

**MINUTES**  
**Village of Los Ranchos**  
**6718 Rio Grande Blvd NW**  
**REGULAR MEETING**  
**JUNE 26, 2002- 7:00 p.m.**

**Present:**

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

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

**1. CALL TO ORDER**

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, June 26, 2002, 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. Trustee Rembe seconded the motion.

**Vote:** The motion carried unanimously.

**2. PUBLIC COMMENT PERIOD**

There were no public comments.

**3. CONSENT AGENDA**

**A. Home Occupation Renewal - Virginia Gins - Virginia Gins, CPA -  
908 Green Valley Rd**

**Motion:** Trustee Rembe moved approval. Trustee Lopez seconded the motion.

**Vote:** The motion carried unanimously.

**4. PUBLIC HEARINGS AND APPLICATIONS**

**A. A request by Jay D. Burkett for a Zone Map Amendment to R-3 Zoning, where the property is currently zoned R-2. This application was heard by the Planning and Zoning Commission on May 28, 2002 and is forwarded with conditions of approval. The property is located at 316 Roehl Road and legally known as Tracts 165 B-1-B-2 and 165 B-2-A-2-B of the M. R. G. C. D. Property Map No. 27, within the Elena Gallegos Grant, Section 21, T11N, R3E, N.M.P.M. Bernalillo County, New Mexico. This parcel contains approximately 1 acre.**

The Village Clerk swore in Mr. Burkett.

**Mr. Burkett** stated that the planning commission has given approval of his request.

**Trustee Siegel** asked why the lot line was drawn in that fashion when originally divided.

**Mr. Burkett** stated that the policy of the Village at that time was not to divide anything less than half-acre and did not want to include any of the buildings on the half acre that would make it non-conditional. He said it was divided in that manner to get a full acre. He said this gave him the opportunity to use the half-acre, and at that time it was satisfactory for his purposes.

**Trustee Lopez** asked Mr. Burkett if he has seen the department recommendations.

**Mr. Burkett** stated that he has and agrees to the recommendations.

**Motion: Trustee Rembe** moved approval with recommended conditions of the planner as follows:

1. the front yard setback area of twenty-five (25) feet be designated on the subdivision plat;
2. the side yard setback area and rear yard setback area shall conform to the R-3 regulations in force at the time of future development;
3. there shall be no additional construction or re-construction of existing structures on the parcel that is proposed to contain two small apartments and a garage (a non-conforming use); and,
4. there shall be no additional construction or re-construction of the existing two-bedroom structure on the parcel containing two residential dwelling units (a non-conforming use).

**Trustee Rael** seconded the motion.

**Trustee Siegel** stated that condition #3 is stating that it can be torn down and something else can be built on this lot.

**Mayor Hooker** stated that it cannot continue to enhance the use as two apartments. It can stay as is, but cannot be rehabilitated.

**Vote:** The motion carried unanimously.

## **5. OLD BUSINESS**

### **A. Discussion and Approval of parameters for mediation of Fourth Street Issues with Village Stakeholders**

**Attorney Mathews** stated that he has met with the attorneys of the plaintiffs and met with the mediators and the goal of the Village is to achieve a resolution of this controversy that still exists despite the dismissal of the lawsuit. We know that the controversy is one of the impediments to funding. Therefore, ~~winning~~ dismissal of the lawsuit did not solve the problem. He said that according to the meetings with the mediators they made it clear to him that we wanted to look at the mediation in a broad sense and not limit it only to the individuals that sued. He said there have been individuals who were very active in the lawsuit, and that were not plaintiffs. He said that the mediators ask that both the plaintiffs and the defendants of the Village identify interested parties that should be involved in all or part of the mediation. He further stated that we don't want it to be so broad that it becomes cumbersome. Therefore, we need to think on who should be involved and identify people that would be particularly interested in one aspect and not interested in another. He said that the

easiest way that he can think of is to deal with the intersection problem separately and identify stakeholders and then look at the rest of the street.

**Mayor Hooker** stated that the challenge is that there are so many different issues involved in the design, and the way all the intersections work. He said that is why we needed to bring in a bigger circle of people who can help reach a solution beyond what the board members can do by themselves.

**Trustee Siegel** stated that he feels from his standpoint that the participants be phrased as the "opponents of the project" not "plaintiffs." He said that there are a large number of opponents who are not plaintiffs or not parties to the lawsuit. There will be pro and con individuals and groups and that is how it should be identified, and suggested getting rid of the known plaintiffs. He said that the actual people that are opposed to this are larger and pick from the larger group.

**Attorney Mathews** stated that the Village has already begun telephone calls to inform them that the mediation was going to begin. He said if we mediate the issues in different sections, we could get some people that are only interested in participating in a portion of the mediation. He said everyone will be interested on what happens to the 4<sup>th</sup> and Osuna Intersection.

**Mayor Hooker** stated that in his discussion with the mediator he has recommended no more than 25-30 people at the most in a single mediation in order to manage the discussion and to make sure that everyone is heard.

**Trustee Lopez** stated that the 2025 forecast on traffic calls for approximately a 15% increase and all this traffic will need to go some where. He said this is a complicated lawsuit and there needs to be some civil engineering advice. He suggested that ASCG to be available in the mediation because there will be a lot of engineering questions. He said he does not like the word "stakeholder" and need to be careful in using this wording.

**Trustee Rael** stated that he did create a list, but he also agrees that ASCG should be involved along with the Mayor and Trustee Lopez. He said he disagrees that all the Board members should be involved because this then becomes a public meeting. He said If we are going to proceed that the letters should be send out immediately to different organizations for recommendations for the mediation meeting.

**Attorney Mathews** stated that the citizens should be informed. He said If the whole Board of Trustees are not involved a commitment will need to be made that if everyone reaches a solution it needs to be approved in public. Therefore, if there are any board members that are not involved you will need not to block the result.

**Trustee Siegel** stated that if he has not been involved in the process and the mediation or seen the discussion there is no way he will commit to it. He said if it looks like the wrong thing to do, he would vote against it.

**Attorney Mathews** stated that then the whole board needs to be involved or at least a quorum of the Board. He said it will need to be noticed, and if need be go into closed session if need be to caucus. He said if not all the Board members all attend there could be many hours of mediation and if not all the Board members agree, all the work could be fruitless.

**Trustee Siegel** stated that what the Village needs is the people who oppose this project to send in letters in agreement with mediated settlement. He said we need them to reverse their stand on the project or the funding will not be forthcoming. If the mediation is held and there is an agreement to a new plan and enough of the people in the village do not like it will continue to be sabotaged by negative comments. He further stated that this should be open to the public, but should be noticed

through regular channels. He said that not everybody in the Village needs to come to this, and anyone who is interested will find out about it. He said there should be a list of people and the Board should vote on this list because we have to approve it.

**Administrator Rosoff** stated that there is time to notify the people for the meeting in August and could be done in the August Newsletter. He said that a possible strategy would be that the proponents of the proposed alternative and the opponents of the proposed alternative ~~and the~~ to start thinking who they think the concerned parties are, and as more concerned parties are added then those concerned parties will determine that there are more concerned parties.

**Motion: Trustee Lopez** moved that the list of participants be available by the July 10 meeting. **Trustee Rembe** seconded the motion.

**Vote:** The motion carried 3-1 with Trustee Siegel voting no.

**Trustee Lopez** amended his motion to include that a letter be sent to all residents requesting interested parties contact the Village. **Trustee Rael** seconded the motion

**Administrator Rosoff** stated that if the Board wants input back in time for the July 10 meeting this needs to be submitted real soon.

**Trustee Lopez** requested that the draft of the letter be sent to the board by e-mail before it goes out.

**Trustee Siegel** stated that before people are asked to participate we need to understand what we are asking them to commit to. He said that ~~their~~ there needs to be an organizational meeting with Littlejohn and we don't have a plan and is uncomfortable with this. He said he would like to see a letter on what this will entail.

**Vote:** There was a tie vote with Trustee's Lopez and Rael voting yes and Trustee's Siegel and Rembe voting no. **Mayor Hooker** voted yes to send the letter out breaking the tie vote. The motion carried 3-2.

## **B. Approval of Nominations for Citizens Advisory Committee on Public Safety**

**Trustee Siegel** nominated Allen Leatherwood and feels that he is highly qualified.

**Trustee Rembe** nominated Phil Herlan, who is a professor at the University of New Mexico and Nanett Herley, who has been on a committee on ethics at the hospital.

The Board of Trustees accepted the nominations.

## **6. NEW BUSINESS**

### **A. Approval of Los Ranchos Fourth Street Business Association use of Hartnett Park for Spring Fest 2003, May 10-11, 2003.**

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

**Trustee Rembe** stated that since it is an event that benefits the Village and is successful, the Village should help in any way.

**Vote:** The motion carried unanimously.

### **B. Presentation on Proposed Optional Employee Supplemental Insurance Program by AFLAC.**

**Kay Anaya** AFLAC representative, presented information on the programs offered by AFLAC. She said that they are the largest supplemental insurance in the world. She said the plans are guarantee renewable and portable and that employees can take it with them if they change employment. She said that the biggest benefit to offering AFLAC is that group rates can be offered. She also said that there are no limitations on any physician that an employee can see, the policies are affordable, pays the employee if they are on light duty even when the employee is on worker compensation. She said that the only qualifications for the Village is to sign the authorization that allows AFLAC to come in and talk to each employee, and that a one time presentation can be done with an overview of two or three programs. Ms. Anaya stated that the program would be effective by midnight and that only three applicants need to apply to receive the group rates.

**Administrator Rosoff** stated that as an optional program and at no cost to the Village this would be an opportunity to offer supplemental insurance at a good price. He said this would be something that the employees might consider as a good benefit.

**Mayor Hooker** stated that this can be reviewed by the staff and to see if there is enough interest in order to proceed. He also said that there may be legal issues that need to be looked into.

### **C. Discussion and Approval to Advertise in Summary Fugitive Water Ordinance**

**Motion:** **Trustee Siegel** moved approval of the ordinance. **Trustee Rembe** seconded the motion.

**Attorney Mathews** stated that this ordinance was created, because there were some streets in the Village that were being damaged by sprinklers that are directed to the street. He said that residents do have the obligation to keep their irrigation water and sprinkler water on their own property. If a resident has a continuous problem with a neighbor flooding their property the Village now would have a remedy by ordinance.

**Vote:** Lopez-aye; Siegel-aye; Rembe-aye; Rael-aye.

### **D. Discussion and Approval of Position Descriptions for Animal Control Officer and Facilities Maintenance Worker II**

**Administrator Rosoff** stated that the Animal Control Officer would now be full-time, and in addition to replacing the Animal Control duties there is a revision to Mike Gonzales's position. Mr. Gonzales will be responsible for the maintenance of all Village facilities, buildings, and parks and would remove him from the duties of road crew with the exception of when a second person is needed for the roads. He said that these funds were included in the preliminary budget and will be included in the final budget.

**Trustee Rembe** stated that she noticed that they both report to the Administrator, but have the same duties. She asked who is really responsible.

**Administrator Rosoff** stated that the full time position of the maintenance of the facilities will be the

facility maintenance worker, and as needed the Animal Control Officer will help out in case of vacations. If those duties are not spelled out in the job description, than they can't be levied on.

**Trustee Rembe** stated that she fills feels they should be separated.

**Administrator Rosoff** stated that the Animal Control Officer Job description it states "as needed to assist in facility maintenance" and this separates his major duties from the additional duties that are only required part time. He reports to the Administrator and the Mayor.

**Trustee Rembe** stated that then the person in charge of facility maintenance could not tell him to do that, and stated that this needs to be clearly stated.

**Administrator Rosoff** stated that he would make that change.

**Motion: Trustee Siegel** moved approval. **Trustee Rael** seconded the motion.

**Lillian Derwelis** asked if the Village will get any reimbursement from the County on property taxes for Animal Control services. She also asked for the training of the animal control officer is.

**Administrator Rosoff** stated that the County only fills in only when the Village Animal Control Officer is on vacation on an emergency basis. He also stated that the Animal Control Officer is currently undergoing training, which includes certification on horses. He will also be attending training in El Paso that will be held next year.

**Trustee Siegel** stated that the Sheriff's Department is under no obligation to provide services to the Village unless they are paid for; because we are a separate incorporated municipality it is our responsibility. It is the same with the Fire Department with mutual aid. Just because we pay taxes in the county does not mean that it is there obligation to provide the service.

**Administrator Rosoff** clarified the language that he will insert in the job description to read "as needed to assist in facility maintenance at the direction of the Village Administrator and in his absence the Mayor."

**Vote:** The motion carried unanimously.

## **E. Discussion and Comment on Draft Zoning Ordinance (dated January 19, 2001)-**

### **1) Section 14 Special Use Zone**

**Trustee Siegel** stated that the original intent was to eliminate Section 14, and transfer the Special Use Permit in order to address many problems that have occurred in the past.

**Administrator Rosoff** stated that was the intent, and the only reason section 14 was included on the agenda was so that it could be replaced with Section 15, which will create Special Use sections.

**Trustee Siegel** stated that this would solve the problems dealing with the objections that J. T. Michaelson had.

**Motion: Trustee Siegel** moved to strike Section 14. **Trustee Lopez** seconded the motion.

**Mayor Hooker** asked if with the passage of this section, all existing Special Use zones would be automatically converted to permits.

**Administrator Rosoff** stated that language would be proposed that would make that happen on the final adoption of the ordinance.

**Trustee Rembe** asked if these would be paid on a yearly basis once it is approved.

**Administrator Rosoff** stated that special Use permits don't necessarily need to pay anything, but would give the board an opportunity for the board to review them on a regular basis, and would also cause the zoning to revert to the underline zoning when the use changes.

**Trustee Lopez** asked how the notification would be handled on these permits.

**Administrator Rosoff** stated that it would be the same notification process that is currently used. It is in a section that the Board has not reviewed, and is covered in sections that currently exist.

**Vote:** The motion carried with Trustee Rembe abstaining.

## **2) Section 15 Special Use Permits (SUP)**

**Trustee Siegel** stated that he feels the density bonus of 30% is too small and something more realistic would be 50% in the residential zone. He feels the open space numbers are too small to make it an effective way of preserving open space and should be changed at least for the R-2, R-3, A-1 and A-3.

**Trustee Lopez** stated that there have been developments that were used with the 30% open space and changing to 50% this is quite a change.

**Trustee Siegel** stated that this needs to be increased in the A-1 zone, because you are getting a 50% increase in density for a 30% open space requirement and getting a double density in A-3. He said he can see the R-3 argument, but with the A zones he feels that it needs to be increased.

**Trustee Lopez** stated that there is still the issue on how to handle the lots that are between one and two acres for the long time residents. He thought this is what the Board was trying to do with the 30% density bonus. He said that in most cases you will have more than 30%, but to require 50%, that cuts back on the size of the lot that you can take advantage of with the open space. He said that this is why he has a problem with cutting it back or increasing it to 40 or 50%.

**Trustee Rael** stated that he feels 30% is more than enough, because a burden will be put on the smaller land owners that have been here for many years. He does not agree in trying to force the smaller land owners to provide the open space where the effort should be to gain the open space by cluster development and not the small pieces of land.

**Trustee Lopez** stated that it does take away a benefit for the long time residents.

**Trustee Siegel** stated that benefits are not being taken away, because if someone has an acre of land that is zoned A-1 that is one dwelling unit per acre, and you are allowing them to increase the density beyond what is described in the zoning.

**Trustee Siegel** stated that 30% is still too small, and there are many lots that are not just owned by old families, but there is also land that is very expensive real estate.

**Mayor Hooker** asked that the staff work on language to strike a balance on preserving the open space and serving the interest of mid-size lot owners with the idea of incentives and opportunities. and that these proposed amendments to be brought back to the Board.

**Motion: Trustee Rembe** moved to defer this item to the August 14 meeting. **Trustee Lopez** seconded the motion.

**Vote:** The motion carried unanimously.

### **3) Section 21 Non Conforming**

**Trustee Siegel** stated that this item is a hot issue, demands more attention and need to make sure this is done in the correct way to make sure that the residents are protected.

**Motion: Trustee Siegel** moved to defer this item to the August 28 meeting. **Trustee Lopez** seconded the motion.

**Vote:** The motion carried unanimously.

#### **F. Approval of Disposal of 1989 Pierce Fire Truck**

**Administrator Rosoff** explained that the disposal has already been approved by the Board, and was being used as a trade in. He said that the Pierce Company had already re-sold the truck to City of Rio Rancho, but wanted the Village to get the funds directly from the City of Rio Rancho.

**Motion: Trustee Rembe** moved approval of the disposal. **Trustee Siegel** seconded the motion.

**Vote:** The motion carried unanimously.

## **7. FINANCIAL BUSINESS**

### **A. Review of Corrected April Cash Report**

**Treasurer Leatherwood** reported that the receipts for the month were 121,000 with expenditures of 130, 574. He said there was a deficit this month of \$8,931.00, and that there was a transfer of 50,000 to operating cash balance, which covered the overdraft situation of last month.

**Motion: Trustee Siegel** moved approval of the cash report and to pay all the bills. **Trustee Rael** seconded the motion.

**Vote:** The motion carried unanimously.

### **B. Discussion and Approval of End of Fiscal Year Budget Adjustments**

**Administrator** stated that he does not expect any budget adjustments, and are well within our budgeted revenues and expenditures.

## 8. REPORTS

### A. Mayor's Report

**Mayor Hooker** reported that he attended the National Association of Regional Councils Annual Conference in Tucson, AZ. He said that there will be some debate in Council of Government on whether to maintain their membership in NARC or focus on the more technically oriented groups such as AMPO or other transportation related groups. He also reported that he is meeting Mr. Littlejohn and a small group of supporters of the three-lane design to discuss the process.

### B. Administrator's Report

**Administrator Rosoff** reported that he attended the EPA Region 6 Conference on Storm water permitting, and he had hoped that by attending this conference he could find the loop hole that would keep the Village from having to comply with the permitting process, but there is not one. He said he would be working with ASCG on this. He said he also attended the City Managers Conference and will be attending the Infrastructure Capital Improvements seminar. He also mentioned that the Village Hall is now painted and have discussed with the Arts Committee the possibility of holding a contest for a piece of art work that would be the focal point in the room possibly painted around the arch way.

### C. Legal Report

**Attorney Mathews** reported that there are four animal cases and two zoning cases pending in municipal court. He also reported that Governor Johnson issued an executive order asking municipalities to ban all fire works. He said that this is not possible, because there are specific statutes that address the limitation of fireworks in extreme or severe drought conditions. The Village has already banned all that that can be banned, and that the state has the power to do this, and not Village. He also reported that there is a threatened lawsuit that will be filed by July 15 if it is not answered in a satisfactory manner to the plaintiffs. They are asking that the Village enforce the Zoning Ordinance and he does not think there is a violation of the ordinance.

### D. Planner's Report

**Planner Tidwell** reported that she is attending the Main Street Training Program. She also reported that she has completed the planning grant for the Village Center. She said that she did take it to Santa Fe to be reviewed by Ken Hughes and that he has given verbal approval to proceed with submittal. She also reported that Planning & Zoning Commission gave one last review of the subdivision ordinance, and they would like to add a sentence from the Master Plan in the purpose section. She said she would give this to the Board with a memo once the P & Z minutes are ready.

### E. Fire Dept. Report

**Administrator Rosoff** reported that the Fire Department wanted to thank the Board for the purchase of the new truck, but that they are currently on a call.

### F. Engineer's Report

Karen Jacobson representing the ASCG engineering firm reported on the current projects and presented a list of projects that they have been working on since last year.

**Trustee Lopez** asked about the co-op projects that were being worked on. He asked if the list has been exhausted or if it still exists.

**Administrator Rosoff** stated that there is a list that has not been exhausted. The engineers are not currently working on any Co-op projects. He said that this year part of the work will be on the traffic study.

**Trustee Rembe** was excused from the meeting and left the meeting at this point.

## **9. TRUSTEES INFORMAL DISCUSSION**

**Trustee Rael** stated that he has been appointed to the New Mexico Municipal League Infrastructure Policy Committee. He also reported that he and Trustee Lopez will be attending the National Association of Latino Elected Officials Conference.

## **10. ADJOURNMENT**

**Motion: Trustee Lopez** moved to adjourn the meeting at 10:45 p.m. **Trustee Siegel** 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 \_\_\_\_\_, 2002.

ATTEST:

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Annabelle Silvas, Clerk