

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
Zoom Video Conferencing
Streamed on www.losranchosnm.gov and Facebook page
Wednesday, October 13, 2021
7:00 P.M.

Present:

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

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

Excused: Will Fisher, Treasurer
Tammy Silva, CFO

1. CALL TO ORDER

Mayor Lopez called the regular meeting to order at 7:00 p.m.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

Mayor Lopez asked for a motion to approve the Agenda.

MOVED: Trustee Pacheco moved to approve the
Agenda

SECONDED: Trustee Rael

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

CARRIED: Motion Passed 4-0

4. PUBLIC COMMENT PERIOD

Participants can address the Board of Trustees to comment on issues, problems or successes on topics that do not appear elsewhere on the agenda.

Written comments submitted to the Clerk prior to the meeting:

None

Participants wishing to speak that registered with the Clerk prior to the beginning of the meeting will be provided an opportunity to speak within the allotted three (3) minute time frame.

Mayor Lopez stated the following: *"I want to remind the Board that we now have an appeal pending of ZMA 21-03; a request by Casa Rondeña Winery Real Estate Trust, LLC for a Zone Map Amendment. I expect this Board to hear that appeal in December. Of course, public comment is always welcome and encouraged, but wanted to assure the Board and interested parties that the Zoning issue is pending and will be heard timely as contemplated by our Ordinances. With that, I will move on to the first commentator"*.

Camille Varoz, 427 El Paraiso Road NW, Los Ranchos

- I. Overwhelming to her to have to think of where the Village is going with all the short-term rentals with zone changes.
- II. Zoom is not the easiest to attend, when there are so many critical agenda items facing our Village.
- III. Concerned for the tenants of the trailer park.

Jerry Dixon, 801 El Alhambra Circle NW, Los Ranchos

- I. Spoke about a situation that has arisen as a result of the appeal. Work began on the property including laying of gravel for a parking lot on that 765 Chavez.
- II. A notice of appeal was filed on September 30th. That acts as an automatic stay of the Planning and Zoning recommendation or decision whatever that is.
- III. Thank the Board for their time and effort and the research regarding the Cannabis issue and support the zoning Ordinance 282.

5. PRESENTATIONS

NONE

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-AUGUST 25, 2021; SPECIAL MEETING
- B. MINUTES-SEPTEMBER 8, 2021; REGULAR MEETING

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

MOVED: Trustee Rael moved to approve the Consent Agenda with a correction to A. August 25, 2021, page 11 of 156 the vote should reflect 3-1, not 3-0.

SECONDED: Trustee Lewis

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

Mayor Lopez announced the passing of an individual at Hartnett Park. Sincerest condolences to the family.

Trustee Lewis commented on the improvements at the Agri-Nature Center, he is very impressed with staff and where it is headed.

Trustee Pacheco asked about the multi-use trail and the funds in the amount \$401,568.00, is this the amount we requested and how will the funds be utilized.

Ms. Maria Rinaldi replied that this is the amount we requested, total project amount is approximately \$470,000.00, and is specific for a right of way survey, planning and design.

Trustee Pacheco asked Administrator Simon to comment on the status of the Schulte House at the Agri-Nature Center.

Administrator Simon replied that it is right in the middle of the axis point and roadway design that we are trying to install, so we will have to move it. We are currently getting cost estimates for improvements and may possibly auction it.

Trustee Pacheco also asked Administrator Simon regarding a sidewalk sale, is there a better way to get the word out about these type of events?

Administrator Simon replied that the event was thought up at the last minute and tried to get the word out as timely as possibly.

Trustee Pacheco asked Joshua O'Halloran, if we would consider moving the bike tour to a weekend rather than a weekday?

Mr. O'Halloran replied that in the future they will consider the weekends, and maybe cap it at a certain number to avoid shutting down roadways.

Trustee Pacheco asked Director Justice how many owners of short-term rentals are operating without permits?

Director Justice replied that the company we contracted with identified 25 short-term rentals so far, 15 are on their way or already permitted.

Trustee Pacheco asked Public Safety Liaison Fred Radosevich how do we go about getting additional enforcement on Chavez? Also, asked about adding additional speed signs.

Mr. Radosevich replied that we have been working with the commander from the North Valley and one of the things that we are asking the residents to do is report issues to the Sheriff's Office whenever they occur. Also Indicated that we can look at adding additional signs, we re-striped Chavez, and looking at adding crosswalks around Guadalupe Trail with additional signage to slow things down. I believe we have also ordered additional speed boards to help mitigate speeding.

8. FINANCIAL BUSINESS

A. DISCUSSION AND APPROVAL OF CASH REPORT-OCTOBER 2021

Mayor Lopez announced that Treasurer Will Fisher had an emergency right before the meeting and CFO Tammy Silva is out on leave, he indicated that either he or Administrator Simon can answer questions from the Governing Body regarding the Cash Report.

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

MOVED:

SECONDED:

**Trustee Rael moved to approve the Cash Report.
Trustee Pacheco**

Discussion:

Trustee Rael make a spelling correction to page 45. Pages 82 & 83 on the Cash Register asked questions regarding payments to the City of Albuquerque for Air Quality Program?

Administrator Simon replied that it is our share of the airshed program that we participate in annually.

Trustee Rael also asked about payments to MRGCD for distribution of surface water. Also asked about payments to PNM, payments do not seem to compute.

Mayor Lopez replied that we have to pay for the distribution of surface water and have been doing so for a long time.

Administrator Simon replied that she will have to look into it.

Trustee Lewis referenced page 52, General Fund; Planning and Zoning, the budget is \$12,815 for full time wages, but only showing \$1,278 for the month is there an error or something missing?

Administrator Simon has noted it and sent an email to Tammy and a text to Will, cannot explain it and will have to dig a little bit.

Trustee Lewis referenced page 55, on Grounds and Roadwork, we have a budget for the month of \$11,750, and have spent \$141.00, but for the year we are already at 54% of our budget and for Buildings and Structures we are already at almost 39% of our budget, what is going on in that department.

Administrator Simon replied that she will be following up with staff and will get him a full report.

Trustee Pacheco commented that we are sitting at a positive fiscal place, but also feels that we need to look for opportunities to increase our cash reserves. One way and an important way is to increase our GRT by welcoming businesses to our community. Encourages residents to support and shop local.

Trustee Riccobene concurred with Trustee Pacheco, thanked staff and indicated how hard staff has worked to watch expenses while providing top quality services.

ROLL CALL VOTE:

**Trustee Rael-Yes
Trustee Lewis-Yes
Trustee Pacheco-Yes
Trustee Riccobene-Yes
Motion Passed 4-0**

CARRIED:

9. PUBLIC HEARINGS

A. NONE

10. OLD BUSINESS

A. CHAD RENNAKER, PALINDROME COMMUNITIES, VILLAGE CENTER UPDATE.

Mr. Chad Rennaker provided an update on the Village Center and explained the financing and where they are at in the process. Project is still alive and well and moving forward with the project.

Mr. Weston Glass provided an overview of the Master Plan for the entire site. Discussed all the elements that will make up the project and provided images reflecting the vision of the center.

Mayor Lopez asked if this information would be presented at a public meeting or a Charette?

Mr. Rennaker indicated that they would be reaching out to the neighborhood associations and that is a plan between now and the application.

Trustee Lewis asked Mr. Rennaker if he could provide a time frame.

Mr. Rennaker replied that he is planning to make application on November 22nd to Bernalillo County, if that goes well, they plan to receive bonds in January, and plan on starting construction by the end of March, primarily for Phase I, II, and III.

Trustee Pacheco asked if the third phase still for senior housing?

Mr. Rennaker replied yes, but we will be applying under the family set aside. You don't have to be 55 and over to live at any of the units, but think that is who will want to live at that facility.

Trustee Riccobene asked for clarification on the Phases.

Mr. Rennaker clarified and explained the process and how the work would implemented.

Mayor Lopez thanked Mr. Rennaker and Mr. Weston for their presentation.

11. ANNOUNCEMENTS

A. 2021 REGULAR LOCAL ELECTION INFORMATION.

Clerk Sedillo-Molina announced that there would be 20 early voting convenience centers throughout Bernalillo County, with one location in the Village at Los Ranchos Villa. The dates for early voting are from October 16-October 30, 2021. Also explained that New Mexico Law now provides for same day registration and updates to voter registration during early voting only and immediately before casting a vote. Also noted that there will be 72 convenience centers on Election Day with two locations in the Village, Los Ranchos Villa and Taylor Middle School with a location right outside the Village at Valley High School. Polls are open 7:00am-7:00pm on Election Day and shared that locations, times, and other information can be found on the Village Website Elections Page.

Trustee Lewis requested a two-minute break.

Mayor Lopez called for a break at 8:09 pm

Mayor Lopez reconvened the meeting at 8:12 pm

12. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO ADOPT ORDINANCE NO. 282; AN ORDINANCE REPEALING ORDINANCE NO. 273; REGULATING THE GROWTH, SALE, AND PRODUCTION OF RECREATIONAL CANNABIS AND CANNABIS PRODUCTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021.

Director Justice explained and provided a summary of Option two as presented at the Special Informational Board of Trustees meeting on Wednesday, October 6th. Added definitions and language as requested by the Trustees. Removed language accordingly.

Mayor Lopez asked for a motion.

MOVED: Trustee Pacheco moved to approve Ordinance No. 282 repealing Ordinance No. 273.

SECONDED: Trustee Lewis

Discussion:

Trustee Rael asked a question regarding A2 and A3 zones, how many homes are allowed?

Director Justice replied, A2 and A3, one house per every two acres and one house per every three acres.

Director Justice provided further clarification regarding the zoning.

Trustee Lewis asked for clarification regarding the 10% of the area of the permissive use it supports, can you explain?

Director Justice provided an explanation and examples.

Trustee Lewis commented that there needs to be some more research and more limitations that can be put on. One, is to shorten the hours of operations. I don't know if we should pass 282 with the intention to add some amendments or defer to next month and add any limitations what they would like to see.

Trustee Rael commented, we do not have to settle this tonight.

Trustee Pacheco asked if additional conditions could be added tonight.

Trustee Riccobene indicated he is not in a rush to approve it.

Attorney Winter shared that you cannot prohibit any licensee in its entirety. What you could do, you've really protected the residential zones in this draft, and you've allowed most use in retail commercial zone. Some jurisdictions are limiting all cannabis activity to the retail commercial zones. So, your options are wide open, you can add conditions to the retail commercial zone, you can add conditions to the Village Center zone, you can take the Village Center zone off the table, but again you cannot prohibit a licensee in the Village, you have to give them an opportunity in at least one zone to conduct their business.

Trustee Lewis commented that this might be an issue that we have to amend every month or every other month for the next year until the state makes things clearer.

Attorney Winter added, I think that if you're going to craft conditions, you probably need to do that in as near term as possible because again there's a reliance issue. There will be full retail sale and activity beginning in April of 2022, but in order to for somebody to be actively and openly growing or selling or manufacturing on April one, they're already buying property, they're already financing they're already thinking about what conditions they need to comply with. Time is of the essence to some extent, you may want to act in the near term and if you are thinking of additional conditions, if they don't happen this month, I would suggest they need to happen in the next couple of months.

Clerk Sedillo-Molina read submitted written comments on behalf of the following residents:

Peter Weinreb, 6509 Poza Rica Court, NW, Los Ranchos

I favor the Trustees adopting New Business item 12-A Ordinance 282. I believe it deals well with matter and is of benefit to the Village. The concern of the Mayor the Trustees and their arranging for the October 6 special forum were beneficial.

Mel and Mary Ann Eaves, 721 Chavez Road NW, Los Ranchos

Mayor Lopez, I have reviewed the revision of No. 282. Thank you for listening and for your decision to continue the prohibition of cannabis in zones A-1, 2 & 3 and in AC. I am not in favor of homegrown cannabis in residential areas, but I support No. 282 as a compromise.

Verbal comment excerpts from the following residents:

Camille Varoz, 427 El Paraiso Road NW, Los Ranchos

I appreciate Trustee Lewis taking more time to consider this whole cannabis production and sales. What is the rush here?

Randy McKee, 749 Chavez Road NW, Los Ranchos

I support the adoption of this amendment 282, but have a couple of concerns, the VC zoning, there is an awful lot of residential areas right in that immediate area. I don't care to see people venture into our Village at 12:00 at night in and around our seniors and the multi-family dwelling areas. I urge you to do this immediately tonight.

Loretta Chavez Smith, 536 Chavez Road NW, Los Ranchos

I agree with Trustee Lewis and the hesitancy of the other Trustees. I think we should take a little more time to get our ducks in a row. Take more time to put our conditions in there to protect the other areas.

Mel Eaves, 721 Chavez Road NW, Los Ranchos

I want to thank you, Mr. Mayor and in your staff for listening to all of us about our concerns about having cannabis in the residential areas. I've already expressed my view on home grown cannabis I don't like to see it in residential neighborhoods, but I also understand that the state has instructed that that's going to happen. I do believe that taking more time is possible.

Trustee Lewis asked Attorney Winter if we pass 282 and someone gets a license before we add amendments, their defense is that they are relying on what code is at that time?

Attorney Winter replied yes, would like to keep you insulated from challenges to your ordinances.

Public Safety Officer Fred Radosevich added, I don't think you want to get into the legal battle right off the bat. I think it was very clear that you can't strictly prohibit everything when it comes to cannabis. I would recommend that you have something in place, and you can then make those amendments. I would caution against just relying on the fact that we're not going to allow any cannabis or any cannabis related activities within the Village because that's clearly a violation of State law and could be a violation of somebody's civil rights.

Trustee Pacheco added conditions to the Ordinance; require landscape buffering, also recommend imposing conditions regarding the tops of the greenhouses are not to be removed, visual restrictions, the water approval is big and restricting the hours. I think the conditions would protect us and the residents.

Trustee Lewis mentioned he also added buffering neighborhoods, reducing hours, I think putting a few limitations making it a little uncomfortable doing business in the Village. Maybe flat remove Village Center, these are thoughts, but we need to know if these conditions are okay.

Trustee Rael said, I would like to suggest maybe, strike all cannabis activity in the VC zone and limit retail sales to C1, limit cultivation to 10% of owned property and maximum size of greenhouses to 1,000 square feet and reduce the hours from 9-9.

Trustee Riccobene commented that this is not an easy thing for any municipality to be going through. Likes the conditions he is hearing, if we're able to bring these conditions into place, and understand potential challenges to those conditions and craft those accordingly to follow State law. I don't think we're going to do that tonight; those conditions are to be added and then we're going to come back and take another look at this. That's what I see coming, I do not think that we should pass 282 unless we're ready to strike some things out of it right now.

Director Justice commented on some of the conditions that were suggested and clarified accordingly. Suggested with the changes, it would make more sense to postpone approval to next month.

Mayor Lopez asked Trustee Pacheco how she would like to proceed with the motion.

AMENDED MOTION: Trustee Pacheco amended her motion to defer approval of Ordinance No. 282 to the next meeting in November 2021.

SECONDED: Trustee Lewis

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

CARRIED: Motion Passed 4-0

B. DISCUSSION AND APPROVAL TO ADOPT ORDINANCE NO. 283; AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021.

Erik Harrigan, RBC Capital Markets, provided an overview and indicated the savings that were achieved through the refunding, the average rate on the refunding bonds was 4 ½ %, the rate on the new money bonds was just over .5%, which generated in total \$172,000.00 of present value savings or a little over 9% on a present value basis, this translates to approximately \$30,000 in annual savings to the Village.

Chris Muirhead, Modrall Sperling, added that the Ordinance encapsulates what Erik had indicated, it authorizes a debt, with the New Mexico Finance Authority in the amount of \$1.9 million, it keeps the pledge the same as the 2007 bonds, it is a GO backed security. A simple majority of the vote tonight passes it, no need for a public vote which there would have been in 2007 since it's a refunding and not new money. On page five of the Ordinance, you see the new maturities and the extremely low interest rates, ranging from .16 to .77. And it does not extend the maturities as from the 2007 bonds. In short, it just authorizes entering into this transaction with the Finance Authority and capturing the savings at these lower interest rates.

Administrator Simon thanked both Mr. Harrigan and Mr. Muirhead, expressing that we have been well advised and we will see a tremendous savings to the Village.

Mayor Lopez asked for a motion.

MOVED: Trustee Lewis moved to approve.
SECONDED: Trustee Rael

Discussion:

Trustee Lewis asked for clarification on the maturity and savings on interest.

Erik Harrigan clarified that the financing was designed to generate level savings, so that the Village will realize roughly \$30,000 a year in annual savings.

**ROLL CALL VOTE: Trustee Rael-Yes
Trustee Lewis-Yes
Trustee Pacheco-Yes
Trustee Riccobene-Yes**
CARRIED: Motion Passed 4-0

**C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2021-10-01;
PARTICIPATION IN STATE OF NEW MEXICO DEPARTMENT OF
TRANSPORTATION FUND 89200 CAPITAL APPROPRIATION
PROJECT.**

Ms. Rinaldi explained that this agreement authorizes the Mayor to enter into the grant agreement in the amount of \$250,000.00 for the scope of plan, design and construct to continue roadway improvements on 4th Street from Pueblo Solano to the Village limits. This is the appropriation we received in this year's legislative session, they are now requesting and requiring Resolutions in order to enter into the agreement.

Mayor Lopez asked for a motion.

MOTION: Trustee Lewis moved to approve Resolution No. 2021-10-01.

SECOND: Trustee Pacheco

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

CARRIED: Motion Passed 4-0

**D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2021-10-02;
PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM
ADMINISTERED BY NEW MEXICO DEPARTMENT OF
TRANSPORTATION.**

Ms. Rinaldi identified that this Resolution authorizes the Mayor to enter into an agreement for a total project cost of \$750,000 and commits us to a 5% share of that or \$37,500, for a scope of engineering final design for Phase Two. We call it Phase Two from Pueblo Solano to the Village limits, this is the application I submitted on behalf of Los Ranchos that we were funded in excess of our request, and this authorizes that project to move forward.

Mayor Lopez asked for a motion.

MOVED: Trustee Riccobene 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

E. IN ACCORDANCE WITH THE VILLAGE OF LOS RANCHOS 2013 CODIFIED ORDINANCES CHAPTER 9; §9.2.2 PLANNING AND ZONING COMMISSION.

(A) MEMBERSHIP: THE COMMISSION SHALL CONSIST OF SEVEN (7) MEMBERS WHO SHALL BE APPOINTED BY THE MAYOR WITH THE ADVICE AND CONSENT OF THE MEMBERS OF THE GOVERNING BODY.

1) **CONNIE BARROW**

Director Justice explained that we think that she would be a good addition to the Commission, she values the semi-rural character of the Village and she has a technical understanding. As you can see from her professional background that would be beneficial.

Mayor Lopez asked for a motion.

MOVED:

Trustee Rael

SECONDED:

Trustee Lewis

Discussion:

Trustee Lewis asked what position is she filling?

Director Justice stated that two Commissioners recently left the Commission, Diane Albert and Rachel Berenson. We appointed Shelleen Smith to fill one of those roles and Connie Barrow will fill the other.

Loretta Chavez Smith, 536 Chavez Road NW, Los Ranchos

Asked how many people applied for this position to be on the Planning and Zoning?

Mayor Lopez replied one person, Connie Barrow.

Loretta Chavez Smith asked if there was a formal application that needs to be filled out? And was this position posted?

Mayor Lopez replied that this is not a position that is posted. When there is a vacancy interested parties contact the Mayor, then the Mayor asks for advice and consent from the Trustees.

ROLL CALL VOTE: Trustee Rael-Yes
Trustee Lewis-Yes
Trustee Pacheco-Yes
Trustee Riccobene-Yes
CARRIED: Motion Passed 4-0

13. **TRUSTEE INFORMAL DISCUSSION**

Trustee Rael:

- None

Trustee Lewis:

- The Schulte House doesn't seem to have merit and doesn't see spending \$50,000 of taxpayer money to bring it up to code. It is not in the best interest of the Village.

Trustee Pacheco:

- The crosswalk on 4th Street close to Kelly Jo's place, people are not stopping, is there anything we can do?
- Light at Ranchitos does not appear to be synchronized, is there a way to adjust that?
- Attended the MOLI event and recommends it to all the Trustees.

Trustee Riccobene:

- People have indicated that they are unaware of things that are going on. I still think an event sign that would be appropriate out front of Village Hall, if not, the Agri-Nature Center as well as on 4th Street.

14. **ADJOURNMENT**

The meeting was adjourned by Mayor Lopez at 9:32 p.m.

Seconded by Trustee Lewis

Motion carried 4-0

PASSED AND APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque on this 10th day of November 2021.




Donald T. Lopez, Mayor


Danielle Sedillo-Molina, Clerk