

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BLVD. NW
BOARD OF TRUSTEES REGULAR MEETING - 7:00 p.m.
JANUARY 29, 2003

Present:

John Hooker, Mayor
Penny Rembe, Trustee/Mayor Pro Tem
David Siegel, Trustee
Don Lopez, Trustee
Pablo Rael, Trustee

Hank Rosoff, Administrator
Allen Leatherwood, Treasurer
Annabelle Silvas, Clerk
Cyndie Tidwell, Planner
David Mathews, Attorney

1. CALL TO ORDER

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, January 29, 2003 in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m.

A. Approval of the Agenda.

Motion: Trustee Lopez moved approval of the agenda, with a recommendation to defer Item 5. (A) Discussion and Consideration of an Ordinance Amendment to Chapter 3 of the Codified Ordinance-Animal Welfare Ordinance - to the next Board of Trustee's Meeting on February 12, 2003. Trustee Rael seconded the motion.

Vote: The motion carried unanimously and the amended agenda was adopted.

2. PUBLIC COMMENT PERIOD

Mr. McCary read the Right to Farm Act Sections 47(9) b3 and 47(9) b4 and said unless the regulation of livestock operations is placed in the Zoning Ordinance; the Village will be enacting what is an ineffective and unenforceable provision in the Animal Control Ordinance. He said what is proposed in Section 11 of the Animal Ordinance starts out by saying: *"the mere keeping of livestock does not constitute a nuisance unless animals are kept in a manner so as to violate the specific provisions of this ordinance."* He said stated differently if you do not comply with this ordinance, it is considered a nuisance.

Mayor Hooker said this will be discussed at the next meeting.

3. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting - January 15, 2003.

B. Home Occupation Yearly Renewals for 2003.

Motion: Trustee Siegel moved approval of the Consent Agenda with the following changes to the Minutes:

- . On page 3, line 9 add: *to the municipalities.*
- . On page 8, line 10 change the word is to *are* and add after plans *required by the ordinance.*
- . On page 8, line 23 there was a question about the pigeons and add the answer: *Pigeons are considered vermin because of the health hazards and the pigeon feces.*
- . On page 10, line 37 change *New Mexico* to *Los Ranchos.*
- . On page 11, line 4, change *Board of Trustees to Urban County Charter Commission (UCC)*

Trustee Rael said he would like to add some changes:

- . On page 6, line 5 change *Trustee Rembe to Trustee Rael.*
- . On page 6, line 20, change: *doing a to reconsidering the.*

Trustee Rembe seconded the motion.

Vote: The motion carried unanimously

4. PUBLIC HEARINGS AND APPLICATIONS

There were no Public Hearings and Applications.

5. OLD BUSINESS

A. Discussion and Consideration of an Ordinance Amendment to Chapter 3 of the Codified Ordinance -- Animal Welfare Ordinance - DEFERRED FROM THE JANUARY 15, 2003 PUBLIC HEARING.

This item was deferred under Item A.1.

B. Appointment of David Hartman to the MainStreet Steering Committee.

Motion: Trustee Lopez moved approval of appointment of David Hartman to the MainStreet Steering Committee. Trustee Rembe seconded the motion.

Vote: The motion was approved unanimously.

C. Discussion and Comment on Draft Zoning Ordinance (dated January 19, 2001).

A. Section 21. - Non-Conforming Uses and Structures

Trustee Siegel said that he would like the word *Village* in Section E. (1) changed to *Planning & Zoning Commission*.

Discussion continued regarding this matter and it was agreed to change the word **Village** to **Planning & Zoning Commission**.

Trustee Lopez said that if an application came in that was considered minor, Administration could recommend that it be approved by the Planning and Zoning Commission.

Mayor Hooker said not hearing any opposition; the Board of Trustees accepts the change in Section E (1).

Trustee Rael said regarding subparagraph 7 at the top of the page *Non-Conforming Rights shall be recorded*. He asked who does the recording.

Planner Tidwell said it would require recordation by the Village with the County Clerk.

Motion: **Trustee Siegel** moved approval of Section 21. Non-Conforming Uses and Structures. **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

B. Section 22- Implementation, Enforcement and Penalties

Trustee Rael said in Section 22. E. (2) shouldn't there be a required return receipt on the notification.

Attorney Mathews said certified mail and registered mail can be a burden on staff and the receiver of the document. The law presumes that if the mail is sent first class that the mail has been received. The law, almost without exception, does not require certified or registered mail.

Trustee Rael read E. (3) a. and asked what is considered *a reasonable period of time*.

Attorney Mathews said 30 days is the standard.

Mayor Hooker said then it is agreed that we will change a *reasonable period of time* to *within 30 days*.

Attorney Mathews stated at the top of the page (2), that the word *district* should be eliminated and the same is true in paragraph (b).

Planner Tidwell said that on item C. (1) the *sixty days* be stricken and replaced by a date certain to be determined by the Code Enforcement Officer, Planning Director or delegate with phased remediation negotiable.

Discussions continued regarding this matter.

Administrator Rosoff suggested the wording "*not to exceed 60 days and an extension can be granted*" rather than "*within sixty (60) days.*"

Planner Tidwell said that public roads are not accepted by the Village anymore.

Trustee Lopez suggested that the word *public* be removed and would read: - *conduct inspections from the rights of way, etc.*

Planner Tidwell said on E. (3) c. to change *(7) days* to *(10) days*.

Mayor Hooker said there is a typo under E (2). change 7 to 10.

Trustee Rael said under C. there are two ones (1).

Mayor Hooker introduced the new Code Enforcement Officer, Keith Bradley, who is a former Lieutenant with the Sheriff's Office. He said the Village is looking forward to his help.

Motion: **Trustee Rembe** moved approval of Section 22 - Implementation, Enforcement and Penalties. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously and will become part of the final draft as amended.

C. Section 23 - Application and Approval Process

Trustee Siegel said under Section D.5, page 2, exceptions from the dark skies regulation should be dealt with as a variance and should not be just a permit.

Attorney Mathews stated that many are concerned about light trespassing.

Trustee Siegel asked what does deminimis mean.

Administrator Rosoff said it means that it would be so minimal, it could be approved administratively.

Trustee Rembe said the word ~~deminimis~~ deminimis should be defined.

Discussion continued with regard to how Home Occupations are to be handled.

Trustee Siegel said there is a typo under Section 23. (n). He mentioned another change on page 7, paragraph 6, as a member of the Board of Trustees; he should be able to propose text amendments.

Mr. Sanchez said in an art studio situation, he is approached by artists who want to be able to paint but they are not paid.

Planner Tidwell said paid or unpaid is irrelevant, they have to be treated as employees.

Further discussions continued.

Mayor Hooker said he would like to add that **no signage shall be permitted**.

Trustee Siegel said **no radio towers, broadcasting towers or dog kennels** should be permitted.

Motion: **Trustee Rembe** tabled Section 23 to the next Board of Trustees Meeting on February 12th. **Trustee Siegel** seconded the motion with the amendments.

Vote: The motion carried unanimously.

6. *NEW BUSINESS*

A. Discussion and Approval to change the Village Office Hours

Motion: **Trustee Lopez** moved approval of changing the Village office hours to 8:00 am to 4:00 pm. **Trustee Siegel** seconded the motion.

Trustee Rembe said that the change of hours needs to be put in the Village Newsletter.

Vote: The motion carried unanimously.

B. Approval to Award Proposal for Human Resources Training Services

Trustee Rembe asked what is involved in the training.

Mayor Hooker said the training involves goal setting; staff team building, some management training and training for evaluations. He said some of the management training would include interviews for the Board. He said goal setting will be on February 15th and will be a public meeting.

Trustee Lopez said he would like to have an agenda prior to the meeting.

Motion: **Trustee Rembe** moved approval of the Human Resources Training Services. **Trustee Siegel** seconded the motion.

Vote: The motion carried unanimously.

7. FINANCIAL BUSINESS

A. Cash Report - December

Treasurer Leatherwood presented and answered questions with regard to the Cash Report.

Motion: **Trustee Lopez** moved approval of the Cash Report for December. **Trustee Siegel** seconded the motion.

Vote: The motion carried unanimously.

B. 2nd Quarterly Report

Treasurer Leatherwood presented and answered questions with regard to the 2nd Quarterly Report.

Discussion regarding the DFA Report continued

Motion: **Trustee Lopez** moved to approve the 2nd Quarterly Report. **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

8. REPORTS

A. Mayor's Report

Mayor Hooker stated that he will be meeting with the Albuquerque Economic Development Committee for a breakfast meeting next week and discussions will include parks, open space, bike trails, senior centers, bridges, etc. He mentioned that he is recruiting volunteers for the trails committee. He said he met with Representative Zanetti and she is interested in the needs of the Village. He said also Senator Gorham is interested in the open space. He said he spoke with Senator Domenici about items in the omnibus, and at this moment, the TCSP grant looks like there is no money for this.

Discussion continued with regard to casino compact money coming back to municipalities.

Mayor Hooker said the entire capital outlay request will be compiled into a single capital outlay bill and the Village will keep an eye on that.

B. Administrator's Report

Trustee Siegel asked regarding the 4th Street Project, the money that we have lost is that money recoverable? What is the status of the two million dollars?

Administrator Rosoff said no; it is no longer programmed into this project.

Trustee Rembe asked if there is any legal recourse to take if you felt that one group was responsible for the Village losing that money.

Attorney Mathews said yes; there is legal recourse.

Trustee Rael said he attended the meetings that were in the paper and stated in his opinion, there was not a majority. He said not all the people are for three lanes.

Trustee Siegel said that is true, but first of all no one has talked to all the people. He sent out a survey to all the people on his campaign list and that was every person in the Village who voted in one of the last five elections and he advised that he has numbers on it. He said the vast majority, 60 or 70 % of the Village residents, are in favor of the three lanes and 90% of the businesses were opposed. He said this was his general campaign mailer that he mailed out to every person in the Village who voted in one of the last five elections every registered voter in the Village and not just people who voted for him. He said the people who mail them back are the ones who feel strongly about this, one way or another. The fact of the matter is whether or not one agrees with the project there was a vote 3 to 2 to go forward with this. He said a law suite was filed that was thrown out. He said the whole sole purpose was to delay the project and cause the money to be lost.

Trustee Rael said the sole purpose was to stop the project because they did not believe in it.

Trustee Siegel said that is using the courts incorrectly as it was thrown out. He said it did not have legal merit. He said if one does not like a decision an elected body makes, and then files a law suite that has no legal merit, what you are doing is subverting the democratic process.

Trustee Rael said if you really want democratic process then put it out to all the people.

Trustee Siegel said this is a representative system, the members of the Board of Trustees all ran for office. The Board made a decision as it is suppose to do, in a public forum, it went 3 to 2 and then somebody decided to file a law suite.

This discussion continued.

Mayor Hooker said we are continuing to go through the services of Attorney Mathews and Andres Viamonte. He said we have continued conversations with the opponents and have made a written statement of what was expected to come out of the discussions in terms of

process. He said we have not heard anything back from them. He said he understands that Mr. Bartolucci is a leader of the opposition of the project and he has not responded to it either. Mayor Hooker said we are waiting again for them to respond.

Trustee Siegel said as he said before, the mediation will be a waste of time and money. He said the Village has tried to go the extra mile and meet with the attorney and now the Village has another mediator and an impartial engineer and still nothing is coming of it. He said basically the goal is for them to wait it out until the money is gone and then they won.

Trustee Rembe said this will cause the Village to lose.

Trustee Lopez said he does not think the opponents won.

Trustee Rael said why doesn't the Village go ahead and fix the intersection instead of trying to get the whole thing done.

Mayor Hooker said that is something that could be brought to the Board as an alternative.

Trustee Siegel said we have not even heard that from them.

Mayor Hooker said he thinks by the first meeting in March, we will be in a position to have a discussion with information from the engineers and the attorney.

C. Legal Report

Attorney Mathews said following up on 4th Street, he does call Helen Bennett on a weekly basis to check on a number of items that we could talk about in mediation. Ms. Bennett told me that she sent my letter to Mr. Bartolucci and was awaiting his response. He said he calls her every Thursday or Friday. He said remember the offer by Dwayne Brown and Peter Franklin to speak to us about improvement districts and alternative funding measures. He said these are good financial attorneys who specialize in bond work and public improvement districts. He said Peter Franklin wrote the Business Improvement District Legislation and they are offering their services free of charge. He said it might be something the Village could get to in March.

Trustee Rembe said she feels it is critical to talk to them.

Mayor Hooker said we will schedule this for 6:30 - 7:00 on the second meeting in March regarding the 4th St. Corridor and financing improvements. Mayor Hooker said examples of the improvement districts are the downtown improvement district in Albuquerque that was voted by the property owners and then there was a special assessment district on Griegos for the drainage issues and assessed those property owners which funded street improvements and drainage improvements that were not otherwise on the county and cities VIP list.

Attorney Mathews said certain areas on 4th Street have critical drainage problems. He said he is reopening the case on the mobile home park on 4th Street. He said this situation is dangerous. He said we need to address Gemini Fireworks; they still do not have a sprinkler system or alarm system. He said he met with Keith, Cindy and Hank and went through the open planning and zoning matters. He said the Village might file four or five of these cases in municipal court, and one or two, in district court. He said he will ask for a closed session before the next meeting to bring the Board up-to-date with more details regarding these matters.

D. Planner's Report

Planner Tidwell said she is delighted to have the new Code Enforcement Officer, Keith Bradley. She said we are going over files and reviewing open cases; some that have attorney involvement and others that do not. She reported that she attended a $\frac{1}{2}$ day FEMA workshop on digitized mapping that is being provided for Bernalillo County and will find out more information regarding this at the Flood Plain Manager's Conference in the Spring. She said they are going to try to create maps with appropriate designations of flood plains. She said in some cases they are off by 30 to 40 ft. She said FEMA is asking for everyone to identify areas that need study. She submitted the Scenic Byway grants over again, however, Congress has still not appropriated funding for the Scenic Byway Program, T21. She reported that the MainStreet Conference will be on February 12th and will have their gala event on the night of February 11th in Santa Fe at the La Fonda Hotel. She said speakers on financing options for small businesses and redevelopment areas on MainStreet will be there.

Mayor Hooker said the Village has obtained about \$700 from Village sponsors for that event.

Planner Tidwell reported that two items will be coming up on the February 12th Agenda, the Northdale Plaza Redevelopment Proposal Phase I, the Planning and Zoning Commission is bringing to the Board a recommendation to approve with a list of conditions. She said Steve Maestas was at the meeting with his architect and he agreed to the conditions with some minor tweaking and the Board may have other things to include. She said the other item is a Charter School that has been proposed for the old Alamo Acres Mobile Home Park for a recommendation to approve the site development plan. She said she is working closely with the Village engineer on vehicular circulation and drainage issues. She said for the school, we are requesting a TIA as a condition of approval and she hopes that will be ready for the Board by February 12th.

Trustee Rembe said on mapquest it does not show that there is no ~~exist~~ exit from Montano to Rio Grande.

Planner Tidwell said she will send them a letter.

Trustee Rembe asked for a briefing regarding the last Planning and Zoning Meeting.

Planner Tidwell said all the Home Occupation requests were granted on the Consent Agenda. She said the one item that had a Conditional Use attached to it was a request for a Bed & Breakfast which was approved with a condition for a fire inspection. The Gecko man, the man with the house that has a Gecko on the side of it, has a private issue with a neighbor of his regarding an opening in a fence and there has been a lot of heat between the two of them. Mr. Paecheco and his wife own Little Anita's and there is a catering truck parked in his driveway which is not in use at this time, however, if and when the truck becomes operable, he will not be able to keep the truck there as he does not have a Home Operation License.

Trustee Rembe asked when someone applies for a Home Occupation license that is clearly in violation of practically every ordinance in the Village, was that brought up at all in the meeting.

Planner Tidwell said if someone is giving sworn testimony the inclination is to believe them until proven otherwise and this is always a dilemma.

Trustee Rembe said a lot of cities think it is not a good policy to have two bed & breakfast's within so many feet of each other as it changes the nature of the neighborhood. She said Albuquerque has an ordinance like that and she feels it is something the Village needs to think about.

Planner Tidwell said she knows that Albuquerque zones for it and they tended to be larger than the three room limit in the Village. She said she will review some of the ordinances and bring it up as a matter of discussion.

E. Fire Report

Administrator Rosoff said the only thing to report is that last Sunday they had a broken down manhole cover that caused damage to the truck which he will address with the City of Albuquerque.

F. Engineer's Report

The Engineer's Report will be on February 12th, 2003.

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9. Trustee's Informal Discussion

Trustee Lopez said as a member of the Mid Region Council of Governments Water Resources Board, he said the water plan is moving along and there is a lot of pressure being brought to the Mayor at the legislative level to initiate a water plan. He said he is almost certain that the ditches will close sometime in June. He said residents in the Village who irrigate with wells will be a tough issue. He said everything is on the table.

Trustee Siegel said one of the problems is that there are a lot of wells in the Village and forcing that is almost impossible.

Mayor Hooker said the Village may be requested as part of a Resolution to participate in some water management project.

Trustee Lopez said when water is short; everyone needs to share that shortage.

Mayor Hooker stated that in the April Newsletter, the Village could report on the situation.

Trustee Rembe said that Dede Feldman is very knowledge regarding the water matter.

Mayor Hooker said Senator Feldman will be invited to Board of Trustee's Meeting either the last meeting in March or the first week in April.

Trustee Lopez said that there is a proposal by the Middle Rio Grande Conservancy District to use that property that the city came and talked to the Board about, Los Poblanos Fields . He said the Village thought it was a good idea. He said the Village should put out a letter that the Village likes this idea and it would be acceptable.

Mayor Hooker said one of the interesting things that have come out of the consultant's plan is that they are starting to come up with conceptual prices and water savings, like the cost per acre foot to get rid of the salt cedar, and the cost per acre foot to line ditches.

Trustee Siegel said has anyone brought up the obvious, the obvious being the more development you have the more water you are going to use. He said in some places in California they have made strict limitations on development for that reason and until that is considered for this area, there is not going to be a solution to this problem. He said the ditches will disappear and nothing will be growing.

Mayor Hooker said that there is some statistical data from the Albuquerque Water Utility which is first in terms of conservation with regard to the new houses that have the low flow toilets or conserving households. He said golf courses and swimming pools perhaps should be eliminated.

10. Adjournment

Motion: **Trustee Lopez** moved adjournment. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this

_____date _____2003.

ATTEST:

Annabelle Silvas, CMC
Village Clerk

