

MINUTES
VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
NOVEMBER 12, 2008 -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

Annabelle Silvas, Clerk

Linda Seebach, Interim P&Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held a Regular Meeting on Wednesday, November 12, 2008 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:00 p.m.

Mayor Abraham stated that a closed meeting was held at 6:00 p.m. on November 12, and only those items stated on the posted notice for the closed meeting were discussed.

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

VOTE: The motion carried unanimously, 4-0.

A. APPROVAL OF AGENDA

MOTION: Trustee McDonough suggested that the Board hear Items 6.B, 6.C and 6.D as one item prior to voting on Item 6.A. He then moved approval of the Agenda. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. PRESENTATION BY DAVID MONTOYA ON THE BLANCHARD OPEN SPACE PROPERTY

David Montoya said the open space property comprises about 40 acres that have been leveled, cleared of rubble, trash and debris. He said he planted grass and alfalfa for grazing and put in a series of ditches to irrigate more efficiently. He said the project is now pretty much completed and he is awaiting a lease to be formalized. He said he also plans to plant grain for a bird habitat in the future.

2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT]

Laurie Hause, Greenwoods Neighborhood Association, 6636 Edgewood Drive, read a letter of appreciation to the Mayor and Board for the recent purchase of the property on the northwest corner of Osuna and Edgewood for open space.

3. CONSENT AGENDA

A. MINUTES – SEPTEMBER 17, 2008

B. DEPARTMENT AND COMMITTEE REPORTS

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

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

VOTE: The motion carried unanimously, 4-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported that:

- The Rail Runner is on track to go to Santa Fe by mid-December and the rates should be about \$6.
- The Holiday *Village Vision* is at the printer already and should be in mailboxes the week of Thanksgiving.
- As in every other municipality, the Village is concerned with the weakness in its Gross Receipts and will take some cost-cutting measures or possibly some layoffs to be fiscally prudent.
- They are still negotiating with the Anderson family for the open space and would like to have an agreement before the end of the year.
- Governor Richardson has a “grab for cash” whereby he has informed all municipalities that if they are not using their State Legislative Funds then he wants them returned.

B. ADMINISTRATOR'S REPORT

Administrator Kelly Ward reported that:

- He would like to go over the Governor's press release announcing the need to find \$200-\$300 million to make up for the shortfall in the 2009 budget. He has prepared two spreadsheets, one for DFA and one for NMDOT, showing the appropriations for projects in the Village. His assumption is that the State could take the General Fund fairly easily but he thinks it would be a challenge for them to take the Severance Tax Bonds to reauthorize for some other purpose.

Trustee Homan said this was a large topic of discussion at the New Mexico Municipal League Board Meeting last month.

Trustee Lopez asked if any of these funds were available for striping 4th Street because he feels we should be moving forward as soon as possible because it is in terrible shape.

Administrator Ward responded that he has issued purchase orders for striping 4th Street from Schulte to Paseo.

- He has let a purchase order for the rebuild of the three intersections at 4th Street and El Pueblo, Ranchitos and Los Ranchos. There are two schools that are impacted at Los Ranchos and Ranchitos and they will work around the schools' schedules.
- Regarding the I&J Sewer Project, Rio Grande should be a complete and open road around mid-December. They will be done with the physical installation of paving on Rio Grande, but the actual project will not be complete until mid-February or March because they are waiting on control panels for the lift stations. He anticipates an operational sewer to hook into somewhere in the April or May timeframe.
- Visible work on the Taft Middle School recreational field should start tomorrow.
- The fire suppression system on the Community Barn is just about finished.

C. PLANNER'S REPORT

Planner Linda Seebach reported that:

- In addition to processing the few building permits the Village has received, P&Z has been busy processing the applications forwarded from the P&Z Commission to the Board of Trustees.
- Storm drains are to be cleaned week after next. There will be approximately 3 nights and 2 days involved in the cleaning.
- The bid was let for the combined platting of the various tracts of the Blanchard Open Space into two parcels.
- Business and home occupation renewals were sent out the first week in November for 2009 renewals. There has been a 1% return in the first 12 days.
- The subdivision ordinance has been drafted and is being reviewed by Administrator Ward and the Village Attorney.

D. LEGAL REPORT

Attorney Martha King reported that:

- She has been reviewing, analyzing and processing applications and reviewing drafts of ordinances
- She worked with Administrator Ward on administrative matters and cases that have been brought against the Village.

E. FIRE DEPT. REPORT

Fire Chief Perez reported that:

- It has been a busy month with 85 calls for the month of October.
- They have been running 4-man crews with ALS for the last 3 months.
- They are closing in on a final design for the fire station.
- He is working with Administrator Ward on the purchase of a new rescue unit.
- Volunteer testing was held on November 2nd for 45 candidates, none of whom are Village residents.
- In conjunction with Sky Dog, a Village business, the Fire Department is conducting a food drive during the month of November for Village residents. During December, they will conduct a toy drive.

5. FINANCIAL BUSINESS

A. CASH REPORT – SEPTEMBER & OCTOBER

Treasurer Nancy Haines reported that for the month of September, the ending cash balance was \$7,279,418.60 which represented a decrease of \$127,671.31 from the prior month. She said the cash balance without the bond and open space money would be \$2,950,715.27 and year-to-date expenditures exceed revenues by \$118,041.59. She said the major expenditure during the month of September was for the Village Center property purchase which was about \$179,000.

The cash report for the month of October had an ending cash balance of \$6,758,688.13 that was a decrease of \$520,730.47 from the prior month. She said without the bond and open space money, the balance would be \$2,853,280.42 and the year-to-date expenditures exceed revenues by \$638,772.06. The major cash expenditure for the month of October was for the open space land at Zia Gardens which was about \$429,260. It is located at the corner of Edgewood and Osuna.

MOTION: Trustee Homan moved approval of the September and October Cash Reports. Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-11-1 – REVISING THE FY 2008/09 BUDGET TO INCLUDE THE COOP AGREEMENT PROJECT SP-GA-5092(205)05, AND PROJECT ST-7601(373) TO PLAN, DESIGN AND CONSTRUCT A WALKING, JOGGING AND BIKE LANE ADJACENT TO RIO GRANDE BLVD

Administrator Ward said this Resolution covers \$254,000 we received in two separate appropriations from the Legislature to help offset the cost of installing the bike lanes on Rio Grande Blvd. He said this project was designed by Boyle Engineering and the 31 feet of asphalt accommodates the bike lanes. He said the agreement with the County was that they would lay 27 feet of asphalt and the Village would pay for the extra 4 feet. He said this will pay for the extra 4 feet from Chavez to Paseo del Norte.

MOTION: Trustee Homan moved approval of Resolution No. 2008-11-1. 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 OF RESOLUTION NO. 2008-11-2 REVISING THE FY 2008/09 BUDGET TO INCLUDE THE MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT FOR THE PAVEMENT REHABILITATION OF ORTEGA ROAD FROM RIO GRANDE TO FOURTH STREET (PROJECT MAP-5124(901), CONTROLNUMBER HW2 L3089 IN THE AMOUNT OF \$63,750.00

Administrator Ward said we received an additional \$63,000 in MAP funds to help support the repaving of Ortega Road from Rio Grande to 4th Street. He said as soon as all the detour traffic is off the road, it will be repaved.

MOTION: Trustee Rael moved approval of Resolution No. 2008-11-2. 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.

D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-11-3 REVISING THE FY 2008/09 BUDGET TO INCLUDE THE MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT FOR THE RECONSTRUCTION OF OSUNA ROAD FROM CHAMISAL LATERAL TO SECOND STREET (PROJECT MAP-4052(901)00, CONTROL NUMBER HW2 L3079 IN THE AMOUNT OF \$87,600.00

Administrator Ward explained that the Village applied for additional funding because the construction cost escalated beyond the money we had available.

MOTION: Trustee Lopez moved approval of Resolution No. 2008-11-3. Trustee McDonough seconded the motion.

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 OF RESOLUTION NO. 2008-11-4 REVISING THE FY 2008/09 BUDGET TO INCLUDE THE SEVERANCE TAX PROJECT GRANT AGREEMENT FOR THE PLANNING, DESIGN AND CONSTRUCTION OF THE FIRE STATION, GRANT 08-L-G-3204 IN THE AMOUNT OF \$200,000

Administrator Ward explained that this Resolution covers an additional \$200,000 to design and construct the fire station.

MOTION: Trustee McDonough moved approval of Resolution No. 2008-11-4. Trustee Homan seconded the motion.

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

6. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY MATTHEW REMBE FOR AN AMENDMENT TO THE CONDITIONS OF APPROVAL FOR THE LOS POBLANOS INN AND CULTURAL CENTER, CLUSTER HOUSING AND OPEN SPACE SU-1 ZONE. THE PROPERTY IS LOCATED AT 4803 RIO GRANDE BLVD. AND IS LEGALLY KNOWN AS PLAT OF TRACTS A2A AND A3A, A REPLAT OF TRACTS A2 AND A3, LANDS OF ALBERT SIMMS II, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO, DECEMBER, 1998. THE PROPERTY CONTAINS 25.6371 ACRES, MORE OR LESS. ACA-08-02

Mayor Abraham noted that the first four items are related to Los Poblanos and he would like to hear them all at once and then vote on Item 6.A. after voting on Items 6.B., 6.C., and 6.D.

Attorney King swore in those persons wishing to speak on Items 6.A., 6.B., 6.C., or 6.D.

Planner Seebach reported that there are 4 applications all related to Los Poblanos. She said the first one, which will be voted on last, is the amendment to the conditions of approval. She said as they started reviewing these, they ran into so many conflicts that every time they took one step forward, they would go two steps back. She said by working together on this, they went through and cleaned them up, took out the contradictions and reworked them so they made sense. She said the amendments are not a material change to the original SU-1 zone and are largely for clarification purposes.

Planner Seebach said Item 6.A. is a request for an Amendment to the Conditions of Approval for the Los Poblanos Inn and Cultural Center, Cluster Housing and Open Space SU-1 Zone. She reported that Item 6.B. is a request to construct a single family residence and remodel an existing structure for a guest house on Tract A-1. She noted that Item 6.C. is a request to allow construction of additional rooms to reach the maximum of 20

rooms granted December 12, 2007. She said Item 6.D. is a request to construct ancillary buildings to facilitate the operational conditions approved in the Amendment to Conditions of Approval granted December 12, 2007. She said the Planning and Zoning Commission recommended approval of each of the applications with findings.

John Myers, 1401 Central Avenue NW, Attorney for the Rembe's, said they have been working on the amendments for a long time and staff has been very helpful. He said they worked with the neighbors and have had three lengthy meetings before the Planning & Zoning Commission. He said he believes they came to a satisfactory resolution of all the issues. He explained he would like to briefly summarize the requests again. He said the request began with a request for the Rembe's to construct their home within the cluster development area without triggering the subdivision plat and the cluster development issues. He said a year ago, 20 guest rooms were permitted to be located at the Inn and also provided that if they were going to be new buildings, then they would have to show where those new buildings would be. He said that was done with the Site Plan. He said they have also asked for some ancillary or service buildings to be constructed south of La Quinta. He said during the course of the hearings there was a lot of concern expressed about the level of definition presented in the Site Plan. He said a survey had been prepared to better define where the existing buildings are, better define where the line is drawn between the two zoning areas, better define where the open space is and its size, and to clarify that all of the parking that serves the Inn is actually on the Inn property. He said they concur with Planner Seebach's staff report.

He said they have a small handful of tweaks to the Conditions of Approval: 1) On page 2, #9 under the Inn, add to the end of the sentence it would say, "upon the owner's application." 2) On page 3, #16, he requested that the phrase "if required" remain in that condition. 3) On page 6, under Cluster Housing Development, a new Condition #2, asking that "upon the owner's application" be added. 4) On page 7, new #7, originally the conditions had what appeared to be a conflict. One said "solid walls along Rio Grande Place shall not exceed 6 feet" and then there was another condition that said "no solid walls should be permitted at the perimeter of the property." He said he believes there was a desire to have solid walls on the north side of the property so long as they were outside of the landscape buffer. He requested that it be revised to say, "Solid walls along Rio Grande Place shall not exceed 6 feet and shall be south of the 15 foot landscape buffer. No solid walls shall be permitted at the perimeter of the property along Rio Grande Blvd." 5) On page 7, new #12 or new #6, there was discussion at the P&Z Commission that the new Rembe residence may be 26 feet in height.

In Favor:

J. T. Michelson, 5001 Rio Grande Blvd., said he is directly north of the Rembe property and is here to speak in favor of the 4 requests that the Rembe's have. He said he and his neighbors appreciate the concern that the Rembe's have shown in trying to address the neighbors' requests. He said he believes that no solid walls should be permitted at the perimeter both at Rio Grande Blvd. and at Rio Grande Place.

Opposed:

None

Public comment closed.

Trustee Discussion:

Trustee Rael asked if the 280 foot setback applies to this property.

Trustee Lopez stated that when the subdivision was approved around 1994 or 1995, that is when the 280 foot setback went away.

Administrator Ward said the current setback ordinance came into place after approval of this property and the original site plan.

John Myers stated that when the special use zoning was granted for this property, the ordinance provided under Open Space Development, Section A, Lot Areas and Setbacks: “The normal minimal lot area and setback requirements may not apply within an open space development, but said areas and setbacks shall conform to the Site Development Plan as approved by the Board.”

Trustee Lopez asked if the e-mail from Elvidio was the grading and drainage report. And if so, when the grading and drainage plan is submitted on November 25, will it be reviewed and approved at that time?

Planner Seebach responded that they have reviewed it and corrected it and brought it back a second time for a final review but there were still a few minor things to be corrected.

Trustee McDonough said he is guessing that the grading and drainage approval does not apply to the entire property.

Planner Seebach responded that he is correct; it only applies to what they are building now. She said if they ever decided to go forward with the subdivision, they would have to have a new Site Development Plan that includes a plat and the grading and drainage plan. It would have to be completely redone for a subdivision.

Trustee McDonough asked for clarification on page 7, Condition # 7. He said he understands they are saying there can be a solid wall on the north side of the property, south of the 15 foot landscape buffer.

Matthew Rembe said neither Rio Grande Blvd. nor Rio Grande Place would have a 6 foot linear wall on the property line, but it would have to be 15 feet back beyond, inside the landscape buffer, privacy walls.

Trustee McDonough said he understands what they are trying to say about #16 on page 3; however, it is not clear who requires that letter.

John Myers said what they are trying to say is “if required by SHPO to submit a letter.”

MOTION: Trustee McDonough moved to approve the Amendment to the Conditions of Approval as amended which are site specific for the Los Poblanos SU-1 zone.

FINDINGS:

The amendments are not a material change to the original SU-1 Zone, as they are largely for clarification purposes.

This amendment provides for reasonable use of the land by the owners without requiring unnecessary subdivisions of land, while preserving agricultural lands within the Village.

The Board of Trustees is empowered to interpret its own Conditions of Approval, and has determined that allowing the owners to construct a personal residence within the area designated for the future Cluster Housing Development, should not trigger the requirement that the applicants prepare and submit a major subdivision plat.

The amendments are in the best interest of the Village because they provide for the application of ordinances in effect at the time development will occur.

The amendments are in the best interest of the Village because they more clearly define the open space requirements upon subdivision.

The amendments are consistent with the 2010 Master Plan:

- 1) *Master Plan 4.02 Overall Village Goals: The goal is to reflect a village character through: preservation of historic and archeologically significant features.*
- 2) *Master Plan 4.02 Overall Village Goals: The goal is to plan for the future of the area based upon its three major corridors: Rio Grande Boulevard, Guadalupe Trail and Fourth Street; to preserve the unique character of each and to maintain and enhance the richness of architectural and land use types with a range appropriate to village scale.*
- 3) *Master Plan 4.5.2. Historic and Cultural Goal: The Goal is to recognize and preserve Village history and culture and their importance within the Rio Grande Valley.*
- 4) *Master Plan 4.5.2.1. Objectives*
 - *Ensure preservation of historic structures, buildings, lot patterns and ditches*
- 5) *Master Plan 4.5.2.2. Policies and Actions*

Policy A: The Village will utilize and enhance local cultural features as a way to create a sense of place.

Policy B: The Village will celebrate local histories within a historic context.
- 6) Ordinance 201 - Special Use Zone recognizes SU-1 as a zone within the Village of Los Ranchos and the amendment to the conditions of approval is in accordance with the highest and best use of the land.
- 7) The initial concepts within the conditions for the Los Poblanos SU-1 zone contain inherent problems corrected by the amendment to conditions.

8) Condition # 34 refers specifically to operational procedures for the Inn. There is no limit on the right to request changes on the imposed Inn conditions after June 12, 2009.

Trustee Rael seconded the motion.

THIS ITEM WAS VOTED AFTER B, C & D

VOTE: The motion carried unanimously, 4-0.

B. A REQUEST BY MATTHEW REMBE FOR AN AMENDMENT TO SITE DEVELOPMENT PLAN FOR THE LOS POBLANOS CLUSTER HOUSING DEVELOPMENT SU-1 ZONE TO CONSTRUCT A SINGLE FAMILY RESIDENCE AND REMODEL AN EXISTING STRUCTURE FOR A GUEST HOUSE ON TRACT A-1. THE PROPERTY IS LOCATED AT 4803 RIO GRANDE BLVD. AND IS LEGALLY KNOWN AS TRACT A-1 OF PLAT OF TRACTS A2A AND A3A, A REPLAT OF TRACTS A2 AND A3, LANDS OF ALBERT SIMMS II, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO, DECEMBER, 1998. THE PROPERTY CONTAINS 5.0587 ACRES, MORE OR LESS. SDP-08-02

MOTION: Trustee Homan moved to approve the Amendment to Site Development Plan for the Los Poblanos Cluster Housing Development SU-1 Zone to construct a single family residence and remodel an existing structure for a guest house on Tract A-1 with the following conditions:

- 1) Only one single family residence for the Rembe's personal use shall be constructed;
- 2) Only one existing building shall be remodeled for a private guest house of the Rembe's;
- 3) Access to the residence and the private guest house shall be by private 20 foot drive onto Rio Grande Place to be used exclusively for the residents and their guests;
- 4) The square footage for the single family residence shall not exceed 4,881 square feet with 1,358 square feet for portals;
- 5) The height of the single family residence shall not exceed 26 feet to top of roof, and a chimney shall be allowed for three additional feet;
- 6) The private guest house shall not exceed the existing 442 square feet; and
- 7) The portion of the 2008 Site Development Plan containing the single family residence and remodel of the existing structure for a guest house is approved.

This amendment was made with the following findings:

- 1) The amendments are not a material change to the original SU-1 Zone.
- 2) The Board of Trustees is empowered to interpret its own requirements for development in the SU-1 Zone and has determined that allowing the owners to construct a personal residence within the area designated for the future Cluster Housing Development, should not trigger the requirement that the applicants prepare and submit a major subdivision plat.
- 3) The amendments are consistent with the 2010 Master Plan including:

Master Plan Section 4.02 which provides that the goal is to plan for the future of the area based upon its three major corridors: Rio Grande Boulevard, Guadalupe Trail and Fourth Street and preserve the unique character of each and to maintain and enhance the richness of architectural and land use types with a range appropriate to village scale;

Master Plan Section 4.5.2 which provides the goal is to recognize and preserve village history and culture and their importance within the Rio Grande Valley;

Master Plan Section 4.5.2.1 which provides that one of the objectives is to ensure preservation of historic structures, buildings, lot patterns and ditches;

Master Plan Section 4.2.2.2 which provides that the village will utilize and enhance local cultural features as a way to create a sense of place;

Master Plan Section 4.2.2.1 which provides that the village celebrate local history within a historic context;

Master Plan Section 4.2.2.2 which provides that in any action affecting land use, the village shall consider agriculture including livestock raising, vegetation and open expanses, the most important factors that maintain Village character and atmosphere; and

Master Plan Section 4.2.2.1 which provides that development of prime agricultural lands is discouraged.

Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

C. A REQUEST BY MATTHEW REMBE FOR AN AMENDMENT TO THE SITE DEVELOPMENT PLAN FOR THE LOS POBLANOS INN AND CULTURAL CENTER SU-1 ZONE TO ALLOW CONSTRUCTION OF ADDITIONAL ROOMS TO REACH THE MAXIMUM OF TWENTY (20) ROOMS GRANTED DECEMBER 12, 2007. THE PROPERTY IS LOCATED AT 4803 RIO GRANDE BLVD. AND IS LEGALLY KNOWN AS PLAT OF TRACTS A2A AND A3A, A REPLAT OF TRACTS A2 AND A3, LANDS OF ALBERT SIMMS II, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO, DECEMBER, 1998. THE PROPERTY CONTAINS 25.6371 ACRES, MORE OR LESS. SDP-08-03 POSTPONED FROM THE SEPTEMBER 10, 2008 MEETING.

MOTION: Trustee Lopez moved to approve the Site Development Plan for the Los Poblamos Inn and Cultural Center SU-1 Zone for construction of additional rooms to reach the maximum of twenty (20) rooms granted December 12, 2007, as indicated on the Site Development Plan of September 2008.

The motion was made with the following findings:

- 1) Master Plan 4.02 Overall Village Goals: The goal is to plan for the future of the *area based upon its three major corridors: Rio Grande Boulevard, Guadalupe Trail and Fourth Street; to preserve the unique character of each and to maintain and enhance the richness of architectural and land use types with a range appropriate to village scale.*
- 2) Master Plan 4.5.2. Historic and Cultural Goal: The Goal is to recognize and preserve Village history and culture and their importance within the Rio Grande Valley.
- 3) *Master Plan 4.5.2.1. Objectives*
 - *Ensure preservation of historic structures, buildings, lot patterns and ditches*
- 4) *Master Plan 4.5.2.2. Policies and Actions*
 - Policy A: The Village will utilize and enhance local cultural features as a way to create a sense of place.*
 - Policy B: The Village will celebrate local histories within a historic context.*
- 5) Ordinance 201 - Special Use Zone recognizes SU-1 as a zone within the Village of Los Ranchos and the amendment to the Site Development Plan is in accordance with the use of the land as an Inn and Cultural Center.
- 6) Economic viability is essential to be able to sustain and preserve this historic and agricultural property, additional guest rooms will assist in economic viability.
- 7) The additional buildings do not threaten the historic designation of the site.
- 8) The conditions of approval on December 12, 2007 state: In the event that the additional guestrooms are proposed to be located in new structures not shown on the site plan, the site plan must be amended by the Planning and Zoning Commission/Board of Trustees at publicly advertised hearings.
- 9) The application was given Public Notice according to Section 24,(F)(2)(a) through (f).

Trustee McDonough seconded the motion.

VOTE: The motion carried unanimously, 4-0.

D. A REQUEST BY MATTHEW REMBE FOR AN AMENDMENT TO THE SITE DEVELOPMENT PLAN FOR THE LOS POBLANOS INN AND CULTURAL CENTER SU-1 ZONE TO CONSTRUCT ANCILLARY BUILDINGS TO FACILITATE THE OPERATIONAL CONDITIONS APPROVED IN THE AMENDMENT TO CONDITIONS OF APPROVAL GRANTED DECEMBER 12, 2007. THE PROPERTY IS LOCATED AT 4803 RIO GRANDE BLVD. AND IS LEGALLY KNOWN AS PLAT OF TRACTS A2A AND A3A, A REPLAT OF TRACTS A2 AND A3, LANDS OF ALBERT SIMMS II, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO, DECEMBER, 1998. THE PROPERTY CONTAINS 25.6371 ACRES, MORE OR LESS. SDP-08-04 POSTPONED FROM THE SEPTEMBER 10, 2008 MEETING.

MOTION: Trustee Rael moved to approve the Amendment to the Site Development Plan for the Los Poblanos Inn and Cultural Center SU-1 Zone for the construction of ancillary buildings to facilitate the operational conditions approved in the Amendment to Conditions of Approval granted December 12, 2007.

- 1) Only those buildings identified on the 2008 Site Development Plan under the heading of "Building Areas" and under the subheading of "Proposed (Heated)" and "Proposed (Unheated)" shall be constructed (save and except the Rembe residence which is being considered as a separate action item);
- 2) The above-referenced Heated and Unheated buildings are limited to the respective square footage set forth in the 2008 Site Development Plan; and
- 3) The above-referenced Heated and Unheated buildings shall be constructed in accordance with the 2008 Site Development Plan.

This amendment was made with the following findings:

- 1) The Board of Trustees is empowered to interpret its own requirements for development in the SU-1 Zone and has determined that allowing the owners to construct the ancillary buildings within the Inn and Cultural Center in not a material change to the original SU-1 zone and is supported by the expanded operations contained in the 2007 Conditions of Approval;
- 2) That portion of the 2008 Site Development Plan containing the Proposed (Heated)" and "Proposed (Unheated)" buildings is approved (save and except the Rembe residence which is being considered as a separate action item);
- 3) The amendments are consistent with the 2010 Master Plan including:

Master Plan Section 4.02 which provides that the goal is to plan for the future of the area based upon its three major corridors: Rio Grande Boulevard, Guadalupe Trail and Fourth Street and preserve the unique character of each and to maintain and enhance the richness of architectural and land use types with a range appropriate to village scale;

Master Plan Section 4.5.2 which provides the goal is to recognize and preserve village history and culture and their importance within the Rio Grande Valley;

Master Plan Section 4.5.2.1 which provides that one of the objectives is to ensure preservation of historic structures, buildings, lot patterns and ditches;

Master Plan Section 4.2.2.2 which provides that the village will utilize planning techniques that preserve cultivated fields by allowing for cluster development, and will review development proposals for agricultural uses.

Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

Mayor recessed for a 5 minute break at 8:35 p.m. Reconvened at 8:45 p.m.

E. AN APPEAL BY PAUL MELENDRES, ATTORNEY FOR MARK AND JUDY CARUSO, OF PLANNING AND ZONING COMMISSION DENIAL FOR A

HOME OCCUPATION LICENSE FOR COMMERCIAL FILMING IN THEIR HOME ON SEPTEMBER 9, 2008, AGENDA ITEM 5B. THE PROPERTY IS LOCATED AT 5001 RIO GRANDE LANE AND IS LEGALLY KNOWN AS LOT SEVEN (7) LOS POBLANOS ESTATES, A SUBDIVISION WITHIN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE REPLAT OF SAID LOT 7, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON AUGUST 25, 1986. THE PARCEL CONTAINS 3.0865 ACRES MORE OR LESS. HO-357. POSTPONED FROM THE OCTOBER 7, 2008 MEETING.

Attorney King swore in those persons who would be speaking under this item.

Planner Seebach reported that in July, 2007, the administration for the Village of Los Ranchos de Albuquerque granted Mark and Judy Caruso a “Home Occupation license” to allow film production companies to film movies at their home located at 5001 Rio Grande Lane. The conditions were:

The Home Occupation License is approved contingent upon the filming companies meeting the Village codes and regulations governing the “night or dark sky” ordinance, noise ordinance. The roadside parking should be minimized and managed to control disruption of local travel.

She said that after the “license” was issued, the Village received numerous complaints from the neighbors, as is shown in the public comment letters received and comment during the P&Z hearing, concerning traffic congestion, speeding, noise, blocked access to their homes, and requests of the film production companies for neighbors to curtail their activities so as not to create noise which would interfere with sound filming.

On November 1, 2007, she noted that renewal application notices were sent to all businesses that had home occupation permits for renewal for 2008. She said the Caruso’s had a “license,” and they were likewise sent a renewal application notice but they did not submit a renewal application for 2008.

She said on June 18, 2008, Mark and Judy Caruso applied for an event/noise permit to allow film production companies to film at their home from July 28, 2008 to August 1, 2008. On the same date, Village Administrator Kelly S. Ward denied the request due to complaints the Village had received from neighbors about the disruption the film production companies caused in the neighborhood. She said the denial was appealed to the Board of Trustees and on July 9, 2008, the Board upheld the denial for an event/noise permit with findings.

She said on July 9, 2008, Agents for the Caruso’s submitted an application for a Home Occupation Permit so that film production companies could film at their home. As a result, public notice was provided to all property owners within 400 feet of the subject property and adverse public comment was received.

She said that according to Section 24(D)(5)(b)(5) as amended, when adverse public comment is received, the Planning and Zoning Commission shall hear such application

for a home occupation permit at its next regularly scheduled public meeting. Therefore, on September 9, 2008, the Planning and Zoning Commission voted by a 5 to 0 vote to deny the Home Occupation License. Commissioner Simon abstained. The Department recommendation was to uphold the Planning and Zoning denial and deny the Home Occupation permit.

Paul Melendres, Attorney for the Caruso's, 1017 5th Street NW, said Mark Caruso will testify about the prior precedent the Village set to allow filming at his residence and in the Village and how the filming that occurs in his house is in compliance with Section 24. He said they had two event approvals that Mr. Vigil approved and the other event approvals went to the movie companies. He asked that the Village supplement the record by inserting the other event approvals that Mr. Vigil approved.

Mark Caruso stated that they were first approached to have a film done at their home in April 2005 which was called "Wildfire". He said the location managers approached Juan Vigil who was the Administrator at the time and he told them that they needed an event permit; they were never told they had to have a Home Occupancy Permit. He said in July 2007, they were approved for a Special Use Home Occupation Permit. He said they thought there was a mistake because they were not running a business out of their home; they were just letting people use their home. He said Juan Vigil knew all about it. He said prior to June 2007 there had been two complaints. One was by Lloyd Colton who complained about speeding and there was a memorandum written by Wildfire to the filming crew saying they should slow down on Rio Grande Lane. He said the other complaint was from Joe Rivera, his neighbor to the immediate south, about parking on the street. He said they immediately took care of that and brought in security guards to be sure no one parked on the street. Mr. Rivera also had another complaint, which was legitimate, because one of the Assistant Directors asked his children to be quiet in the neighborhood. He said he thinks that Assistant Director was fired and that was taken care of. He said the only restrictions on the permit were the Night Sky Ordinance, the Noise Ordinance, parking on the street minimized. He said if there had been any complaints prior to July 2007, he would have thought those would have been brought out in the Home Occupation Permit. He said there were no Sheriff Reports, no Fire Department reports of any problems, no letters or phone calls from Juan Vigil about things that needed to be changed, no further restrictions were listed in any additional event permits that they received, and no personal complaints from any neighbors.

Mark Caruso said from April 2005 to November 2007 there was no indication of any problems whatsoever. He said the event permits had been routinely granted, the Home Occupation Permit granted them a permit for filming in their home, they had resolved most issues with Joe Rivera, he sent letters to neighbors and only got one response and some of the neighbors were actually coming to the house to see the movie stars. He said in November 2007 they went to get a permit for a movie called "Breaking Bad" and it was the first indication they ever had that there were any problems. He said Kelly Ward told him that he could not grant the event permit. At that time, he said they even talked about forming a committee to try to reach some type of agreement on what could and could not be done. He said there was never any indication that there would be any future denial of event permits by Mr. Ward. He said there was no indication that there were any specific problems or they would have fixed them. He said they were approached with an emergency situation from Sony Production who needed to use their home for a few days

for a film. He said he discussed this with the Mayor, he believes the Mayor met with the film people, he believes the Mayor got a call from the Governor, there was an offer to make a \$5,000 contribution to help with improvements for Hartnett Park, and there was an offer to pay some of the neighbors. He said he told the Mayor the money they were being paid by Sony would be given away as a contribution. He said another two requests were made in September of 2008 and both were denied. He said he believes the occasional filming at a residence should not be considered commercial use of the residence requiring the permit. He said the occasional filming of a limited duration is not the same as running a business out of your house. He said there is provision under the Zoning Code, Section 11, Paragraph C, which allows the Planning & Zoning Commission to impose additional conditions as it deems necessary under the circumstances. He said if there had been a finding in 2007 that it was not contrary to Village law, that it was not detrimental to health, safety and welfare, and that they were acting in good faith and that is why it was granted. He said he doesn't think there are enough facts available for the 4 films they did after July 2007 that support any real problems, except on October 24 and 25 when Mr. Ward said he got some complaints.

Mark Caruso said the Planning Report had some errors. He said it seems to begin with the premise that they violated the 2007 Home Occupation Permit or the event permits or that they will violate it in the future for 2008. He said there is no evidence of fact that any conditions were ever violated in 2007. He said in the findings there is a statement that the film company is the business but they are not. He said that Rio Sandia Inc. is an actual corporation and their business is running the movie filming out of their home. He said the only employees other than he and his wife was a security guard. He said the film company is the customer, not the employer or the business. He said the ordinance does not limit the number of customers, it limits the number of employees. He said their home is 12,000 sq. ft. and they are on 3 acres. He said when they film, they are using it room by room and therefore they are always using less than 25% of the floor space for the business. He said all parking is offsite with the exception of 2 big trucks that they park as far back to the Bosque as they can. He said no parking is permitted on the streets and there are security guards who keep parking off the streets. He said there are 2 vans that carry people to the Base Camp. He said the restriction of two service vehicles relates to the business owners, not the customers. He said they do not change the outside appearance to become a business. He said they are renting the house room-by-room to the film companies and there is no evidence that they are affecting the neighborhood. He noted that there was no storage of material, they don't conduct business outside the home, and there is no offensive noise because the movie industry is inherently quiet. He said there were 300+ names on petitions to allow the filming to be continued in the Village. He said they are prepared to work with the Village to establish rules and regulations to allow filming in the Village.

Opposition

Joseph Rivera, 4901 Rio Grande Lane, said he does not want the movies in his neighborhood. Among the reasons are that his children have been asked to be quiet, workmen on his property were asked to be quiet, people have been parking on his property and leaving litter. He said he did not move to Los Ranchos to have someone conduct a commercial business next to him and take away the peace and quiet from him and his family.

J. T. Michaelson, 5001 Rio Grande Blvd., said the southern part of his property is on Rio Grande Place. He said the Village has a 7-page report that very clearly spells out from the Village standpoint why it should not be granted. He said what Mr. Caruso is doing is a violation of the restrictive covenants on Los Poblanos Estates that have been in place since February 1966; these covenants talk about no commercial activities. He said the neighbors have objected to the scope of activity. He said he is not opposed to film-making in the Village, but he is opposed to the movie set and sound stage in Los Poblanos.

Don Hedges, 5200 Los Poblanos Lane, said he gathered most of the signatures on the petition presented some months back but he has recently talked to almost all the neighbors again and they all still feel the same way, except for Mr. Bogan. He said Mr. Bogan has in the past received money from the movie industry for allowing parking on his property. He said Mr. Yanos has also told him he is opposed. As to the complaints, he said he has heard many complaints over the years since this all began. However, the reason he did not formally complain was because he thought the Village had approved it and they were looking out for the residents. He said it is a commercial operation and he has personally been asked to turn off his engine because it was interfering with the microphones used by the filming industry. He said they do not want a commercial operation of any kind in his particular neighborhood.

David Roberts, 4073 Dietz Farm Circle, read a letter into the record about the P&Z meeting and forming a panel to study the options of filming in the Village. He said as a resident of Los Ranchos and the owner of a national television production company (Southwest Productions), he encourages the Trustees to form a committee to discuss the future of filming in Los Ranchos. He said his company has been in business for 25 years and since the early 1990's they have used many residences in Los Ranchos for TV commercials and documentaries which have had a smaller footprint in the neighborhoods than the movies and TV. He said he believes that film making in the Village should not be denied entirely because of the situation involving one homeowner. He said the Village needs to form a committee encompassing Village residents and people in the production community to discuss rules and regulations that would be acceptable for filming in Los Ranchos.

Trustees Discussion

Trustee Lopez said this situation has occurred in the past where home occupation licenses have been granted but then had to be denied because of neighbors' complaints, etc. He also asked if the final authority for approval or denial of home occupations lies with the Board of Trustees.

Planner Seebach said that during her time at the Village there have been denials of home occupations due to problems within the neighborhood and the governing body of the Village Los Ranchos is the Board of Trustees who are the final authority.

Rebuttal

Paul Melendres said he believes the issue was whether or not they fell within the structure of Section 24 and the only testimony is that they do fall within it and that is what they hope the Board bases its decision on.

Public Testimony Closed

Trustee Discussion

Trustee Rael said when you go through the regulations; about 90% of them have been violated. He said if you are being paid for it, then it has to be commercial. He said when you have a home occupation license and you have complaints from neighbors, that is a reason that we typically would deny these. He said for those reasons they are in violation and should not be allowed to continue.

Planner Seebach said there are two types of home occupation licenses, one is a deminimus, such as an e-mail office, and the other is non-deminimus which would allow an employee or a certain amount of traffic. She said the Planning Report was in reference to a non-deminimus home occupation license and how they were violating it.

Trustee McDonough said the requirements are clear and what is occurring at the house is not in keeping with our home occupation ordinance. He said in reviewing the petitions, none of the signatures are from that area and people feel differently when it's in their neighborhood so it is hard to place a lot of weight in that. He said he believes the staff has done a good job in presenting that the activities on that property are outside of what they would consider a home occupation.

Trustee Homan said regarding the issue of the non-deminimus, the intent was that it always be as nearly invisible as possible, that there was virtually no impact to the surrounding residences from that home occupation. She said one thing that does bother her was that Mr. Caruso seems to be in the dark that there were any issues and whether it was the failure on the Village's part to communicate to him that there have been complaints. She said with the large scale impact, even though it is only a few days a year, it was extremely visible. She said she would like to emphasize to our administration that should any complaints come in about any of the home occupations, that they should have some sort of formal process of getting this information back to the license holder. She said it is sad to know that even though the Village is a sought after location, that in sharing that location we will in turn tarnish the serenity and tranquility of the neighborhoods. She noted that some sort of committee or work group should be formed to establish guidelines for doing filming anywhere in the Village itself.

MOTION: Trustee McDonough moved to deny the request for a Home Occupation Permit for the following reasons:

1. The property is located at 5001 Rio Grande Lane NW, Los Ranchos.
2. The property is zoned A-3.

3. The property is in the South Rio Grande Character Area B.
4. The property is in the Rio Grande Corridor.
5. The applicants seek a home occupation permit for “Special Use: Filming in Home.”
6. A home occupation permit does not provide for this type of use. The home occupation permit requirements provide that:

It shall be conducted entirely within the residence or accessory buildings, by persons living at the residence as the primary business operator. Up to two additional employees may be employed by the business.

No more than twenty-five percent (25%) of the floor area of the dwelling and one thousand (1,000) square feet of an accessory building shall be used to conduct a home occupation.

It shall not generate significant vehicular traffic or parking around the residence in addition to that normally associated with the use of the residence as a dwelling.

Any heavy equipment, trucks or vehicles not normally associated with the residential use which may be used directly or indirectly in the home occupation shall not be stored or parked on public streets or property.

With specific approval of the Planning and Zoning Commission, there shall be permitted no more than two service vehicles, used in the conduct of the business, upon the premises at any one time.

There shall be no change in the outside appearance of the residence or accessory building or other visible evidence of the conduct of the home occupation.

No activity shall be performed outside of the dwelling or accessory building which is not normally associated with the use of the residence as a dwelling.

The conduct of the business must not produce offensive noise, glare, or other objectionable effects beyond the exterior walls of the dwelling or accessory building.

7. This application does not meet the above-referenced requirements as we have received testimony and other evidence that:

The homeowners are not the primary business operators - the film production company is the primary business operator; and when filming is occurring, the film production company employs more than two (2) additional employees;

When filming is occurring, the film production company utilizes more than 25% of the floor area and exceeds the ten business related trips per day;

When filming is occurring, numerous vans, trucks and other vehicles used by the film production companies are parked on the public streets and property;

When filming is occurring, the film production company uses more than two service vehicles;

When filming is occurring, there is visible evidence of the conduct of the business as there are numerous film production company vehicles going to and from the residence, and the residence itself has equipment within and about it during the filming;

When filming is occurring, the activity does not concern a “service” generated by a resident – it is generated by the film production company;

When filming is occurring, the residential nature of the neighborhood is disrupted;

When filming is occurring, equipment is visible from outside the lot lines and is not the sort of equipment associated with the use of the residence as a dwelling; and

When filming is occurring, traffic, noise, and parked vehicles, are “objectionable effects.”

8. The A-3 zoning prohibits “Special Use: Filming in Home,” as that is not listed as a permissive use, conditional use, nor as an accessory use.

9. Additionally, the 2010 Master Plan does not support this type of use in our residential and rural areas. Sections 1.3; 4.1.2.1 and 4.4.1.7 provide that:

The goal is to maintain residential development to keep with the rural and diverse character of the Village.

The goal is to minimize noise and light pollution.

When residential areas do not have street lighting, the rural character of dark skies should be maintained.

10. The Board heard testimony and received evidence that:

This does not preserve the residential and rural nature of the area; does not minimize noise and light pollution, and does not maintain dark skies.

Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

F. A REQUEST BY CONSENSUS PLANNING, INC. AGENT FOR SCM PROPERTY COMPANY, LLC FOR A ZONE CHANGE AND ZONE MAP AMENDMENT FOR PROPOSED LOT C1-B OF RANCHO ACRES SUBDIVISION IN THE A-1 ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER AREA. THE PROPERTY IS LOCATED AT 4TH AND RANCHO ROAD AND IS LEGALLY KNOWN AS LOT LETTERED “C-1” OF THE PLAT OF LOTS A-1, B-1, C-1 AND D-1 OF RANCHO ACRES, WITHIN PROJECTED SECTION 21, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS DE

ALBUQUERQUE, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JUNE 10, 1996 IN PLAT BOOK 96C, PAGE 252. THE PROPERTY CONTAINS 1.8038 ACRES MORE OR LESS. ZMA-08-01. THIS ITEM WILL BE POSTPONED TO THE DECEMBER 10, 2008 MEETING

Mayor Abraham noted that Item 6.F. will be postponed to the December 10, 2008 meeting.

G. REQUEST BY THE VILLAGE OF LOS RANCHOS FOR FINAL SITE DEVELOPMENT PLAN FOR COMMERCIAL CONSTRUCTION IN THE C-1 ZONE OF THE FOURTH STREET CHARACTER AREA AND CORRIDOR TO RE- CONSTRUCT THE DONATED BARN FOR UTILIZATION AS FEED STORAGE FOR MILLER'S FEED AND SUPPLY. THE PROPERTY IS LOCATED AT 8747 4TH STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND, BEING KNOWN AND DESIGNATED AS TRACT 122-B-1 AS THE SAME IS SHOWN AND DESIGNATED ON THE M.R.G.C.D. MAP NO 24, IN ALAMEDA SCHOOL DISTRICT NO. 3, SECTION 16, T11N, R3E, N.M.P.M. THE PROPERTY CONTAINS 5.1712 ACRES MORE OR LESS. SDP-08-05. THIS ITEM WILL BE DEFERRED TO THE DECEMBER 10, 2008 BOARD MEETING

Mayor Abraham noted that Item 6.G. will be deferred to the December 10, 2008 Board meeting.

7. OLD BUSINESS

A. DISCUSSION AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 31 OF THE CODIFIED ORDINANCES, THE ZONING ORDINANCE AND ZONE MAP, SECTION 2, DEFINITIONS AND SECTION 24, APPLICATION AND APPROVAL PROCESS, E (1) SITE DEVELOPMENT PLAN

Planner Seebach said this ordinance amendment is to correct the deficiencies of the current Site Development Plan Ordinance that does not meet the requirements for any kind of advanced grading and drainage plan that the Storm Water Management of Ordinance #211 requires.

Trustee Homan asked if this ordinance is applicable to the individual residential property owner who wants to build a house on his property.

Planner Seebach said that is taken care of under Ordinance #211 itself.

MOTION: Trustee Lopez moved approval of an ordinance amending Chapter 31 of the Codified Ordinances and Zoning Ordinance and Zone Map Section 2, Definitions and Section 24, Application and Approval Process, E(1) Site Development Plan as presented in Item 7.A. 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.

B. DISCUSSION OF COMMENTS RECEIVED FROM THE CABALLERO NORTE HOME OWNERS ASSOCIATION AND APPROVAL OF PROPOSED BARN USAGE RULES AND REGULATIONS – DEFERRED FROM THE SEPTEMBER 17TH BOARD MEETING

Jim Spigel, 815 El Alhambra, said this barn is next to their neighborhood and any events that occur will impact the neighborhood. He noted that in reading the proposed usage plan, they are concerned that it is too open-ended particularly as it pertains to noise pollution, light interference, alcohol use, size of the gatherings, time of usage and the frequency of events. He said he would like to propose that they work together and try to come up with something that is mutually acceptable to both parties.

Mayor Abraham said the Village wants to be a good neighbor. He said he thinks the barn would be great for things like the 50th Reunion for Valley High School because that would involve some of the residents. He said he does not anticipate opening it up to just anyone, it would have to be sponsored by a neighborhood association or by a local association.

Trustee McDonough said he believes they envisioned the barn as a community center so he does not see it being as restricted as requested in the association's letter. He said he envisions it being available to residents for functions with some restrictions on what can occur and maybe some limitations on the amount of use it gets.

Trustee Rael said he would like to suggest that consideration be given to requiring some kind of liability insurance.

Trustee Homan commented that on the Barn Usage Plan where it says "No Amplified Audio", if it is inside the building, she does not think it should be restricted. She also noted that some amplification outside should be allowed. She said the comment that the use of the barn is prohibited unless it is a Village-sponsored event is a narrow and prejudiced view. She said she agrees it should have some kind of tie to the Village whether it is a community group within the Village or sponsored by a Village member. She said if food preparation is going to be allowed, then they must provide proper restrictions for that. She said nothing was mentioned about heating restrictions since the barn is not heated.

MOTION: Trustee Lopez moved to defer Item 7.B. to at least the January 2009 Board of Trustees meeting. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously, 4-0.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL AUTHORIZING AN AMENDMENT TO THE WASTE MANAGEMENT COLLECTION SERVICES AGREEMENT ADDING EVERY OTHER WEEK RECYCLING PICK-UP

MOTION: Trustee Rael moved approval to authorize an amendment to the Waste Management Collection Services Agreement adding every other week recycling pick-up. Trustee Homan seconded the motion.

Trustee McDonough said it will get too confusing for everybody.

Trustee Homan asked how it was going to be communicated to Village residents.

Kelly Ward said this was a request by Waste Management. He said they are amending the contract on the Bernalillo County side to provide for every other week at the County's request. He said they asked the Village to have the same change so that the routes are running the same. He said under this proposal the Village will have 4 extra pick ups. He said the idea was that Waste Management would mail a new schedule to every household and it would be effective January 5, 2009.

VOTE: The motion carried, 3-1, with Trustee McDonough voting no.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2008-11-5— ESTABLISHING THE VILLAGE OF LOS RANCHOS LEGISLATIVE PRIORITIES FOR THE 49TH LEGISLATIVE FIRST SESSION

Administrator Ward said the session begins approximately January 16, 2009 and he needed to put something in front of the Board to start the discussion. He said the list is in priority order.

Trustee Lopez said he believes the Village should go forward and make its requests, talk to the Legislators and let them deal with the issues as they see fit.

Trustee McDonough said he believes that furnishing the Fire Station should be the number one priority.

Mayor Abraham said the Anderson Open Space should be the second priority and everything else can fall behind that.

Trustee Homan asked who the Village's lobbyist would be this year.

Administrator Ward responded that he and the Mayor would be the lobbyists.

MOTION: Trustee Homan moved approval of Resolution No. 2008-11-5 with the reordering of the priorities as indicated through discussion. Trustee McDonough 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 AGREEMENT WITH NM WATER AUTHORITY TO TRANSFER WATER RIGHTS IN THE DIETZ FARMS & DIETZ ACRES AREA

Trustee Lopez said Mark Sanchez discussed this with him and indicated that significant improvements were made to Paseo del Norte.

Mayor Abraham said he was never aware of any connection between their water rights and the improvements. He said the improvements were because they were invasive to the Village and were disrupting traffic on Rio Grande. He said he was never in a meeting that said we were trading water rights for trees on Paseo.

Trustee Lopez said the problem is the Village's drinking water comes from the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) so it may be in the Village's best interest to cooperate with them on the water right issues. He said ABCWUA will bear the entire burden of doing the application and all of the information necessary to get it approved so that they can then transfer those water rights and get the beneficial use.

Trustee Homan asked what the consequences are for not approving it.

Trustee Lopez replied that if they don't approve it, it will not make that much difference to ABCWUA, but then what the Village will have to do is get the application approved to be able to use the water rights.

Mayor Abraham said it has gone from 4 acres to 7.2 acres and he believes it is somewhere between \$12,000 and \$15,000 an acre foot right now.

Trustee Lopez said there is no guarantee that these are pre-1907 water rights. He said the other problem is that the Middle Rio Grande Conservancy will fight the Village. He said they do not want the Village to obtain pre-1907 water rights because they are claiming them. He said he believes it is better for the Village to let ABCWUA fight that battle and we cooperate with them and ask them to work with the Village.

Trustee McDonough said he agrees with Trustee Lopez because it is only 7 acre feet.

Trustee Rael said he sits on the Water Board and he recalls the discussions about the trees and fixing it up but he does not recall anything about trading water rights.

Trustee McDonough said the Village should say they agree there was an agreement and by the way, half the trees are dead and you need to replace them.

MOTION: Trustee Rael moved approval of an agreement with NM Water Authority to transfer water rights. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously, 4-0.

D. DISCUSSION AND APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN BERNALILLO COUNTY AND THE VILLAGE OF LOS RANCHOS TO ACQUIRE OPEN SPACE WITHIN THE VILLAGE BOUNDARIES

Administrator Ward said they had a meeting with Commissioner Armijo and subsequently with the County Manager regarding their contribution to the Village's open space purchase. He said they have agreed to contribute \$1,000,000 from their open space fund toward the project. He said the Intergovernmental Agreement provides for the exchange of that money and spells out each side's responsibilities. He said if the Board approves this, then the County will put it on their November 25 agenda.

MOTION: Trustee Rael moved approval of the Intergovernmental Agreement between Bernalillo County and the Village. Trustee McDonough seconded the motion.

Trustee Homan said we had actually requested \$3,000,000 and she wanted to know the plan for the remaining \$2,000,000.

Mayor Abraham said they asked for \$3 million because there was a possibility of \$3 million. He said right now the Village has about \$5.8 million available which would get them nearly the first half of what they were looking at for the 18 or 19 acres and then they would try to bring in as much as \$500,000 a year for the next 3 years to purchase the balance of the 4 or 5 acres.

VOTE: The motion carried unanimously, 4-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Rael asked about the barber pole at Little Art's and whether there were some complaints because of it spinning.

Mayor Abraham said he would never enforce an ordinance that outlawed a barber sign. He said the sign ordinance needs to be revised.

Trustee Rael said there was a discussion about the car repair place.

Mayor Abraham said McCoy came in and talked to Keen Heinzelman about both the zoning violations in that subdivision in Enchanted Valley.

Trustee Rael said the weeds were not cleaned up near his property. He said they did not go up close enough to the property line. Also, he said the weeds are really getting bad on the new property at Edgewood.

Trustee Rael said regarding the e-mail on stop signs, he wants stop signs but he thinks there should be an official study to show they are required.

Administrator Ward said he had a meeting with Lee Engineering and they are supposed to send him a proposal by Friday for a path forward. He said that would either be a recommendation to remove the signs immediately and then do a study or to leave them up and conduct a study with them in place. He said they will come back with a proposal for how we study, what we study and what a conclusion would look like either in a letter or a report.

Trustee Lopez said each of the Trustees should have an opportunity to present to Lee Engineering their thoughts and ideas about some of the things that could be done to make Rio Grande Blvd. much safer than it is today and safer than it ever was and still accommodate the goal of not having it become a freeway. He asked that the letter from Lee Engineering be e-mailed to each Trustee and then give them a few days to respond with their thoughts.

Mayor Abraham said he would like to keep the stop signs at Chavez and at El Pueblo. He said he has no problem taking the signs down at Ranchitos. He said he believes they can open the road up slowly and with good signage and have law enforcement immediately ticket any speeders. He said he has received more positive feedback on the stop signs than anything else they have done.

Trustee Homan asked for a status report on the complaint on the 900 block of Pueblo Solano regarding the person running a construction yard out of his home. She said the residents were complaining about the noise and the vehicles.

Planner Seebach said Keen has been working on it and has had a conversation with the owner.

Trustee Homan said she wanted to report about the pack of dogs hanging out on Guadalupe Trail and that 3 of them were trapped and the other 3 ran off. She said the resident was very pleased that the Village acted so promptly.

Trustee Homan said she received a call about the crosswalk at Los Ranchos Villa shopping center. She said people are parking over in the north parking area and are having difficulty in crossing the street to the businesses on the south side because of the traffic. She said they are asking if there is anything we can do to help with that crosswalk.

10. **ADJOURNMENT**

The meeting was adjourned at 10:25 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