

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BLVD. NW
BOARD OF TRUSTEES REGULAR MEETING - 7:00 p.m.
March 12, 2003

Present:

John Hooker, Mayor
David Siegel, Trustee
Don Lopez, Trustee
Pablo Rael, Trustee

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

Absent: Penny Rembe, Trustee/Mayor Pro Tem

1. CALL TO ORDER

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, March 12, 2003, in the Warren J. Gray Hall. The Meeting was called to order at 7:00 p.m.

A. Approval of Agenda

Motion: Trustee Lopez moved Approval of the Agenda with the deletion of Item 6.D. He stated that anyone who would like to speak on this issue could do so under the Public Comment Section. He stated that this is not the right forum to discuss this issue. Trustee Rael seconded the motion.

Motion: Trustee Siegel said he would like to amend the motion to move Item 6.D to the first item of business immediately following Approval of the Agenda.

The motion died for lack of a second.

Vote: The motion carried two to one with Trustee Siegel voting no.

B. Proclamation in Honor of Commissioner Leo.O.Harris.

Mayor Hooker presented a Proclamation in honor of Commissioner Leo O. Harris for his service as Planning & Zoning Commissioner from December 13, 2000 to February 28, 2003.

C. Presentation of New Mexico Main Street Awards to Eileen Harrison and Al Gallegos.

Mayor Hooker presented Al Gallegos of Z-Coil Shoes, the Main Street Business of the Year Award in the Village of Los Ranchos and thanked him for his contribution to the Los Ranchos 4th Street Business Association.

Mayor Hooker also presented an award to Eileen Harrison as Volunteer of the Year by the New Mexico Main Street Association and the Los Ranchos Steering Committee and thanked her for her contribution and dedication.

Mayor Hooker requested that Margo Covington's Report would be presented at the March 26, 2003 Board of Trustees Meeting.

1. PUBLIC COMMENT PERIOD

Jim Rowe spoke regarding letters in the Albuquerque Journal written by former Trustee Leo Bartolucci and Trustee Siegel. He said that he has never been a part of a clique in the Village and voiced his concerns regarding the safety of 4th Street. He was concerned regarding the mind-set of those individuals who are against change.

Dennis McCary stated that he had questions regarding the restrictions of the Animal Control Ordinance with respect to the comments received from the horse stable owners in February 2003. He requested that the comments be made available to himself, his clients and the horse stable owners from the Village Attorney prior to the March 26, 2003 Board of Trustees Meeting. He also requested before the March 26th meeting, that the legal opinion of the Village Attorney be made public on the issue of whether the Right to Farm Act requires these restrictions to be in the Zoning Ordinance.

Further discussion continued regarding the authority for the Board of Trustees decision to amend the ordinance at the meeting without submitting the text before hand to interested parties.

Janet Bellany, Kathleen Hall, Samuel Rowe, Fred Sturm, Anthony Jeffries and Anna Marie Sekula gave their comments in favor of the Resolution, Opposing Preemptive Military Action against Iraq by the United States.

John Jonstone commented on his opposition to the Resolution.

3. CONSENT AGENDA

Motion: Trustee Lopez moved approval of the Consent Agenda. Trustee Siegel 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 Approval of Village Traffic Calming proposals--
Karen Jacobsen, PE, ASCG**

Karen Jacobsen presented traffic calming details that provides for two islands with a safe and handicap accessible path across El Pueblo and a median on El Pueblo as you come into the intersection from the Village. She described the texture of the pavement that will give off a rumble like sound to slow traffic. Discussion continued regarding the landscaping of the median.

Questions and comments continued with regard to Mrs. Jacobsen's proposals. Other topics of conversation included: unit costs, residents having an opportunity for public comment, the on-call contractor being the Highway Department, the costs being requested in our Co-op Program and other streets that require traffic calming and solutions for it. It was suggested that the streets that are designated for traffic calming be published in the next Village Newsletter.

Janie Fiala stated that the residents in her neighborhood are very willing to try the traffic calming suggestions for Mullen/El Paraiso Road.

B. Discussion and Comment on Draft Zoning Ordinance (dated January 19th 2001).

(a). Section 12 - NC - Neighborhood Commercial Zone

Motion: **Trustee Siegel** moved to delete Section 12. **Trustee Lopez** seconded the motion.

Trustee Rael stated this came from the Master Plan and feels it should not be deleted.

Discussions continued regarding the reasons given for deletion.

Vote: The motion carried unanimously.

(b). Section 13 - N - Neighborhood Zone

Motion: **Trustee Siegel** moved to delete this zone from the code. He said the reason being that many of the lots penetrate deeply into the developed long standing residential neighborhoods and to allow commercial uses so deep into those neighborhoods would impinge upon the quality of life in those neighborhoods.

Trustee Rael stated he would like to allow property owners to subdivide down to a minimum of $\frac{1}{4}$ of an acre in order to permit their children to build on it. He also stated that the property would not be permitted to be sold for a period of

five years.

Attorney Mathews stated there would have to be some relief regarding the sale of the property. He stated that obtaining a court order would be one of the ways that the property could be sold.

Discussions continued regarding this matter.

Motion dies for lack of second

Questions regarding variance procedures continued and it was mentioned that a completely different variance procedure should be for written for commercial vs. residential properties.

Discussions continued and it was decided that more time was required for this section.

Motion: Trustee Lopez motioned to table **Section 13**. to the April 9, 2003 Board meeting. **Trustee Rael** seconded the motion.

It was further mentioned that the Village pursue a redevelopment plan for the corridor to allow the Board of Trustees an opportunity to look at ways to solve street access problems.

Vote: The motion carried unanimously.

(c) Transfer Development Rights

Attorney Mathews made the following corrections: Page 2, the phrase, *Through the Transfer of Development Rights* was printed two times and one should be deleted, and on page 3, line 12, change to read the "A-1 Zone should be developed".

The definitions of Transfer Development Rights (TDR's) and Development Rights were discussed, whether a development right is a deed or an easement and if the land is still owned by the person who extends the rights. It was further defined that the transfer is a development right and not an ownership. The Transfer Development Rights would be transferred with a deed like document that has to be recorded by the County Clerk's Office and could be called a Development Right Transfer. It also was noted that the land activity would be a policy decision. It included a lot of different purposes; such as, agriculture, recreation, open space, etc., but building structures were not included. New legislation would allow inter-jurisdictional transfers sometime in the future. Discussions regarding one acre of undeveloped land as the minimum allowable for a TDR continued. TDR's require one acre for the A-1 and three acres for the A-3 zones. Lots that do not fit into the

A-1 zone or A-3 zone categories would be considered on a case-by-case basis and language to that effect will be drafted and highlighted. The ratios of six was agreed for the C-Zone and the ratio of 10 was agreed for the Village Center Zone as noted on page three of the TDR Regulation Draft.

Mayor Hooker noted R-1 on page 1, line 32 has been deleted.

Motion: **Trustee Lopez** moved approval with changes. **Trustee Siegel** seconded the motion.

It was mentioned that the sending site owner shall complete and record a Deed of Transfer of Development Rights using a form approved by the Village. This Deed shall not be recorded prior to recordation of the corresponding TDR Easement. The TDR Manger must receive a recorded document showing that the Development Rights have been transferred. Discussions also included how the receiving owner would record the added value.

Attorney Mathews said he would review and highlight the recordation language to be sure it is amply covered.

Vote: The motion carried unanimously.

C. Discussion and Approval to advertise in Summary and publish Chapter 31 of the codified Ordinance, Zoning.

Motion: **Trustee Siegel** moved to table this item to the April 9, 2003 Board of Trustees Meeting. **Trustee Lopez** seconded the motion.

Vote: The motion carried unanimously.

6. NEW BUSINESS

A. Discussion and Approval of Resolution No. 2003-3-1 - Supporting project application to the 2002/2003 cooperative agreement with the State Highway and Transportation Department for road improvements in the Village.

Motion: **Trustee Lopez** moved approval of Resolution No. 2003-3-1. **Trustee Siegel** seconded the motion.

Vote: Lopez-aye; Siegel-aye; Rael-aye. The motion carried unanimously.

B. Discussion and Approval of Resolution No. 2003-3-2 - Concerning Governing Body Meetings and Public Notice Required

Motion: **Trustee Lopez** moved approval of Resolution 2003-3-2. **Trustee Rael** seconded

the motion.

Vote: Lopez-aye; Siegel-aye; Rael-aye. The motion carried unanimously.

C. Nomination and Approval of representative to the Mid Region Council of Governments (MRCOG) Public Involvement Committee (PIC)

Motion: Trustee Lopez moved to table this item to the March 26, 2003 meeting.
Trustee Siegel seconded the motion.

Vote: The motion carried unanimously.

D. Discussion and Approval of Resolution No. 2003-3-3 - Opposing Preemptive Military Action against Iraq by the United States.

This item was deleted under Approval of the Agenda Section.

7. FINANCIAL BUSINESS

A. Cash Report - January

Treasurer Leatherwood reported on the details of the January Cash Report.

Trustee Lopez questioned the numbers with regard to the revenue figures and said on report # 4 budget numbers regarding disbursements seem to be off.

Administrator Rosoff said he would check out the numbers.

A discussion was held regarding the solid waste franchise fee due to the Village being behind. Various other questions were discussed and clarified.

Motion: Trustee Lopez moved approval of the Cash Report and to pay the bills.

Trustee Rael seconded the motion.

Vote: The motion carried unanimously.

8. REPORTS

A. Mayor's Report

Mayor Hooker reported that he is leaving for Washington, DC this weekend to attend the National Association of Regional Council Policies Conference and on the 4th Street project.

He said he will be meeting with the NM Main Street Committee to keep the Steering Committee moving and will be looking at hiring a part-time Executive Director. He reported that he would be hosting the Mayor's Caucus Luncheon at Indulgence Café on March 19, 2003. He stated that the planning for the Easter Egg Hunt is underway. He said he and will be requesting the assistance of the Boy Scouts in setting-up the event. He reported that he has been to Santa Fe almost every week every day for the legislature and it looks like they will be funding most of our requests. He reported that the Senator Manny Aragon extraterritorial zoning is going to the House Judiciary Committee and believes it will be heard this week. He said he is going to the House Committee to testify on a bill that will ask auto insurance companies for a per mile insurance policy rather than a per year auto insurance policy.

B. Administrator's Report

Administrator Rosoff reported on the following: he is working on a mid-year budget, the State Highway was here and trained in ARC View GIS, other training has been set-up for the Village staff, the new Brush Truck will be delivered later in the month, the new police car has arrived, the \$20,000 grant for next year is in process and chipping days will be March 16th and May 17th. He reported he has been attending the UCC Meetings and will e-mail to the Board of Trustees an information memorandum on this subject. In addition, he stated that the American Cancer Society has requested to use Rio Grande Blvd. on April 6 for their Breast Cancer Walk for their fund raising campaign this year.

C. Legal Report

Attorney Mathews reported he has started a dialogue with PNM to phase out the power lines on 4th Street, City of Albuquerque will be paying barricading fees owed since last year. Gemini installed a fire alarm and needs to be inspected by the Fire Department. There were no drawings submitted or permit issued. There have been several calls on the purchase of J&J Mobile Home Park. He reported that he is working on an updated Personnel Ordinance and stated some of it was unconstitutional.

D. Planner's Report

Planner Tidwell reported that she submitted from Keith Bradley a report on his day-to-day activity. She reported on the SU Report, Planning & Zoning Annual Report, the Scenic Byways application and that two grants have been submitted for marketing. Planner Tidwell addressed the concerns regarding A-X Propane not being in zoning compliance.

The IC Liquor situation was also discussed and that it is being worked on to bring into compliance.

E. Fire Dept. Report

Administrator Rosoff reported that the part-time Fire Marshall's position has been advertised. He also reported that there is one application for the Parks Maintenance position.

Discussions on the subject of no communication with regard to water in the ditches continued and that ~~Subah~~ Subhas Shah will be invited to speak to the Village with regard to water rotation without notice.

Attorney Mathews addressed the possibility of a No Burn Ordinance earlier than usual.

F. **Engineer Report**

There was no Engineer's Report

9. **TRUSTEES INFORMAL DISCUSSION**

Trustee Rael said that Ramon's ~~will be moving~~ and Z-Coil will be moving and purchased the old building of Home Base on Eubank.

David Duran asked if he could hold a wrestling match and a large barbeque in his back yard.

10. **ADJOURNMENT**

Motion: **Trustee Lopez** moved to adjourn the Meeting at 10:10 pm. **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 _____ day of _____ 2003.

ATTEST:

Annabelle Silvas, CMC
Village Clerk