

**MINUTES**  
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
6718 RIO GRANDE BLVD. NW  
BOARD OF TRUSTEES REGULAR MEETING - 7:00 p.m.  
January 15, 2003

**Present:**

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

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

Absent: Don Lopez, Trustee

1. **CALL TO ORDER**

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, January 15, 2003, in the Warren J. Gray Hall. The meeting was called to order at 7:10 p.m.

**A. Approval of the Agenda.**

**Motion:** Trustee Siegel moved approval of the agenda, with the following changes: **Item 6. (A) Discussion and Approval of Resolution No. 2003-1-1-Legislative Priorities** follow **Item 3. Consent Agenda**. Trustee Rael requested that **Item 5. (A) Discussion and Consideration of an Ordinance Amendment to Chapter 3 of the Codified Ordinance - Animal Welfare Ordinance** be deferred until the next Board of Trustee Meeting on January 29<sup>th</sup> except for the discussion and comment period. **Trustee Rael** seconded the motion with the amendments.

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

2. **Public Comment Period**

There were no public comments.

3. **Consent Agenda**

**A. Approval of Minutes - Regular Meeting - December 11, 2002**

**B. Receive Department and Committee Reports**

1. Police
2. Fire
3. Animal Control
4. Court

**C. Home Occupation Yearly Renewals for 2003**

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

**Trustee Rael** asked with regard to the Home Occupation Yearly Renewals for 2003, does this approve everything that the Board discussed up to this point?

**Mayor Hooker** stated that there aren't any renewals with this package.

**Trustee Rael** asked that Mr. James Ortega advised him that he opposed a Home Occupation Renewal. He said Mr. Ortega brought his letter in to the Village by the December 31<sup>st</sup>, 2002 deadline and it was acted upon without him having the opportunity to oppose it.

**Administrator Rosoff** stated he will investigate the details of that matter and will follow up with a written report at the next Board of Trustees Meeting. He said, however, the last Board of Trustees Meeting was on December 11, 2002 before Mr. Ortega brought his letter to the Village.

**Mayor Hooker** stated that there are no renewals to approve for this meeting.

**Vote:** The motion carried unanimously

**6. NEW BUSINESS**

**A. DISCUSSION and Approval of Resolution No. 2003-1-1 - Legislative Priorities.**

**Representative Ed Sandoval** from District 17 stated that he was here to listen and to be of any assistance.

**Mayor Hooker** stated that he would like to highlight that the number one priority is funding for sewers in the area of I & J, Rob Lee Meadows and Tinnin Farms.

**Representative Sandoval** stated that he believes that the federal government is lacking behind considerably and needs to get on the issue of funding and rectify it. He said it is his understanding that work is going on and will continue to go on. He said the money from the state will continue. He also discussed the fact that he will not be able to address the needs for schools, however, if it is part of the five year plan of the school district, he might be able to obtain some money to address some of the needs of the schools within the Village.

**Trustee Siegel** stated that he is concerned with regard to the removal of the gross receipts tax on food and medical and although it is a good idea, the Village must get this money back.

**Representative Sandoval** said he serves on the tax committee and he agrees that if we remove the tax, it must be made up from somewhere. He said it was promised that we would get the money back but it is yet to be seen how this will be done.

**Trustee Siegel** asked if there is anyway to revert some of the casino compact money to the municipalities.

**Representative Sandoval** said he doubts if the state will let go of that.

Further Discussion continued on how to make-up the revenues that would be lost from cutting the gross receipts tax on food and medical.

**Motion:** **Trustee Siegel** moved approval of Resolution No. 2003-1-1-Legislative Priorities. **Trustee Rael** seconded the motion.

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

#### **4. PUBLIC HEARINGS AND APPLICATIONS**

**A. A request by Diane Brewer for the Tinnin Farms Homeowners' Association to appeal the approval of a request by John Aragon to allow for a Home Occupation Permit for a Radio Broadcast Station in the A-1 Zone. The property is located at 1418 Bonito Suernos Court NW, Los Ranchos de Albuquerque, NM 87107. The Planning and Zoning Commission approved the request with conditions of approval at their Special Meeting held on November 20, 2002. The appeal is to be heard by the Board of Trustees.**

**Attorney Mathew's** swore in Diane Brewer, Cyndie Tidwell and John Aragon.

**Planner Tidwell** stated that she submitted a copy of her report that was submitted to the Planning and Zoning Commission and a copy of the draft minutes from the November meeting. She said the conditions of approval are what is in the existing ordinance relative to Home Occupation Permits and from the Minutes of Mr. Aragon's testimony. She said after the approval was given, she received several telephone calls from neighbors in Tinnin Farms asking questions about the approval and the conduct of the business. An appeal was filed by the Home Owner's Association represented by Diane Brewer, President. She said that there is a Supplemental Planning Report before the Board outlining the complaints that she received after the approval was granted.

**Attorney Mathews** said regarding the property at Tinnin Farms that there is also a non-profit business operating out of that location called Tixs for Kids. He said it is in good standing and at the same address. He said there is a third business out of that address, a construction business, JDM Construction. He said the Village does not have a business registration on that business. He said he was at the Planning & Zoning Commission Meeting when the radio broadcasting application was approved and the radio station was actually in operation a few months before the application for a Home Occupation was received. He said that the conditions of the application that were granted are not being followed.

**John Aragon** said he went to the Planning and Zoning Office to check and find out if it was okay to conduct this business and were recommended for approval and then went before the Planning & Zoning Board. He said he was very surprised when he received the letter regarding the appeal. He then read the letter he wrote to address these issues.

In summary, discussion continued regarding Mr. Aragon's activity in his residence and that it was due to the holidays and not the radio station. Mr. Aragon advised that most of the people who work for him are on a pro-bono basis, have full time jobs and record somewhere else. The materials are then brought to Mr. Aragon, at which time, it is plugged into the computer. It was mentioned that Mrs. Tidwell was invited to the radio station a few times. Mr. Aragon asked for clarification from Mrs. Brewer, head of the Tinnin Farms Neighborhood Association. It was mentioned that several articles mention that Mrs. Brewer speaks for the Tintin Farms Neighborhood Association. Mr. Aragon further stated that as far as he is aware, there have not been any association meetings and was never invited to one. He also stated that antennas are allowed in the Village and should not be a concern with respect to issuing a Home Occupation License. He said that he informed Mrs. Brewer that he would reposition the antenna and even replace it with a phone line. The antenna position has not changed from when he went before the Planning Board. Mr. Aragon said upon leaving the hearing Mrs. Brewer informed me that she was not going to let the matter rest. Mr. Aragon said there is a matter he would like to bring to the table. He said in November, Ron Casias, who is a lifetime friend of his, was an employee at the Village of Los Ranchos. He said Ron gave a letter to Mayor Hooker regarding Cynthia Tidwell's job performance and he wants to be sure that this matter has nothing to do with his association with Ron Casias. He said with regard to the calls that have come in, is there a log to substantiate this.

**Trustee Siegel** asked if any other employees have come to his house other than what he has mentioned and is there any live employee broadcasting?

**Mr. Aragon** said he has done some interviewing at his residence. He said with regard to live broadcasting, he is pretty much the only one who does that. He said he has an antenna on his house that operates at 3 watts and is a 2 x 4 antenna with open air space. He said from his residence it sends a signal to 307 Los Ranchos and that is where his radio tower is located.

**Trustee Siegel** asked Mr. Aragon why he didn't locate the computer and everything at the Los Ranchos location when he bought out the company.

**Mr. Aragon** stated that he is a small time business owner and this is the first time he has gone into this big of an operation. He also said costs are involved and he is one of the few people in Tinnin Farms that probably does not have a whole lot of money and therefore, he operates with what he can. He said it would be real hard to find a place for \$1500. a month. He said the equipment is in his back yard in a storage area of 8 X 6 feet. He said the transmitter is at 307 Los Ranchos and is in a house, or something like a shed, and three stations share the same antenna.

**Trustee Rael** asked how visible is the antenna from the street?

**Mr. Aragon** said you can see it from the street.

**Trustee Siegel** asked Attorney Mathews if Tinnin Farms covenants are against the antenna, is the Village bound to enforce the covenant?

**Attorney Mathews** answered no, the Village does not enforce covenants.

**Trustee Rembe** stated there are four businesses you are operating from this location.

**Mr. Aragon** said we have not operated two of the four for the last two years.

**Mrs. Brewer** stated the following: Tinnin Farms Homeowner's Association came before the Village because the radio station is against their covenants. The association asked that it would be granted only under the Villages' conditions. She stated that she has sound evidence that there is an increase in traffic. Section IV of the Village Ordinance states that the business will be conducted entirely within the residence or accessory building and only by persons living at the residence and will not generate vehicular traffic or parking around the residence in addition to normally associated use of the dwelling. She stated that she has no problem with a radio station in the Village but she does believe that people are broadcasting from that building. She stated that she has documentation of the traffic flow.

**Trustee Rembe** stated that what is disturbing is not the antenna but the traffic and what appears is the different people coming to the residence. She asked who owns the silver BMW?

**Mr. Aragon** said Ron Casias owns the silver BMW. He has a room in my residence and he helps me out in the morning. He said his nephew and his friend's son help him on a daily basis from 3:00 to 6:00 pm.

**Mayor Hooker** stated that in the original hearing, the Village received one letter in support and one letter in opposition from the neighbors.

**Mrs. Brewer** said the radio station is in violation of their covenants. She stated the association decided to run it through the Village before proceeding with legal action.

**Motion:** **Trustee Siegel** moved to remand this back to the Planning & Zoning Commission. **Trustee Rembe** seconded the motion.

**Trustee Rembe Rael** said it should be handled by the Homeowners Association and does not see any evidence that there is a violation. He said as far as the antenna is concerned, it looks like a TV reception antenna and it can hardly be seen as it is not a solid antenna. He said he agrees that it should be remanded back to Planning & Zoning Commission.

**Vote:** The motion carried unanimously.

## 5. OLD BUSINESS

### A. Discussion and Consideration of an Ordinance Amendment to Chapter 3 of the Codified Ordinance -- Animal Welfare Ordinance.

This item was deferred under the Consent Agenda to the January 29th, 2003 Board of Trustees Meeting.

**Lillian Derwelis** stated that in the *Master Plan, 4.02 Overall Village Goals*, one of the lines says: *continued agricultural uses including animal husbandry*. She said she is happy the Village is ~~doing a~~ reconsidering the new Animal Control Ordinance as it is very anti-horse ownership. She read Policy A regarding the agricultural goals, and felt it was more restrictive for horse owners and wants to know who decides whether horses are livestock. She also stated that the dust needs to be controlled. She said with regard to the interpretation of the word "*offense*" in the policy, how that will be determined.

**Liz Sanchez** stated that she would like to propose that the Village establish a Board to handle animal issues comprising of a licensed veterinarian, a livestock expert, an attorney and two laymen.

**Trustee Siegel** stated that it would be very difficult to find people willing to serve on a board in a Village of this size. He said the flip side is the perception that another board could mean more bureaucracy and that sort of thing. He said it is a good idea and something to investigate.

**Trustee Rembe** stated it was her understanding that is why the Board of Trustees is here and suggested that if the Village feels strongly about this, get a veterinarian to run for the Board.

**Trustee Rael** stated having a special Board for this might be a good thing and to submit their recommendations to the Board of Trustees for final decisions.

**Dennis McCary, Esq.** discussed the green and pink items on the draft. He stated that he would like the Village to review the green items on the draft as they were not discussed and if there is a reason that the Village wants to change their position regarding these items, he would like to know that. He questioned if there is any record of who makes the revisions.

**Administrator Rosoff** stated that he makes the revisions to the document.

**Dennis McCary** stated that he agrees somewhat with what Mrs. Sanchez proposed and agrees with a Board being established to deal with the animal issues. He said he has also suggested a requirement for a site assessment to be done by the Natural Conservation Service which is done for free. He said this was not adopted by the Board. He said having a veterinarian whose income is dependent on the horse business will have no more credibility than the Natural Conversation Service.

**Attorney Mathews** asked what was his issue on the appeal again because the draft says that any applicant, adjoining landowner or Village resident may appeal.

**Mr. McCary** asked where that is because he does not see it on the web.

**Administrator Rosoff** stated that does not relate to the portion of the Ordinance that he is talking about.

**Marianne Woodard** discussed a reasonable standard with regard to the term manure. Manure should not be limited to horse manure and what does accumulated defecation mean. With Prohibited Activities under the Nuisance Section 89A (17) the last sentence seems to cover this in a clear and reasonable standard. Manure should not be limited to livestock and looks discriminatory otherwise. Provisions relating to livestock verses the Generally Prohibited Activities need to be reconciled better and she prefers the version in the Prohibited Activities Section. She said enforcing a Nuisance Ordinance is always going to be problematic but she believes there are ways that would tie in with making this look more rural and even handed.

**Trustee Siegel** stated that in the zoning ordinance, the Board liberalized the density of livestock allowable on property. He said it was changed from specific numbers of livestock per area to the keeping of livestock, how they are kept and not the numbers. The Zoning Code is referring to this to redo the Animal Control Ordinance and that is why there are safe guards built into that because the density of livestock and horses is no longer controlled as it was initially in the Zoning Ordinance. He said the Board did this because we had no control for dogs, cats and vaccinations that were occurring and no provision for licensure. He stated that is the reason it is here and is worded the way it is.

**Mayor Hooker** stated that he would appreciate any written comments suggesting better language or alternative structure.

**Trustee Rembe** stated she agrees with what Mrs. Woodard said. She said the Board will keep working on this.

**Ken Carrazza** said he has five cows and one horse. He said he takes manure out of the stalls and accumulates it in the back and then later in the spring, covers his fields with it. It keeps his property healthy and his neighbors have not complained about any offensive odors. He said he has good drainage but he said spending five to ten thousand dollars for a drainage plan is not in keeping with a rural environment. He said the language needs to be carefully worded so that it is not too restrictive. He said this is a rural neighborhood and are ~~it is~~ loosing the rural atmosphere.

**Trustee Siegel** stated there is no detailed hydrological plans required by the ordinance. He said there has been significant liberalization in terms of what you can do on your property from an agricultural standpoint in the zoning code. He said in order to safe guard the neighbors there has to be a give and take.

**Liz Sanchez** said it would be helpful to have a working meeting to go over these issues.

**Mayor Hooker** suggested that Mrs. Sanchez put together an ad hoc committee and bring their findings back to the Board. He said the Board would appreciate information with regard to the concerns of the residents.

**Kate Warren** said under the vermin section, she is concerned if pigeons are vermin, what are the guinea hens and why are pigeons considered vermin.

?? said that pigeons are considered vermin because of the health hazards and the pigeon feces.

**Administrator Rosoff** stated that this is a portion of the existing ordinance and it was not changed in this draft as there appeared to be no reason to change it.

**Liz Sanchez** said pigeons are a problem. She said she has done everything to get rid of them including buying a \$600. piece of equipment which happened to double the pigeon problem. She said there are laws to protect them.

**Dennis McCary** asked what the schedule is for completing the zoning draft.

**Mayor Hooker** stated the Board is aiming for the last meeting in February.

**Administrator Rosoff** said the current draft that is on the website is the portion of the draft that was approved.

**Marianne Woodard** said if written information is exchanged, a committee will work.

**Mayor Hooker** stated that he would be happy to meet with the group.

**Robert Cronk** said the Village and the Board of Trustees should make a list regarding this matter. He further stated that residents need to pick-up after their animals and that it is a wide spread problem.

**Mayor Hooker** said that this item will be on the January 29<sup>th</sup> Agenda under Old Business.

**Motion:** **Trustee Rael** moved to defer Item 5. (A) to the next Board of Trustees' Meeting on January 29<sup>th</sup>, 2003. **Trustee Rembe** seconded the motion.

**Vote:** The motion carried unanimously.

## 6. NEW BUSINESS

6. (A) This item was heard under the Consent Agenda.

6. (B) **Discussion and Approval of Capital Allocation Priorities for Los Ranchos Grower's Market.**

**Motion:** **Trustee Rembe** moved approval of the capital allocation for improvements for the Los Ranchos Grower's Market. **Trustee Rael** seconded the motion.

**Vote:** The motion carried unanimously.

6. (C) **Discussion of regulation of sale of vehicles on vacant lots and right-of-way.**

**Trustee Siegel** stated parking on a public right-of-way is not included in the ordinance. The sale of cars requires a Conditional Use Permit.

**Attorney Mathews** said the Sergeant would like an ordinance similar to Bernalillo County's so this matter can be addressed.

**Mayor Hooker** stated that Section 54.122 is the regulation in existence in Bernalillo County.

**Attorney Mathews** stated he has identified the language and will bring it back to the Board of Trustees for approval for incorporation in our ordinance.

6. (D) **Acceptance of Proposal for Human Resources Training Services**

**Mayor Hooker** stated there are three parts to the training: 1<sup>st</sup> part of the training is for the Board and will consist of where the Village is going, achieving the goals of the Village, etc., 2<sup>nd</sup>. part of the training will be team building for the staff and the 3<sup>rd</sup> part of the training will be for Performance Evaluations and Project Management for the staff. **Mayor**

Hooker said all training is open to the Board. He said four proposals were received and Star Group and Margo Covington received the highest rating. He said the process of interviewing both companies has started and a final decision will be made and brought back to the Board.

**Trustee Rembe** asked if Intel was contacted to assist in the training. She said it is really valuable to do this type of training and offered her house for training.

**Mayor Hooker** said the Village did not go to other corporations for help.

## 7. FINANCIAL BUSINESS

**Treasurer Leatherwood** stated that there was no report for this meeting.

## 8. REPORTS

**Mayor Hooker** asked Administrator Rosoff to report on the Unification Charter Account Commission that he attended last night.

**Administrator Rosoff** stated that they have written their preamble and proposed name of Albuquerque-Bernalillo County. He said the consultants presented their 90% draft of the Middle Rio Grande Water Plan and are starting to put numbers together for potential savings to each alternative. He said there alternatives include metering wells, limiting wells and asking municipalities and counties to enact a water conservation ordinance. He said that seems more effective in outcomes rather than a price increase which would hurt the poor.

**Mayor Hooker** said if the ditches open in March, they will shut down in June.

**Trustee Siegel** stated that everyone seems to be putting in wells and the Dust Control Ordinance says we must water down corals. This is a problem.

**Mayor Hooker** stated that alfalfa requires a lot of water and these are questions that need to be answered in an effort to conserve water.

### 8. (B) Administrator's Report

**Administrator Rosoff** said with regard to Fonsi, a letter was received in December asking for further information. He believes there is hope in getting the Fonsi money.

**Trustee Siegel** stated he understands ~~New Mexico~~ Los Ranchos has already lost two million dollars.

**Administrator Rosoff** said that is correct; ~~New Mexico~~ Los Ranchos has lost two million dollars to date.

Further discussion continued as to what caused the delay.

**Administrator Rosoff** stated he attended the City's Unification Charter Commission Meeting yesterday morning. He said he gave the Board a memorandum regarding this matter.

He said it is very important to keep the issues in mind regarding the structure of the Unified Government and how they will enact with the municipal entities that continue to be within it. On February 1, 2003 a public forum will be held and it will be brought back to the ~~Board of Trustees~~ Urban County Charter Commission for adoption on February 7<sup>th</sup>. He said regarding the legislative priorities, he will put together a package for the legislators for each project similar to the one that was done last year. He said the auditor's report should be ready no later than the first meeting in February for presentation to the Board of Trustees. He reported that there will be another article in next month's newsletter on Salt Cedar and water usage. He said dust regulation continues to be a problem as noted by Albuquerque Air Quality Board. He reported that advertising for a Parks Maintenance person will begin again and will fill the position by March.

### **(C) Legal Report**

**Attorney Mathews** reported that items 5E through 5L on the Planning and Zoning Agenda is all on Northdale and is an enormous amount of work. He said problems at the mobile park on 4<sup>th</sup> Street are reoccurring, i.e.: fire hazard, and he has asked Chief Clarke for a comprehensive written report. He reported on the topics and identified them with regard to the 4<sup>th</sup> Street mediation talk. There were eleven items. He said the Village has lost a lot of money because of the controversy regarding 4<sup>th</sup> Street. He said he met with some attorneys who are experts in this field at no charge and they volunteered to come to the Board to discuss improvement districts, assessment districts and various types of waste. He said a presentation by this group would have useful information. He said the Village could obtain grants for some of the things as they are identified more specifically. He said he continues to work on the Zoning Ordinance and it is time to go back and do the Transfer Development Rights (TDR). Questions are coming up with regard to what is my TDR worth?

### **(D) Planner's Report**

**Planner Tidwell** said she did not have a lot of new things to report. She said we have on the agenda the Northdale Proposal and the agenda is four pages long. There are plans for a Charter School.

**(E) Fire Report**

There was no Fire Report.

**(F) Engineers Report.**

**Sharon Jacobson** reported that the first 12 French drains are completed. She is working on the NPDES, Phase II due to EPA by March 10, 2003. She reported on traffic calming and submitted drawings with recommendations. The first groups is ready for construction if the Village is ready to go for it.

**Mayor Hooker** reported on the Bosque Restoration Project. He also said he would like to reconvene on the Trails Committee starting in February and asked for volunteers.

**9. INFORMAL DISCUSSION**

**Trustee Rael** reported on the Waste Water Meeting he attended.

**10. ADJOURNMENT**

**Motion:** **Trustee Rembe** moved to adjourn at 10:15. **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:**

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Annabelle Silvas, CMC  
Village Clerk

