

# **MINUTES**

**Village of Los Ranchos**  
**6718 Rio Grande Blvd NW**  
**October 9, 2002**

## **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, October 9, 2002, in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m.

### **A. Approval of Agenda**

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

**Vote:** The motion carried unanimously.

**Mayor Hooker** noticing Mr. Dantis called on him.

### **5.A. Discussion and Approval of Intergovernmental Agreement Between the County of Bernalillo and the Village of Los Ranchos de Albuquerque, First Extension - John Dantis, Public Safety Division Director, Bernalillo County.**

**John Dantis** said he received a letter from the Village Administrator, Mr. Rosoff, requesting an extension to the contract. He said a decision was made to review the administrative fees. He said it was decided to apply administrative fees to all contracts. He said that the kind of detailed information that the Village requests will be available.

**Dr. Siegel** asked about officer shortages, recruitment and retention.

**Mr. Dantis** said we are getting more officers from the academy and there is something in the works now that will enable retired officers to return to duty with full pay.

**Motion:** **Trustee Rael** moved approval of the Intergovernmental Agreement between the Count of Bernalillo and the Village of Los Ranchos de Albuquerque 1<sup>st</sup> Extension for Law Enforcement Services. **Trustee Siegel** seconded the motion.

**Vote:** The motion carried unanimously.

## **2. PUBLIC COMMENT PERIOD**

**Theresa Perea** said that she was very unhappy with the way her request to build a carport was handled by Planning & Zoning. She said she was advised by Mrs. Tidwell to write a letter stating that she could not afford to pay the fees. She received a written

approval from Mrs. Tidwell that she did not have to pay and has now been informed that she is required to pay the fees. She said, in addition the certified mail was sent to the appropriate property holders without her prior knowledge and now she is required to pay for the mailing.

**Administrator Rosoff** stated that the ordinance requires that neighbors be notified.

**Attorney Mathews** said that the ordinance should be amended so that certified mail is not required when mailing notices to the property owners.

Discussion followed with regard to when it became a requirement to obtain a building permit for a carport as several years ago it was not required.

**Mayor Hooker** said that Mrs. Perea would be permitted to pay the cost of the mailing in payments that were acceptable to her.

**Mary Homan** reported that there were approximately two hundred people at the Hoedown. She thanked the Village for allowing the lights for the event and she was pleased to report that twenty-seven businesses participated. She said, everyone was very pleased that Mayor Hooker agreed to be a judge for the dance contest, and that maybe next year, they would try to obtain a picnic license to sell liquor.

### **3. Consent Agenda**

**Motion: Trustee Lopez** moved to approve the Consent Agenda. He said the Minutes of the September 25<sup>th</sup> meeting, page 5, line 24 should read Administrator Rosoff not Trustee and the minutes did not include the Trustees Informal Discussion.

**Mayor Hooker** asked if we need to record the Informal Discussion.

**Trustee Lopez** said he would like it included, as some of the discussion was regarding 4<sup>th</sup> Street.

**Trustee Siegel** said a brief synopsis would be a good idea.

**Motion: Trustee Rael** moved to include the Trustees Informal Discussion in the Minutes. **Trustee Rembe** seconded the motion.

**Vote:** The motion carried unanimously.

### **4. Public Hearings and Applications**

There were no Public Hearings or Applications.

### **5. Old Business**

**A. Discussion and Approval of Intergovernmental Agreement Between the Count of Bernalillo and the Village of Los Ranchos de Albuquerque, First Extension - John Dantis, Public Safety Division Director, Bernalillo County.**

This item was heard prior Item 2. Public Comment Period.

**B. Discussion and Comment on Draft Zoning issued dated January 19, 2001.**

**Mayor Hooker** said that he would like to suggest discussing the horse issue in the A-1 Zone first, Item 5.B (2).

**Trustee Lopez** said that in reading the minutes of September 14<sup>th</sup>, there was an extensive discussion regarding the horses. He said he would like our attorney to comment on whether it is wise to get into this again.

**Attorney Mathews** said Mayor Hooker came up with a suggested site development review and it was brought to the P & Z Commission. He said it was the matrix we want to use for equestrian facilities, and it is a check list that would apply to the AC Zone equestrian facilities for commercial uses. He said that it is not necessary to vote on this unless the Board disagrees. He stated that the list pertains to health and safety issues, etc.

**Trustee Siegel** asked what criteria will be used. He said that the concept is good but would like to see the criteria that it is based on. He said that a lot of the issues should be in the Animal Control Ordinance, which would be all the environmental impacts: flies, manure, dust, etc. and the commercial issues handled with a check list for the AC Zone.

**Mayor Hooker** suggested that this item be tabled and brought back to the next meeting and that everyone bring a list of written suggestions clarifying the criteria.

**Motion: Trustee Lopez** moved to table Item 5.B (2) to the October 23, 2002 Board of Trustees Meeting. **Trustee Rembe** seconded the motion.

**Vote:** The motion carried unanimously.

**5.B (1) Section 11 Village Center Zone (VC)**

**Trustee Lopez** said that he does not like the word "*shall*" on page 4. and also mentioned the language regarding covered walkways.

**Mayor Hooker** said that it is a question of definition.

**Trustee Lopez** said that the word "*shall*" needs to be clarified and that he would like to see a better word.

**Mayor Hooker** said that he would like to propose a new section as a substitute for the draft.

**Motion: Trustee Siegel** moved to accept the suggested new section as a substitute for the draft. **Trustee Rael** seconded the motion.

Discussions with regard to how much flexibility to offer builders, defining maximum height vs. three stories and whether roof top equipment should be included in the 42' maximum height allowance continued.

**Trustee Rael** said on *line 41, page 1*, regarding Conditional Use increase, he would like it increased to 15%. He said *2. A. Location and Area*, this is not in the Master Plan and

has anyone discussed this with the Chavez family. He said there are restrictions on what commercial you can do unless you develop housing. He stated that he would like to see a map of this area.

There was further discussion regarding the Core Area being more intended for retail and the Edge Areas would be less retail and more office and residential. Discussion continued on the general character of how to push the retail more towards the intersection and buffering the existing neighborhoods with more residential on the edges.

**Mayor Hooker** said if we want a town center, what kind of center is desirable.

Further discussion continued with regard to serious developers being contacted and not making it so difficult that no one wants to build, and to determine if we have a builder.

**Mayor Hooker** suggested that this item be tabled and brought back to the October 23, 2002 Board of Trustees Meeting.

**Trustee Rael** said the property that he lives on and all the property on Osuna has restrictive covenants that was put there by the Osuna family many years ago. Restrictive covenants are hard to get rid of and this could be a problem.

**Attorney Mathews** said in general, restrictive covenants are valid and enforceable and are a contract. He said if they have been ignored for a number of years, they become void. If there is a conflict between restrictive covenants and zoning, the more restrictive criteria apply. He said it needs to be determined, what are the restrictive covenants and what has happened to them since the area was developed.

**Trustee Siegel** said he is concerned about putting the housing in. He said he would like to see some engineering studies and traffic modeling studies. He said if the intersection is built according to the preferred alternative and there is a complete build out of the VC Zone with projected residential-commercial mix, as a street and an intersection, are we going to be able to handle the traffic.

**Administrator Rosoff** said that ASCG can take the existing traffic models that they used and add into that for build out of the VC Zone as it's proposed.

**Trustee Siegel** said he would like to see it before this is approved.

**Mayor Hooker** asked if this is something that the Board can see in two weeks or is it a month long kind of question.

**Administrator Rosoff** said probably not in two weeks as they are doing other things for Village.

**Trustee Siegel** said that in the Master Plan, a maximum square footage for a single family occupancy is not included, and he would like to propose 50,000 square feet.

**Administrator Rosoff** asked if this is for a single tenant or maximum size for a single building, and is this total square footage or ground floor square footage.

**Trustee Siegel** stated that he is talking about total square footage and a single tenant. He said it can be in a larger building.

**Trustee Siegel** asked about the alleys and new streets that are going to be built. He asked who is going to own and maintain them.

**Mayor Hooker** said that is a point of negotiation, and if the developer wanted to maintain the private streets and alleys, he did not know if the Village has a concern about that. He said if they want to dedicate them as public right-of-ways, then it is up to the Village to accept that and assume responsibility for maintenance.

**Attorney Mathew** said if they are accepted for maintenance they are accepted for liability also.

**Trustee Siegel** stated that he would like to correct the wording : (1) On page 4, line one between boulevard and unless insert the words " *in the core area*". (2) On page 3, line 38 to insert after abuts a, the words "*newly developed*". He also said he does not want drive-ups on the alleys.

**Mayor Hooker** said that the question is, do we want to allow drive thru windows at all.

**Trustee Siegel** suggested grandfathering in Taco Bells, but he does not think we need them.

**Trustee Rembe** said she thinks that we do want drive-ups that is one of the reasons Walgreens wants to move. She said for banks that would be crucial.

**Mayor Hooker** suggested moving them to the edge area more than 500' from the intersection.

**Trustee Siegel** said if we are going to have drive-ups, he feels that they should not be in an alley.

**Mayor Hooker** proposed that they be allowed only on the edge area and delete the screening requirement.

**Trustee Siegel** said this is where we get into another problem. He said you do not want a Walgreens in the edge area. He said if we want a Walgreens, it should be in the core area.

**Trustee Rembe** said she thinks the Board should talk to some other people before taking this out.

**Trustee Rael** said if an engineer approves the way it is set up, it should work. He said he personally feels that all drive-ups should be done away with.

**Trustee Rembe** said a lot of people do not want to walk up to a bank making a deposit of \$30,000 or more.

**Trustee Siegel** said if we are going to have drive-ups, he does not feel that they should be screened from the public right-of-ways. He said he personally feels that they should not be in that area at all.

**Trustee Rael** said on page 2, Item 4, *Zone Change Required*, All requests for buildings , this should be *building*. He said when you are talking about a zone change, these are areas that are not VC Zoned.

**Trustee Rael** said when you get to Permissive Uses, if there are grocery stores, liquor sales needs to be allowed.

**Trustee Siegel** said he believes it is a Conditional Use and needs to be added.

**Mayor Hooker** said it can be added as a Conditional Use as it requires a certain level of our attention.

**Attorney Mathews** asked if it is the intent that liquor sales would only be sold within a grocery store or can it be sold from a wine store.

**Trustee Siegel** said retail liquor sales whether from a grocery store or not, as a Conditional Use needs to be added, and it can then be looked at on a case-by-case basis.

**Trustee Rael** asked for an explanation on *Page 4, line 21 and 22*.

**Mayor Hooker** said is something to be negotiated rather than us telling the architects exactly what we are asking for.

**Trustee Rael** said he also has a problem with B, on page 4, we may need someone to bring in more information before we can vote on this. He also said on *page 5, Item E, line 8 "payments in lieu of dedication of land shall be accepted at a commercially reasonable rate per square foot,"* that sounds like blackmail. He said that the interpretation is that we want open space but forget about it if you pay us some money.

**Mayor Hooker** said the expectation is that the Village will accumulate enough money to build a park in the Village Center eventually.

**Trustee Siegel** said he feels some language should be put in there that funds obtained in this manner shall be set aside in a separate account for open space purchases.

**Administrator Rosoff** said in the budget as it exists, there is an open space fund which has a place where we can track these funds as income and set it aside.

**Mayor Hooker** said that part of the development agreement with the developer would be that the Village agrees that they will set the money aside. He said we will offer some language at the next meeting.

**Trustee Rael** said *Item F, line 15*, sounds like an order, you would have to erase a lot of buildings or houses. It is not like you have a new development where you could design all the movements of vehicles, pedestrians and bicycles. He said that Item G. is back to the same question on drive-ups and safety issues.

**Mayor Hooker** said lets see what we can do with these two items.

**Trustee Rael** said on line 36, *"these trees shall be in a planter with a minimum fifty square feet of permeable surface area"* this seems to be a rather large area to have. On line 41 *"Automatic irrigation shall be provided,* does this mean new development.

**Mayor Hooker** said yes this is for new development.

**Trustee Rael** said on line 47" *No parking lot shall have more than 70 spaces or be larger than one half acre*" that is kind of small and maybe we should ask Contreras about this.

Discussion continued regarding parking and it was agreed to have ASCG layout the parking and provide a sketch.

**Trustee Rael** said on page 6, line 1, *"Parking lots and driveways shall not occupy more than 25% of the frontage of any parcel on 4<sup>th</sup> Street or Osuna Boulevard"* and right now his driveway to his house occupies more than 25%. He said I think this is unreasonable.

**Mayor Hooker** said we can create exceptions for residential uses and maybe there is a better way to do it without saying this.

**Trustee Siegel** said the idea behind this is to put the parking lot behind the building.

**Trustee Rael** questioned *Item L, lines 8 to 10*.

**Attorney Mathews** said the way this is written it sounds like you can only enter into the commercial building from the front and Trustee Rael doesn't want to see only one commercial entrance.

**Trustee Rael** said if you park inside, you should have a way to get into the buildings and the way this is written, it sounds like you have to walk around to the front of the building to get in.

**Attorney Mathews** said that this can be reworded so that we can get into each building.

**Trustee Rael** said on *Item E, page 7, line 28 change 10 parking spaces to 15 or 20 parking spaces* as there are usually so many empty bike rack spaces.

**Vote:** The motion carried unanimously to to accept the substitution.

**Motion:** **Trustee Lopez** moved to table this to the Board of Trustees Meeting on November 13, 2002. **Trustee Rembe** seconded the motion.

**Vote:** The motion carried unanimously.

## **6. New Business**

### **A. Recommendations from the Board of Trustees to the city's Environmental Planning Commission for the Resource Management Plan for Los Poblanos Fields Open Space.**

**Todd Miller** introduced himself as Associate Planner with the City of Albuquerque's Open Space Division. He gave a lengthy presentation for Los Poblanos Fields Open Space formally called Anderson Fields and the historical process behind the plan. He said one major issue is to preserve as much of this land as possible for agriculture. ninety acres of the property is within the Village limits. He said they have signed an

Intergovernmental Agreement with the Village regarding the management of the property that states they will prepare a maintenance plan and submit it to the Village for approval. He said he is asking for the Boards recommendations for EPC, and in addition, would like to ask for approval of the management plan.

**Trustee Lopez** said there will be intense pressure on the Middle Rio Grande Conservancy District to improve their irrigation efficiency. He said you have a contract for 138 acres which goes between irrigation, wild life habitat, etc and he asked if they have been approached by MRGCD, the Interstate Stream Commission or anyone else to make this an irrigation efficiency demonstration project.

**Mr. Miller** said that they have not been approached to do that on this property. They manage another farm just south, Candelaria Farm, which is approximately 100 acres and they are starting an irrigation efficiency demonstration project with the district to try out some metering techniques. He said they look at irrigation efficiency as one of their goals. He said that they are also looking at land leveling for irrigation efficiency. He said they go through NRCS for larger questions particularly questions regarding irrigation and design for irrigation.

**Trustee Lopez** said that consumptive use is one of the fundamental questions people keep asking about the different crops and that is where a specialist working with you could nail down some questions on irrigation efficiency and how much these crops actually use and how much they actually need.

**Mr. Miller** said he would like to be able to answer this question with the meters installed at the other farm. He said a weather station which could be expanded to record evapo-transpiration which is another part of the water cycle and could eventually be combined with wells to measure how much water goes down to the aquifer.

**Mr. Miller** summarized the historical process behind the plan as well as current conditions at the property and their future site design. The plan has been reviewed by two community open houses held at the Village Hall for the public as well as the Albuquerque Advisory Board, the Development Review Board and the Village Planning and Zoning Commission two weeks ago. He said their mission and goal statement is to "protect and preserve this land as agricultural Open Space and wildlife habitat, thereby providing recreational and educational opportunities to the community with the least impact to the environment."

Discussion on various topics continued: Field No. 4 was returned to agriculture this year, fields 7 & 8 are not irrigated but hope to put in a ditch this spring for irrigation, field 11 is not being watered because of trees in the ditch and probably will be replaced with an underground pipe. Currently there is dirt parking there now and the neighbors do not want that to be a long term parking. The fields are providing some habitat, but we are going to add a hedge rose to encourage more habitat. Proposed Cottonwood Trees were discussed on the west side and would provide some wind protection. Visitor access is being improved. The informal parking on Nabor Road was a concern with regard to that it might grow along with safety issues if not supervised. The wetland that they are hoping to do will be in Field 5 as water collects there naturally. Regarding the well location, the report indicates that the wells are re-conditioned, however, this has not happen yet. The wells are scheduled to be up and running by the end of this month. We have two wells and they have been tested and both have water, the mechanical parts of the well, the motor and pump, no longer function but the cylinder still holds a good amount of water. It was noted that meters are not needed if there is no requirement for

meters in the original permit application. However, it was suggested that they be put on anyway. It was suggested that a caretaker be put on the property. The importance of secure storage was also discussed. Along with the greenhouse it is being negotiated that they be allowed to shrink the greenhouse and add a structure, 30' x 60' for storage and educational space, etc.

**Trustee Lopez** suggested that the door is not closed for this facility being a potential irrigation efficiency site. He said there is money that will be available in the near future for exactly this type of thing and will go on for a minimum of ten years.

**Mayor Hooker** said it was proposed by a resident that the Village buy the Anderson Valley Vineyards building and convert it to a community farm center for children.

**Mr. Miller** said that in the Intergovernmental Agreement on page 106, Section 6 it says that a formal Maintenance Plan should be developed by the City and approved by the Village.

**Mayor Hooker** said we will bring this back to the October 23, 2002 meeting for approval.

**Trustee Siegel** said he would also like to recommend that the access issues be finalized, especially on the north and the access points be defined.

**Trustee Rembe** said that parking is always going to be a problem and backup on the streets can be a real problem.

**Mr. Miller** said besides the main parking that they have used an overflow parking lot into the field and sometimes have used the church lot with their permission and this is sufficient for the big events.

**Mayor Hooker** said that the Board would be happy to meet with him to discuss road access and what needs to be done to manage it. He said there are no other recommendations.

**Trustee Lopez** said that the Board needs to do some work on this together.

**Mayor Hooker** said that there are some planning issues that need to be worked on. He asked how urgent is it that the Board approve this plan.

**Mr. Miller** said he would like to take it to the EPC on November 21, 2002. The comments are due by October 23<sup>rd</sup>.

**Mayor Hooker** said the Board could submit our approval with any comments at the October 23<sup>rd</sup>, Board of Trustee's Meeting.

## **7. FINANCIAL BUSINESS**

### **A. Resolution 2002-10-1 - Amending the Village Budget for FY2002-2003**

**Administrator Rosoff** said that this resolution changes the budget in accordance with the agreement that was already passed tonight.

**Motion: Trustee Siegel** moved to approve Resolution 2002-10-1 - Amending the Village Budget for FY 2002-2003. **Trustee Lopez** seconded the motion.

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

## **8. REPORTS**

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

**Mayor Hooker** reported that he met with Gemini today and he will let **Attorney Mathews** advise the Board on this matter.

### **B. Administrator's Report**

**Administrator Rosoff** said that a resident at the last meeting talked about Fountain Hills, Arizona. He said he received the Sheriff's contract and will distribute it to the Board. Fountain Hills is a very affluent suburb of Phoenix and their contract says for the Maricopa County Sheriff to do anything, and they will pay for it. He said the interesting part of that is that there are two levels of law enforcement and the Maricopa County Sheriff deals with the heavy duty kind of law enforcement. Fountain Hills has its own code enforcement parking/traffic under their Marshall. He said that he will provide that and other information off of their web site showing how they do that. He said he met with the El Paraiso Neighborhood Association on traffic calming last week. He reported that Trustee Rembe asked about more detail on the Fire Department budget and this will be provided that at the next meeting. He said the emergency generator that was put in last year, has been used twice in the last two days. He stated that Mrs. Perea did not quote him accurately.

### **C. Legal Report**

**Attorney Mathews** said that a closed session will be held regarding Heartland Farms at the next meeting. He stated that he met with Gemini today and they have made no attempt to correct the fire alarm situation, and the Board gave him 18 months to get a sprinkler system in. Gemini claims the fire alarm system is approximately four to five thousand dollars. He said he has not seen anything in writing regarding the cost. He said we have proved that this situation is a safety hazard. He said in the 80's there was a fireworks explosion in the Village and a life was lost. Gemini has made no effort and his attorney has been advised that some efforts have to be made to correct this situation. He said with regard to the AC Zone and the equestrian facilities that the Board must deal with this at the next meeting, and somehow, that meeting must run efficiently and have some conditions established for the equestrian uses.

**Trustee Siegel** said the issue of horse shows needs to be put in the AC Zone with the checklist as part of the Special Use Permit for special events and the manure type issues be part of the Animal Control Ordinance.

**Mayor Hooker** said that he and Attorney Mathews will meet next week and come up with a draft document for the Board. He said he will have an Animal Control Ordinance

to include these issues for the Board's review. He said it will be more restrictive but he believes that is the easier way to start out.

**Trustee Rembe** said she thought that Sgt. Bushar should be here.

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

**Planner Tidwell** reported that Mr. Andrade of Los Ranchos Fence Company was given a deadline of October 8<sup>th</sup>, 2002 to cease operating in a residential zone on Enchanted Valley. Mr. Andrade is still moving out as of today and working hard to relocate his business on Edith in an industrial area. She said if he chooses to reopen an office in his home he will have to re-apply. She said he is in compliance and it is resolved. She said there is another HO where a resident is suppose to have an office and is doing auto body work including dismantling, and has a full scale paint booth in the garage. She said the Environmental Department and the MV have been notified. She said investigators report is not available yet but will advise as soon as it is received. She reported that new businesses are opening on 4<sup>th</sup> Street every month. She reported that the new system for issuing building permits is going smoothly. She reported on Z-Coil and the business is booming. She also reported on the Mainstreet Steering Committee and said she will bring to the Board the proposal that is contained in the report. She also said that 525 Guarduno Road is cleared. She said the next project will be Willow Road and the Sheriff's Department has made a recommendation that we do not go out without a Sheriff's deputy. She said the McCoy house at 500 Guarduno Road has been re-boarded and brought up to code.

**Trustee Siegel** said that if more deputies are hired that the commander will simply take other deputies off and move them somewhere else. There is a severe personnel problem with the Sheriff's Department and the committee is really struggling with what to do about it. He said it was proposed that if more fire fighters are hired that perhaps they could watch over the Village and call the Sheriff's office if they see anything that needs their attention.

#### **E. Fire Department Report**

There was no Fire Department Report

#### **F. Engineer's Report**

There was no Engineer's Report

### **8. TRUSTEES INFORMAL DISCUSSION**

**Trustee Siegel** stated that at the Safety Meeting there was a discussion of using the Fire Department to patrol the area, but that they would only patrol the Village for any problems that they see come up. They will not do any actual law enforcement such as arresting or writing tickets.

### **9. ADJOURNMENT**

**Motion: Trustee Rembe** moved to adjourn the meeting at 10:00 p.m. **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 \_\_\_\_\_, 2002.

**ATTEST:**

\_\_\_\_\_  
Annabelle Silvas, CMC  
Village Clerk



