

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
Video Conference
Wednesday, October 14, 2020
7:00 P.M.

Present:

Donald T. Lopez, Mayor
Pablo Rael, Mayor Pro Tem/Trustee
Sandra Pacheco, Trustee
Allen Lewis, Trustee
Tom Riccobene, Trustee

Ann Simon, Administrator
Danielle Sedillo-Molina, Clerk
Nann Winter, Attorney
Will Fisher, Treasurer

1. CALL TO ORDER

Mayor Lopez called the regular meeting to order at 7:01 p.m.

2. ROLL CALL

Mayor Pro Tem/Trustee Pablo Rael-Present
Trustee Allen Lewis-Present
Trustee Sandra Pacheco-Present
Trustee Tom Riccobene-Present

The Board of Trustees met in closed executive session at 6:00 pm in accordance with the Open Meetings Act, NMSA 1978, Chapter 10, Article 15 H. (7) and I. (2); to discuss pending litigation:

Maria C. Montoya v. The Village of Los Ranchos de Albuquerque.

The closed meeting was limited to what was specified in the notice, no action was taken, or no other items of business were discussed.

3. APPROVAL OF AGENDA

Mayor Lopez asked for a motion to approve the October Agenda.

MOVED: Trustee Rael moved to approve the October Agenda.
SECONDED: Trustee Lewis

Roll Call Vote;
Trustee Rael-Yes
Trustee Lewis-Yes
Trustee Pacheco-Yes
Trustee Riccobene-Yes
Motion Passed 4-0

CARRIED:

4. PUBLIC COMMENT PERIOD

A. Joe Craig, 505 Calle Del Pajarito NW; No comments at this time.

5. PRESENTATIONS/PROCLAMATIONS

A. TRACY HARTZLER, CNM PRESIDENT

- I. Discussed the upcoming election on November 3rd, her efforts are geared at educating voters regarding Bond C, issuance and sale of higher education bonds.
- II. There is no rate tax increase associated with voting in favor of Bond C.
- III. The projects associated will create 1,500 jobs throughout the state and provide \$13 million towards the institutions so they may better serve their students.

6. CONSENT AGENDA

There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

A. MINUTES-SEPTEMBER 9, 2020; REGULAR MEETING

Mayor Lopez asked for a motion to approve the Consent Agenda.

MOVED: Trustee Pacheco moved to approve.

SECONDED: Trustee Rael

**ROLL CALL VOTE: Trustee Rael-Yes
Trustee Lewis-Yes
Trustee Pacheco-Yes
Trustee Riccobene-Yes**

CARRIED: Motion Passed 4-0

7. DEPARTMENTAL REPORTS

- A. MAYOR'S REPORT
- B. ADMINISTRATOR'S REPORT
- C. AGRI-NATURE CENTER MANAGER'S REPORT
- D. PLANNING AND ZONING DIRECTOR'S REPORT
- E. PROJECT MANAGER'S REPORT
- F. PUBLIC SAFETY LIAISON'S REPORT

Trustee Rael asked Administrator Simon how many applications were received for CARES Act grants.

Administrator Simon replied that the Village received approximately 50 applications, and we have money for about 100 businesses, there is potential to extend the deadline. In addition, Administrator Simon described the process of how the Village contacted the 500 business regarding the CARES Act Grants.

Trustee Rael asked Planning and Zoning Director Justice about large political signs that are popping up in the Village. Why is it not being addressed?

Mayor Lopez responded that previous legal counsel advised that the Village cannot enforce the sign ordinance for political signs.

Attorney Winter responded that she will investigate that opinion from previous counsel's files.

Administrator Simon indicated that Code Enforcement has sent letter and spoken to individuals with large signs or banners.

Trustee Rael also commented that he is against marijuana and hemp cultivation or processing in the Village.

Trustee Lewis asked Administrator Simon what the status and the plans with the old Village Hall.

Administrator Simon replied that we would hang on to it, she did not get a consensus to sell the property. We salvaged the space and will provide more opportunities to the public for use.

Trustee Rael indicated that the hall is a fire trap and should be demolished it is a risk to the Village.

Trustee Lewis seconded Trustee Rael's comments.

Trustee Lewis indicated that the Village should prohibit marijuana and hemp cultivation and ban it from the Village completely.

Trustee Lewis asked Ms. Maria Rinaldi regarding ADA on 4th Street.

Ms. Rinaldi responded accordingly.

Trustee Pacheco asked Mayor Lopez to expand on his reference to Pop Fizz listed in in his report.

Mayor Lopez responded that he and Administrator Simon went over to visit with the family and discussed the location that they are currently leasing and potentially affect their business.

Trustee Pacheco asked Administrator to explain further about the CARES ACT Business Grants.

Administrator Simon responded in greater detail regarding the execution of the grant money and the change from the state from reimbursement to disbursement. Also discussed the possible extension of the deadline for businesses to apply.

Trustee Pacheco asked regarding the Trailhead improvement and Calle Del Pajarito and the bike path.

Administrator Simon further expanded upon and explained that it is owned by DOT, the Village has a use agreement to manage the trailhead but is working with DOT to understand what we can and cannot do.

Trustee Pacheco asked Mr. Whitney what the Kuchar's will be doing with the grapes and asked what type of grass will be grown on the one-acre space.

Mr. Whitney indicated that we only have one variety of grape, which is a Cabernet Sauvignon. And the grass that will be planted is a Brutus grass, a grass for bailing.

Trustee Pacheco also commented that she agrees with Trustee Rael's and Trustee Lewis's comments and agrees strongly that we prohibit all commercial cultivation of hemp and marijuana.

Trustee Pacheco asked about the status of the traffic study on 4th and Ortega.

Administrator Simon asked the Mid-Region Council of Governments to do a traffic study for us, which is complete, but have not received the results yet.

Trustee Riccobene asked about the excess money from the CARES ACT Grants, specifically, if we can hold on to the funding for future businesses in the Village.

Administrator Simon indicated that the criteria for the grants is solely for the time

period of March 1-December 31, 2020. We do have to give back any money that isn't distributed to the State.

Trustee Lewis asked for a list of the applicants who has applied so we can contact the business that are not on the list.

Administrator Simon offered to provide a list of the businesses who did not apply so the Board can follow up with those businesses.

Trustee Riccobene asked if the old building behind the old Village Hall was removed.

Administrator Simon indicated that there has been no demolition made. All repairs to that site have all been in house.

Trustee Riccobene agreed with Trustee's Rael and Trustee Lewis's comments regarding taking down the old Village Hall building. Perhaps possibly replacing it with another building.

Trustee Riccobene also echoed the thoughts of the rest of the Trustees about prohibiting the growth and processing of hemp and cannabis products.

8. FINANCIAL BUSINESS

A. DISCUSSION AND APPROVAL OF CASH REPORT-SEPTEMBER 2020

Will Fisher, Treasurer reported on the following:

The ending cash balance at September 30, 2020 is \$5,186,624.37, which is an increase of \$183,251.12, for this month. Year to Date (YTD) excess of revenues over expenditures is \$8,343.61.

CFO Silva noted the following unusual or significant items:

YTD deficiency of revenues over expenditures decreased significantly, moving us to a YTD excess of revenues over expenditures due to receiving over \$130,000 in reimbursement from the state for the grant that closed out on June 30th for utility improvements at the Agri-Nature Center.

- General Fund – Planning & Zoning –Code Enforcement– page 7, \$30,255.50 for payment to Advanced Chemical Transport for property clean up, Checks #44475 & 44424.
- General Fund – General Administration – Attorney Fees and Settlement -- page, 8, \$28,829.66 for Stelzner law firm for general counsel services, check #44497 and 44447. This is for July 2020 and August 2020 billing.

- General Fund – Capital Expenditures – Capital Roadways, Bridges & Culverts – page 13, \$45,316.32, for Utility work at the Agri-Nature Center to Bradbury Stamm, check #44427.

Mayor Lopez asked for a motion to approve the September Cash Report.

MOVED: Trustee Lewis moved to approve the September 2020 Cash Report

SECONDED: Trustee Riccobene

**ROLL CALL VOTE: Trustee Rael-Yes
Trustee Lewis-Yes
Trustee Pacheco-Yes
Trustee Riccobene-Yes**

CARRIED: Motion Passed 4-0

**B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2020-10-01;
BUDGET ADJUSTMENT REQUEST (BAR).**

CFO Silva presented the Budget Adjustment Request (BAR) and indicated that the BAR is for the CARES ACT grants. Anytime there is a budget adjustment, the Village must do a Resolution which is required by the state. It is increasing the budget for \$50,000 in COVID related revenue and expenses the Village will incur and \$1,006,425.00 revenues and expenses for the Village CARES ACT Small Business Grants.

Mayor Lopez asked for a motion to approve the BAR Resolution No. 2020-10-01.

MOVED: Trustee Rael moved to approve

SECONDED: Trustee Pacheco

**ROLL CALL VOTE: Trustee Rael-Yes
Trustee Lewis-Yes
Trustee Pacheco-Yes
Trustee Riccobene-Yes**

CARRIED: Motion Passed 4-0

9. PUBLIC HEARINGS AND APPLICATIONS FOR APPEAL

A. SDP 20-04 A REQUEST BY DOUG & VALERIE VELHAGEN FOR FINAL

SITE DEVELOPMENT PLAN APPROVAL OF A RESIDENTIAL SITE DEVELOPMENT PLAN FOR A DEVELOPMENT IN THE C-1 ZONE IN THE FOURTH STREET CHARACTER AREA. THE PROPERTY IS LOCATED AT 320 ROEHL RD NW AND IS LEGALLY KNOWN AS LOT 1 VELHAGEN VALLEY ESTATES BEING A REPLAT OF TRACTS 165B1B1 & 165B2A2A MRGCD MAP NO. 27, SITUATED WITHIN PROJECTED SECTION 21, T. 11 N., R. 3 E., N.M.P.M. ELENA GALLEGOS GRANT, BERNALILLO COUNTY, NEW MEXICO, AS FILED IN THE OFFICE OF THE BERNALILLO COUNTY CLERK ON JULY 13, 2020. THE PROPERTY CONTAINS 0.5175 ACRES MORE OR LESS.

(Attorney Winter swore in Planning and Zoning Director Justice)

Ms. Justice: This site development plan is for two, two story fourplexes, this would be a townhome development at this property. The applicant has a few other permits for this development, there is a conditional use permit for multi-family residential this conditional use for a minimum of 10 dwelling units per acre and a maximum of 20 dwelling units per acre, the proposed design does accomplish this.

The applicant also has a variance to allow for the second-floor square footage of the buildings to be 80% of the first-floor square footage instead of 60% and the planning and zoning commission voted seven to zero to forward a recommendation of approval of this application. The surrounding uses are a combination of commercial and residential and part of this application actually it was formerly zoned residential with a special use permit for a commercial building and in order to have higher density residential they needed to change the zone to commercial. So though this is a residential use for this is zoned commercial and so the C1 zone requirements for height limitations, this building does comply, it's less than the maximum 39 feet allowed. Fences and walls, the proposed fences all comply with height restrictions.

The design regulations, the design meets the design regulations, both in the C-1 section of the code and in our separate design regulation section of the code. The proposed colors and style that are shown in the elevations and the example development photo in the packet show a Northern New Mexico or ranch style with pitched roofs, awnings and stucco and the colors will be muted. For the site development plan itself, the requirements for the site plan are included. No signage is proposed and there is building security light noted on the plans around the building. Mailbox locations are shown adjacent to railroad, accessible to USPS, one proposed bike rack is shown on the plans and the total square footage proposed uses elevations height from final grade and exterior materials and colors are shown, the colors shown on the elevation are not the final colors. The example colors are shown with an example existing development. The grading and drainage plan was reviewed by the Village designated Engineer, corrected, and is attached in your packet. For

roadway standards, there is no proposed roads through the site and access to the site will be through to ingress, egress off of Roehl Road. Traffic impact study is not required. For parking, since this is a residential there's one space required per residence and both the garage parking and the outside guest parking does meet this requirement and the length and width requirements for the parking spaces are met. Loading and docking areas are not specified in this plan, but they appear to be available temporarily for folks who are moving in and out.

The trash receptacles are shown on a concrete pad and closed and gated per our requirements and they are screened with surrounding walls.

These trash receptacles are accessible by Waste Management and they are required to be. For landscaping, 15% of the unbuilt area is required to be landscaped and this plan shows landscaping well beyond the 15% required, with a combination of, I guess, unedible landscaping, as well as, edible trees in the backyards. Maintenance is noted to be an automatic drip irrigation system and the number of trees required; the number of trees shown on the plan also while exceeds what's required. For utilities, the applicant has a statement confirming water and sewer availability from the Water Utility Authority and the applicant will install a fire hydrant on the north side of the property.

And so, with that, the Planning and Zoning department recommends the Board of Trustees approve the residential site development plan for development of the C-1 zone in the Fourth Street character area with the following conditions and findings:

- The conditions that the sections on paved private way and gravel private way must be met.
- Demolition of any existing structures must be completed within one year with the final site development plan approval.
- Any future signage must comply with the sign ordinance and sign permits must be obtained.
- Exterior lighting must comply with the dark sky's ordinance.
- The final site development plan must meet Bernalillo County Fire Department requirements.
- Construction shall meet all current Village, County and State codes.
- And the final site development plan must be executed by the applicant with the findings at the proposed element meets the requirements of the C-1 retail commercial zone and meets the requirements of our application approval process. It is supported by Village Master Plan in the Village form, environment, residential development and transportation sections.

And public notice requirements have been met, I stand for any questions.

(Attorney Winter swore in Mr. Doug Velhagen)

Doug Velhagen: Good evening, Mayor and Trustees. Thank you for reviewing my site development plan, quick review. I am an Albuquerque

native I've been a remodeling contractor for 23 years. This is my first development. My intention is to keep these townhomes. Basically, there are two bedrooms with 1.5 baths, and some have two bathrooms upstairs. My intention is to do metal roof, stainless steel appliances, HVAC, granite countertops, stain concrete. Try and keep the amenities as nice as I can get them. Right now, these buildings are pushed to the west to try and accommodate as much space as I can to the residents on the east. And I'm not convinced on what Bernalillo County is going to say when they review the drawings. Because right now, I've only got four feet which is allowable in Village code on the west side between my building and the block wall and I've never seen them issue a permit for less than five. So, I'm just wanting everybody to know that I'm trying to keep a maximum distance on the east as best as I can. But that might change once I submit to Bernalillo County. And like all other contractors, I'm facing a huge increase in product costs. So, my intention is to get this built as soon as I can, but currently most the original estimate on the property was done, studs, like a regular wood studs was \$2.38 and now it's \$6.18 cents, which triples the lumber package alone. But I'd like to get them done, get people in the Village and get customers to the businesses on Fourth Street.

No questions were asked of Ms. Justice or Mr. Velhagen.

No comments in favor or opposition were made.

Mayor Lopez asked for a motion to approve the Site Development Plan.

MOVED: Trustee Pacheco moved to approve SDP 20-04 with the findings by the planning department as noted in the packet.

SECONDED: Trustee Rael

ROLL CALL VOTE: Trustee Rael-Yes
Trustee Lewis-Yes
Trustee Pacheco-Yes
Trustee Riccobene-Yes

CARRIED: Motion Passed 4-0

10. OLD BUSINESS

- A. APPROVAL OF THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE AND PALINDROME COMMUNITIES, LLC.

Mayor Lopez provided a summation of the Village Center project and reminded the Board that the Village approved and adopted a plan by Resolution No. 2018-

3-2. Mayor also stated that the Village issued a request for proposals for the redevelopment, the committee evaluated the proposals and selected Palindrome Communities, LLC as the Developer for the property. The Village entered a memorandum of understanding in 2018, with Palindrome Communities, LLC, extending the MOU again in 2019 and then again to June 2020. Administrator Simon expanded on the development and is excited that the Village is at this point for a wonderful development.

Trustee Rael recused himself.

Attorney Winter recapped the agreement and discussed primarily Exhibit B, providing the timeline and the phases of the project. Also explained the repercussions if the Developer does not meet the benchmarks as indicated in the agreement.

Mr. Chad Rennaker, Palindrome, LLC, shared his thoughts on the complexity of the project, announcing how proud he is of the development agreement and hope it gets approved.

Mayor Lopez expressed how remarkable the agreement is and noted that working in conjunction with the Developer will bring a successful project.

Trustee Lewis shared his concern with Attorney Winter regarding some of the language in the agreement.

Attorney Winter confirmed and clarified the language.

Trustee Pacheco asked Mr. Rennaker about the traffic it may bring to the area.

Mr. Rennaker responded that he would like to have people come to the Village Center and part of that will increase the traffic. Also explained the dynamics behind the plan and how it will best benefit the Village.

Trustee Riccobene commended the plan and the agreement, thanked Mr. Rennaker for his efforts and diligence in moving the plan forward.

Mayor Lopez asked for a motion to approve the Development Agreement

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| <u>MOVED:</u> | Trustee Lewis moved to approve the Development Agreement with the Village of Los Ranchos and Palindrome |
| <u>SECONDED:</u> | Trustee Riccobene |
| <u>ROLL CALL VOTE:</u> | Trustee Rael-Recused Trustee Lewis-Yes |

Trustee Pacheco-Yes
Trustee Riccobene-Yes
Motion Passed 3-0

CARRIED:

11. ANNOUNCEMENTS

A. NONE

The Board took a five-minute break

The Board reconvened at 9:02 p.m.

12. NEW BUSINESS

A. DISCUSSION ONLY; SHORT TERM RENTALS IN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE.

Planning and Zoning Director Justice presented the document that was provided in the Board packet. The issue of short-term rentals and some options and recommendations that for the Village to address and hoping to get some feedback on 1. Absent vs. On-site owners, 2. Allowing or prohibiting the rental of guest houses, and 3. Allowing or prohibiting the rental of outbuildings.

Trustee Pacheco asked if there has been a fiscal analysis in terms of revenue to balance what it would cost us in enforcement?

Ms. Justice responded that the companies that the Village is looking at will charge the standard rate which could be covered by permit fees. Additional charges based on how many times they are called out to the property, then we would follow up with more code enforcement violations. Also offered other alternatives such as permit caps and license revocation.

Trustee Pacheco added that she does like the recommendations made.

Trustee Rael commented that he agreed with all the recommendations as presented and mentioned that he would like to go with option 4 on page 170.

Trustee Lewis also agreed with the recommendations that owners must be on site, agreed on prohibiting events, and placing a cap on the number of permits. Suggested issuing distance, i.e. 500 or 1,000 feet between permits, protects neighborhoods. We need to be very serious and strict, make fines substantial.

Trustee Riccobene also agreed with the recommendations and with the comments. Is not sure how we would limit permits though and could be problematic. Would like to continue to move forward, wants to make sure we do it

right.

13. TRUSTEE INFORMAL DISCUSSION

Trustee Rael:

- Notified the Village that at the corner of Sara Lane and 4th Street, the street sign is missing.
- Asked if there is any indication of what type of retail the Farmer's Plaza is proposing.
- Saw the advertisement of Ecco Electric, it indicated they are in Albuquerque, but we need to make sure they are using the right code so GRT is coming to the Village.

Trustee Lewis:

- Wants to ensure that agriculture dollars are being spent wisely before we put any more money towards the Agri-Nature Center remodel. Strongly encourages some type of strategic planning session should be put in place.
- Spoke to a former Mayor of Las Vegas, they developed a fund and passed an Ordinance that they had the first right of refusal of any water rights being sold in the city limits. I think for us, before we purchase more land or open space that we fund some money to have some control for buying water rights.
- With the housing demand, we should push forward with a pilot program, a residential pilot program.

Trustee Pacheco:

- Requesting a list of available properties in the Village, both residential and commercial.
- Be diligent in regard to applying for grants that will help us meet some of our goals.

Trustee Riccobene:

- Echoed Trustee Lewis's comments on pilot projects while preserving open space.

Mayor Lopez:

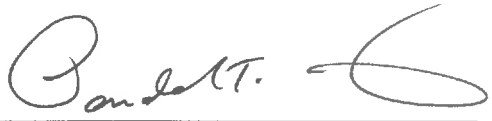
- Met with the new interim sheriff, Captain Chris Romero, who took over for Captain Sharpe. Will keep the Village high on the priority list.

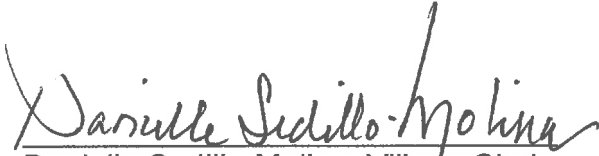
14. ADJOURNMENT

The meeting was adjourned by Mayor Lopez at 9:40 p.m.

PASSED AND APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque on this 18th day of November 2020.

{SEAL}


Donald T. Lopez, Mayor


Danielle Sedillo-Molina, Village Clerk