD**

**Administrator Ward** said the Village has had a petition for speed humps from the residents on Vineyard for a number of years. He said they also made the same request to Bernalillo County. He said Bernalillo County has now installed three speed humps on their side of Vineyard. He said the Village has monitored the traffic on Vineyard for a couple months and the volume of traffic has not reduced at all and the speeds reach the criteria of the ordinance which states 8 mph over the posted speed limit. He said the volume of cars on that road is 2400 per day. He said he is recommending approval of the installation of speed humps on Vineyard Road.

**Trustee McDonough** asked if there is any rationale on why that road gets so many cars.

**Administrator Ward** responded that it is Sadie's Restaurant, but also between Montañó and Osuna it is the only street with a light where you can make a left turn safely.

**MOTION:** Trustee Rael moved approval to install speed humps on Vineyard Road. Trustee Lopez seconded the motion.

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

**9. TRUSTEES INFORMAL DISCUSSION**

**Trustee Lopez** asked what they need to do to get into the Barn Dance.

**Mayor Abraham** responded that there are no tickets for the Barn Dance; however, there is a list with your name on it as an attendee. He said our four Legislators have been invited and we have received positive responses from Dede Feldman and Bill O'Neill. He said he invited Lorilee and John McDowell to sit at one of his two tables in addition to Sue and Joe Brawley and Judy Griego.

**10. ADJOURNMENT**

Mayor Abraham adjourned the meeting at 8:50 p.m.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this \_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

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