

**BOARD OF TRUSTEES CLOSED MEETING - 6:30 P.M.**  
Village of Los Ranchos  
6718 Rio Grande Blvd NW  
July 10, 2002

**Present:**

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

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

On Wednesday, July 10, 2002, the Village of Los Ranchos Board of Trustees held a closed meeting at 6:30 p.m. The purpose of the Closed Meeting was for the discussion of pending or threatened litigation regarding Commercial Use in Residential - Agricultural Area pursuant to NMSA 10-15-1 (H) (7). The matters discussed in the Closed Meeting were limited to those specified in the notice of closure.

**MINUTES**  
Village of Los Ranchos  
6718 Rio Grande Blvd NW  
REGULAR MEETING  
JULY 10, 2002 - 7:00 p.m.

**Present:**

John Hooker, Mayor  
Penny Rembe, Trustee/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, July 10, 2002, in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m. The Mayor announced that a closed meeting was held at 6:30 p.m. and that the matters on the notice were only items that were discussed.

**A. Approval of the Agenda**

**Motion:** Trustee Lopez moved approval of the agenda. Trustee Rael seconded the motion.

**Vote:** The motion carried unanimously.

**2. PUBLIC COMMENT PERIOD**

There were no public comments.

**3. CONSENT AGENDA**

**A. Approval of the Minutes - Regular Meeting - June 12, 2002  
Regular Meeting - June 26, 2002**

**B. Receive Department and Committee Reports**

1. Police
2. Fire
3. Animal Control
4. Court
5. Building Inspections

**Motion:** Trustee Lopez moved approval of the Consent Agenda with the suggested amendments to the minutes as follows:

**June 12, 2002 Minutes** on page 6, line 40 change "**he has**" to "**of the Master Plan Committee**"; page 7, line 11 after 50,000 insert "**sq. ft. is**" and delete the word "**are**"; page 7, line 29 change "**extend**" to "**extent**".

**June 26, 2002 Minutes** on page 2, line 46 change the word "**winning**" to "**dismissal of**"; page 3, line 24 delete the "**slash**" between 2025; page 4, line 7 delete the words "**and the to**"; page 4, line 25 delete the word "**their**" and replace with "**there**"; page 6, line 4 change "**fills**" to "**feels.**"

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 Flood Hazard Control Ordinance - This ordinance amends Chapter 11 of the Codified Ordinance.**

Trustee Lopez stated that he would like to become a member of the Association of State Flood Plan Managers (ASFPM), and would like to request that he attend as a representative of the Village.

Planner Tidwell will provide the necessary membership information.

Planner Tidwell suggested a change on page 4, line 3, changing "**ht**" to "**the**"; and on line 4 change "**floor**" to "**flow**".

Trustee Lopez suggested a change on line 3, changing "**elevated floor elevated**" to "**elevated floor situated**".

Trustee Lopez stated that if an existing structure/grandfathered building should need changes because of trying to obtain a mortgage etc., the owner can make the changes, necessary to mitigate any possible problems, and then request a letter of map revision, LOMR. The Village would then process the LOMR which could take the property out of the flood zone.

Mayor Hooker asked if on page 10, Section 6.A, includes the extra-territorial district.

**Planner Tidwell** stated that the FEMA requirements specifically refer to the extra-territorial district.

**Mayor Hooker** asked if on Page 10, Section 6.B Amendments/Revisions to the Flood Insurance Rate Maps and the Flood Hazard Boundary-Floodway Maps, have to be adopted as revisions.

**Attorney Mathews** stated that the revisions do not have to be acted on, because the revisions are automatically adopted as they are released. It states in the ordinance that **"all revisions thereto are hereby adopted"**.

**Mayor Hooker** stated that he has no concerns about the technical content, but there are a number of cross references between the old and the new form that perhaps can be adopted subject to typographical corrections. He also suggested a change on page 12, line 12, **"Section 5.B to Section 6.B"** and on page 15, Section 10, General Standards, Paragraph A.6, describes sanitary sewer systems. He said he believes this requirement only applies in the flood map zones that are flood hazard areas.

**Planner Tidwell** stated that was correct, and in addition suggested the necessity to look at the access points that might be in the flood zone, clean outs or man holes and determine if they should be secured.

**Motion: Trustee Siegel** moved approval of the Flood Hazard Control Ordinance with the suggested amendments and corrections. **Trustee Lopez** seconded the motion.

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

## **B. Discussion and Approval of the Subdivision, Vacation and Development Ordinance. This ordinance amends Chapter 26 of the Codified Ordinance.**

**Motion: Trustee Siegel** moved approval of the Subdivision, Vacation and Development Ordinance. **Trustee Rembe** seconded the motion.

**Trustee Lopez** stated that the ordinance should allow heirs to subdivide the land within reason.

**Trustee Siegel** stated that the ordinance does not have anything in it for subdivision of land to heirs. Once a lot is subdivided, how do you prevent it from being sold to a developer?

**Attorney Mathews** stated that in Sandoval County they eliminated the abuse by not allowing transfers except upon death for eighteen months after the family transfer provision was used.

**Trustee Lopez** stated that when a family comes before the Village to subdivide their land so that their children can live closer, we have to take them at their word. He said language that would include restrictions to avoid abuse such as the eighteen month provision would be helpful.

**Attorney Mathews** stated that if an individual is intending to abuse the law, an eighteen month restraint on selling the property will control this. He said in any situation, they cannot avoid the Environmental Department. He said there are provisions for shared wells, etc. He asked what size of parcels would be subdivided in the Village that would be subject to transfer to children.

**Trustee Lopez** stated that it would be 5 acres or less.

**Trustee Siegel** stated that in his opinion most of these parcels are 2 acres or less.

**Mayor Hooker** stated that a survey of existing parcels was done by the former planner, Brad Stebleton, and he had identified 27 that were between one and two acres located primarily along Guadalupe Trail and Rio Grande Blvd.

**Planner Tidwell** stated that residents that have inquired about family transfers believe they can divide their property into non-conforming lot sizes. She said that when she explained the state statutes regarding this issue that the transfer of title is immediate, they do not want to proceed by that method. In addition, the resident advises that they are going to leave it to their heirs.

**Trustee Siegel** stated that after the family subdivides and the family moves away, what remains is 4 or 5 dwellings that are not in the family anymore. He said there has to be limits to this.

**Trustee Rembe** mentioned changes and concerns: on *Page 10, line 25 "well to will"*; and on page 11, line 15, we need to make sure this is in compliance with state law; page 11, line 25 there is no provision for a wall; *page 16, line 7 should be "lines" not "liens"*.

**Planner Tidwell** said her preference is that the plat is the definitive document along with detail when there are special conditions or something important to the approval of that subdivision. She said that she prefers to see that as a note, because then it is recorded at the County.

**Administrator Rosoff** suggested a change on *page 19, line 33* changing **"Zoning on and adjacent to the site including all applicable setback lines."**

**Planner Tidwell** said under *Item f. (7)* if a determination is made, it is on the plat and is then permanent unless in the future they get an amendment.

**Mayor Hooker** asked if on *page 2, 1<sup>st</sup> paragraph*, is it appropriate to incorporate on line 2, after the words development of land to add: **"in accordance with the Village Master Plan"**.

**Trustee Siegel** stated that he agrees to add this language to his motion with the amendments suggested by the Planning and Zoning Commission, which is on page 8, line 33 and states **"any subdivision or replat proposal which does not conform with goals, policies or other provisions of the Master Plan or other officially adopted land use plans shall not be approved"**.

**Trustee Siegel** amended his motion to approve subject to the corrections of all typographical errors.

**Mayor Hooker** stated that on page 4; paragraph R, line 12, the number of members(7) should be eliminated changing this to state **"the governing body."**

**Trustee Siegel** stated that he would accept the Mayors suggested change of **"the governing body"** as part of his amended motion.

**Planner Tidwell** pointed out typos on page 6, line 4, **"FF should be EE"** and **"GG should be FF"**; page 12, **"(5) should be (4) and (6) should be (5)"**.

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

## **6. NEW BUSINESS**

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

## 1) Section 16 Off-Street Parking

**Planner Tidwell** stated that she recommends a matrix for each category of business and that she would prepare the matrix to establish some development guidelines including parking required for the various types of businesses in the Village.

**Trustee Siegel** stated that he would add to paragraph A. Purpose and Intent - It is the purpose of this section ***"to regulate off street parking according to the goals of the applicable Village Master Plan*** and after specifically - list the goals.

**Mayor Hooker** suggested changing the name of this section to include ***Vehicle Circulation***. He said the site plan shall accordingly illustrate the parking spaces and vehicle circulation.

**Planner Tidwell** stated that it is a requirement in the sub-division ordinance, and it also requires a map showing the parking allotted. She said at times depending on the business, it may require an Engineer's Vehicle Circulation Plan and Parking Specifications.

**Mayor Hooker** stated that the added language regarding this matter that is outlined in his proposed amendments to Section 16 needs to be added.

**Planner Tidwell** stated that the added language that the Mayor submitted should be incorporated.

**Mayor Hooker** asked if two spaces is enough in section B (5) Dwelling.

**Trustee Siegel** stated that this is a minimum, and asked if we are using standard numbers.

**Planner Tidwell** stated that it is determined by the P & Z Commission how the business actually operates.

**Trustee Siegel** stated that things change and he has a problem with that.

**Mayor Hooker** stated that he hears no objections on substituting the P & Z language for paragraph B (6) lets move to paragraph B.(9).

A discussion was held regarding paragraph B (9) Mortuary. It was agreed by the Board to go along with the P & Z recommendations.

A discussion was held regarding paragraphs B (10) Motel, hotel, bed and breakfast inn, guest ranch and B (11) private club, lodge, or union headquarters. There were no objections to the P & Z recommendations.

A discussion was held regarding paragraph B (12) Restaurant, bar, nightclub café and it was decided that one parking space for each 80 sq. ft. of floor area are the correct numbers.

A discussion was held regarding paragraph B (13) Retail store, office (other than medical or dental) or service establishment not otherwise specified herein. It was agreed to incorporate Trustee Siegel's language and leaving the 400 sq. ft. for the second and third floor.

A discussion was held regarding paragraph B (15) School. It was agreed to change this item to read - three (3) spaces for each classroom, whichever is greater. Schools are required to develop a special parking plan to be approved by the P & Z.

A discussion was held regarding B (18) Mobile Home Park. The Mayor agreed to change his proposed added language from one to two spaces for visitor parking.

**Mayor Hooker** stated that he would like to see documentation for typical requirements for parking lots be incorporated in this section.

**Planner Tidwell** stated that examples on how to maximize the number of spaces can be included in this section for the small scale businesses that are in the Village.

**Administrator Rosoff** stated that the question regarding the drive aisle is covered under E (4) - Parking spaces shall be accessed by a twenty-four (24) foot wide aisle. It was agreed that a 24 foot drive isle is accepted.

Discussion was held regarding Mayor Hookers proposed amendments to add the language of **"provide permanent bicycle rack space or lockers at the rate of one space per every 10 parking spaces, with a minimum of 4 spaces for bicycles per lot."** It was agreed upon by the Board and it would be item B (19).

### **C. Alternate Parking Plan**

**Trustee Siegel** suggested adding the language of **"Shared parking shall be encouraged."** It was agreed by the Board.

**Mayor Hooker's** proposed amendments were accepted to add: **C (1) Exception for bus stops, etc.**

**Mayor Hooker's** proposed amendments to add C (2) Exception for bicyclists' facilities, etc. was accepted.

### **E. Location and Improvement of Parking Areas**

A discussion was held regarding E (3) Parking for Oversized Vehicles and was eliminated.

A discussion was held regarding E (5) Parking spaces in front of commercial establishments on 4<sup>th</sup> Street. It was agreed on incorporating Trustee Siegel's proposed amendments for E (5) eliminating the words **"which utilize shared parking or on-street parking"**.

A discussion was held regarding an addition of E (6)

**Trustee Siegel** suggested adding **"No single parking lot may exceed 70 spaces unless an alternative parking plan."** He said this would eliminate the giant parking lots. It was agreed upon the Board.

A discussion was held regarding E (7) Lighting.

**Mayor Hooker** asked if there should be a cross reference to Lighting in accordance with Dark Skies. This was agreed upon by the Board members.

A general discussion was held regarding the addition of E (8) Landscaping and was not elaborated upon.

## **H. Off Site Shared Parking**

A discussion followed regarding the necessity to specify that parking is off-site and a decision was made to put this topic on hold.

**Motion: Trustee Rembe** moved approval to adopt Section 16 as amended. **Trustee Lopez** seconded the motion.

**Vote:** The motion carried unanimously.

A discussion with regard to Section 20, Signs, followed and it was agreed to accept the existing Sign Ordinance in place of the proposed Section 20.

**Motion: Trustee Siegel** moved approval of the current Sign Ordinance in place of the proposed Section 20. **Trustee Rembe** seconded the motion.

**Vote:** The motion carried unanimously.

**Motion: Trustee Lopez** moved to defer Sections 17, 18, & 19 of the Draft Zoning Ordinance to the August 28<sup>th</sup>, 2002 Board of Trustees Meeting. **Trustee Siegel** seconded the motion.

**Vote:** The motion carried unanimously.

## **7. FINANCIAL BUSINESS**

### **A. Cash Report - May 2002.**

**Treasurer Leatherwood** reported that the cash account decreased this month and noted that there were three payroll periods this month. He also reported that the new fire truck was paid in June and that amount is not included in these figures submitted. He further reported that the Village received \$11,250 in contributions for the Fire Truck.

**Trustee Siegel** requested a trend analysis projection to the end of the 4<sup>th</sup> Street Project.

**Treasurer Leatherwood** said he would prepare that information.

**Trustee Lopez** stated that he would like to see how much has been spent on the Engineers.

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

**Vote:** The motion carried unanimously.

## **8. REPORTS**

### **A. Mayor's Report**

**Mayor Hooker** reported that Fire Fighter, Brian Fox, did an excellent job at soliciting donations and organizing the picnic, the band was great, and the new fire truck was christened. He further reported that the Village had received a very nice thank you letter from the Lions Club for allowing them to use our Park.

## **B. Administrators Report**

**Administrator Rosoff** reported on the new position of the Zone Code Enforcement Officer and distributed to the Board of Trustees the resumes that were received. He also reported that although there was not a quorum, the Safety Committee had their first meeting with the committee members who were present. He said all nominations were accepted for the Safety Advisory Committee and the membership is now complete.

## **C. Legal Report**

**Attorney Mathews** reported that there are three animal control cases coming up in municipal court.

**Trustee Siegel** asked about setting-up traffic court and if it would be feasible.

**Administrator Rosoff** said the Safety Advisory Committee discussed this and the BCDS noted a lot of costly concerns the Village had never discussed.

**Attorney Mathews** stated that Municipal Court is not meant to be a revenue generating department.

**Mayor Hooker** stated that the Village would have to rely on a neighboring government for jailing, on a fee basis.

**Attorney Mathews** stated that Sandoval County takes federal prisoners, and the Corrections Officers do a lot of the transporting to court.

## **D. Planner's Report**

**Planner Tidwell** reported that the Planning & Zoning Commission will be looking at creating a process and instruments for evaluating site development plans.

**Trustee Siegel** discussed writing the variance criteria for each section of the zone code and to the other ordinances, such as, the Home Occupation Ordinance. He further asked if the criteria is listed on the application.

**Planner Tidwell** replied that a copy of the code is provided specifying the standards that are required and an explanation for the variance request.

**Trustee Siegel** stated that he would like to see four different types of criteria and that the applicant indicates how their request meets that specific criteria.

**Planner Tidwell** stated that she concurs and that some other communities that have Home Occupation Applications similar to ours have a check list of the regulations pertaining to the HO which requires the applicant's initials and a notarized signature. She said she would like to see that done here. She said she would also like to see a provision for staff to make an on-site inspection prior to setting the hearing date. Many times what we see on paper is not exactly what is out there.

**E. Fire Dept. Report**

**Chief Clarke** reported on a number of small fires in June. On July 4<sup>th</sup>, we had a barbeque and invited Station 1 and some of the state forestry men joined them. Chief Clarke thanked the Mayor for attending the 4<sup>th</sup> of July celebration. She commended Brian Fox on his excellent job on the new truck specifications and also for the coordination of the successful July 4<sup>th</sup> picnic. She said the food was donated and the total cost for the Village was approximately \$1,800. Chief Clarke reported on the following:

- The brush truck has been ordered.
- Regarding the fire marshal's position, consideration is being given to the hiring a lead fire inspector rather than a fire marshal.
- The Fire Department is planning on offering blood pressure testing.
- Consideration is being given to revamp the training program and volunteer program.
- Chief Clarke reported that she is positive she will be able to provide information about lowering the ISO rating within a month or two.

**F. Engineer Report**

**Administrator Rosoff** reported that the traffic report is just about finished.

**9. TRUSTEE INFORMAL DISCUSSION**

**Trustee Siegel** asked about the status of the mediation process selection.

**Mayor Hooker** stated that the opponents are meeting on Friday and going over the list, their position is on how to mediate and who should participate. He said he should have dates within the next week.

**10. ADJOURNMENT**

**Motion:** Trustee Lopez moved to adjourn meeting at 10:35 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:

\_\_\_\_\_  
Annabelle Silvas, Clerk

