

**MINUTES**  
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
6718 RIO GRANDE BLVD. NW  
**BOARD OF TRUSTEES REGULAR MEETING - 7:00 p.m.**  
**NOVEMBER 13, 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, November 13, 2002 in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m.

**Approval of the Agenda.**

**Mayor Hooker** said there is one request for a change in the Agenda. Chief Clarke has requested that she report early on in the meeting and if there is no objection, the Chief may report after the Consent Agenda.

**Motion:** **Trustee Lopez** moved to approve the agenda. **Trustee Rael** seconded the motion.

**Vote:** The motion carried unanimously.

2. **Public Comment Period**

There was no Public Comment

3. **Consent Agent**

- A. Approval of Minutes - Regular Meeting, October 9, 2002 (Deferred from the October 23<sup>rd</sup> Meeting).

Regular Meeting - October 23, 2002

**Mayor Hooker** said that we did record the Minutes correctly as it was presented at the last meeting.

**Trustee Siegel** said he has an amendment to the Consent Agenda. On page 3, line 22 there a transcribing mistake on what he recalls saying. It should be changed to read: we would not do anything on the *northern portion of the project except drainage and intersection improvements*.

**Attorney Mathews** said on the October 23<sup>rd</sup> Minutes on the 1<sup>st</sup> page at the end of the closed session, the phrase **and no action was taken needs** *to be included*.

**Trustee Rael** said on page 3, line 9 delete the word **myself**.

**Trustee Siegel** said that on line 21 change the word **plague** to **plaque**.

**Motion:** **Trustee Siegel** moved to approve the Consent Agenda as amended.

**Trustee Rembe** seconded the motion.

**Vote:** The motion carried unanimously as amended.

**B. (2) Fire Report**

**Chief Clarke** reported on a fire that was located at 612 Bledsoe, on November 13th, which was a residential home. She said the call came in stating that there were two children trapped inside, however, it turned out that the children had left to make a telephone. The Village was the first on the scene. Incident Commander, Mark Hossom, reported that there was no gas or electrical meter attached to the home. M. Hossom, setup an initial rescue and interior attack team. The BCFD and Albuquerque City Fire Departments along with BCFDESU, and the Red Cross were on the scene. IC advised interior crews to exit the building the roof was beginning to buckle. Chief Clarke arrived at the scene and took over as the IC. Chief Clarke said it was a very difficult fire. She said it has been determined that excessive use of the fireplace caused the fire that started in the attic. She said she would like to recognize the teamwork between all entities.

**Administrator Rosoff** asked who was on duty at the time of the fire.

**Chief Clarke** said Mark Hossom and Angel Alvarado were on duty.

She reported that one of the Villages fire fighters has left to join AFD and that approximately ten applications have been received for the new fire fighters position. She reported that the Volunteer program has been changed and that 27 people showed up for orientation last Saturday. The volunteers have to be here six months before they are assigned for training. Chief Clarke invited anyone who would like to do a ride along is welcome.

4. **Public Hearings and Applications.**

There were no Public Hearings and Applications.

5. **OLD BUSINESS**

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

**Mayor Hooker** said he believes that we have more people present to speak about the Proposed Agricultural-Commercial Zone (AC), and therefore, he proposed that we do that first. It was determined that the AC Zone would be heard first.

**B. Proposed Agricultural-Commercial Zone (AC)**

**Mr. Guadalupe Ortega** said that he sent a letter to the Zoning Department on Sept 11<sup>th</sup>. and he has not received an answer. He said he has been asked to remove his fence but his neighbor has not been asked to remove their key pad.

**Cyndie Tidwell** said the Code Enforcement Officer has been doing code enforcement on Mr. Ortega's road and is addressing all of the issues including the key pad.

**Mr. Ortega** said he has committed removing his fence by December 15<sup>th</sup>. He said when is the keypad being removed.

**Mayor Hooker** said we will get you an written answer within a week.

**Attorney Dennis McCary** said he is representing the Sanchez family that has lived here since 1992 and two other families. He said he gave two handouts; one was some questions and some specifics and adjusted language changes with respect to the AC Zoning Code, and the other has to do with the Animal Control Ordinance that is related to this issue. He said he wants to address in the Zoning Code, on page 1, there is some language that needs clarification. He asked if this was tailored

toward a specific property, namely: **"the AC Zone can be applied to any property in the A1 or A3 Zone and further on it says if at least one acre or 66% of the lot area, which ever is larger, is open space dedicated to agricultural use exclusive of parking or access areas"**.

**Trustee Siegel** said that is his language and that is the whole point of the zone to have open space. He said it was not tailored to any specific instance whatsoever.

**Attorney McCary** said *item 3*, the language is a little unclear and could be interpreted that the adjacent residential property has to provide buffering and he does not think that was the intent. He said *item 4*, is an important item and one reason that my clients have an objection to the moving of many of these requirements into the Animal Control Ordinance is that although it may logically be appropriate there, the remedies under the Animal Control Ordinance are limited defines. He said that is why I have suggested that it be made clear that any violation of the Animal Control Ordinance relating to livestock is also a violation of the Zoning Ordinance. To save time, there is a section on *page 3*, **horse breeders may have up to ten customers in attendance at any time during business hours that complies with section 1(E)**. He said he could not find Section 1(E) in this draft.

**Mayor Hooker** said we will get back to your regarding that issue.

**Attorney McCary** said as far as the specific requirements that effect commercial horse facilities, the first one is set back requirements. He said the language says, 25-ft setback of edge of arena to property line. He said he has suggested that that be revised to apply to all corrals, arenas and other livestock enclosures and any barns constructed after the effective date of the zone to be at least 25 ft. back from property lines. Open corrals propose the same sort of nuisance problems with order, dust and waste removal as due horse arenas and should not be limited just to that. Item B. Buffering --He said he has revised that to read: Buffering consisting of either a 6-foot solid wall/fence or similar height, *dense landscaping* is not just for a visual buffer but also to inhibit dust and odor. He added another sentence *that any horse arena or similar facility must be shielded from adjoining properties by an 8 foot solid wall or fence*. He said that is where the biggest concentration of dust occurs. Item D. Horse Shows -- He suggested that it be limited to two a year. He said there is nothing in the present ordinance about hours of operation, and therefore, he requested a change that says *the horse arenas in similar facilities would not be used before nine or after six, heavy equipment would not be operated during those hours*. He said if someone is boarding horses, this does not prevent them from coming early in the morning, saddling up and hitting the ditches. He said but as far as using an arena, it disturbs the neighbors and some

limit should be put on these hours. He said regarding dust control, there is a provision added to watering down the arena before and after it is used. He said there is a new provision that we are requesting on sound amplification *that bull horns and such not be used* and the rest of it is as you have written it. He said he read the letter from Mr. Leatherwood. He said he has heard several horse people talk from time to time and none of them have ever suggested any compromise other than do not do anything to us. He said my clients have come forward and suggested some reasonable compromises.

**Mayor Hooker** said thank you Mr. McCary.

**Trustee Siegel** said he would like to point out and to answer some of the issues that were brought up. He said that the hours for horse shows are 9:00 to 5:00 under the Special Permit Section. He said there ~~are~~ is drainage, manure handling and dust/pest mitigation plans that are ~~in-effect~~ proposed so those concerns are addressed in ~~this~~ that ordinance.

**Allan Leatherwood** said regarding the ordinance and his experience with horses and horse arenas, that on page 3, line 18 and 19, it is difficult to limit the number of riders in an arena. He said some days there may not be any, and on a warm Sunday, everyone might be out. He reported the following: Arenas are really good for training horses. If you have horses you just do not want to ride them you want be able to teach them side paths, and all the different movements that are important to educate the horse. Arenas are also for education, and therefore, to limit ten horses in an arena that is a bit arbitrary. He further stated that as long as the dust and other issues are addressed he feels there should not be a problem. He said 30 horses in an arena, based on his experience with horses, gives the younger horses experience around the older horses and it settles them down when they are moving. He said the horses will not spook as much and gives them training being around the older horses. He said he sees this issue of 10 horses rather restrictive.

**Trustee Siegel** said there are 4 times per month where you could have more than 10 horses.

~~Trustee~~ **Treasurer Leatherwood** said page 6, lines 4,5 and 6; he said if you are going to have a solid wall, buffering 25 feet is excessive, especially if it is a solid wall. He said his horse arena would not meet this and he is not a commercial entity. He said as a property owner and horse owner, what will prevent in future years it being changed to include residential property owners having the same restrictions.

**Trustee Lopez** said how many horses do are on your property.

**Trustee Treasurer Leatherwood** said he has 5 horses on 2 acres and 3 acres of field and grass land for grazing.

**Mayor Hooker** said then your actual riding is in the 2 acres of arena

**Trustee Treasurer Leatherwood** said yes and they graze in the rest of the pasture. He said he would like to bring up hours of operations on horse events. He said the problem is that horses just don't start up and go; you have to settle them down. He said if your class starts at 9:00, it requires being there at 7:00 to settle the horse down. He said you just can't pull the horse out of the trailer and go because it will not work. He said the horse will spook.

**Trustee Rembe** agrees with the hours. She said most people who have horses want to get up and start working their horses and to start at 9:00, would be killing three hours.

**Trustee Siegel** said feel free to amend the hours.

**Trustee Siegel** said individual riders do not have specified hours of operations; it is the events that are more than ten that have the specified hours of operations.

**Trustee Treasurer Leatherwood** said to start the event at 9:00 is fine but to limit people getting there early to warm up their horses could be a problem

**Trustee Siegel** said feel free to amend this. He said that this zone is designed to take care of more than just horse stables but seems to be the controversial issue. He said the intent of this ordinance is to encourage agricultural land use, livestock, crop growing and a variety of agricultural uses and to make them economically viable. He said the hours of operation can certainly be changed based on what makes it work best. He said if there are less than 10 people, there is not a limit on the hours, and if there is more than ten, there is a limit to the number of times per month and the hours. He said it is free on either side of it for compromise.

**Trustee Lopez** said during the time that he was a trustee before, there would be issues that came up with folks who had horses on the property next to them, and it has only been in the last 4 or 5 months that this issue has become so controversial. He said he could understand why people are concerned about this as it leaves the impression, that the Village is really making it difficult for people to own horses and have these kinds of facilities

**Trustee Siegel** said he disagrees with them being more restrictive. He said before there was no opportunity for commercial uses in these areas, in fact, the lawsuit

that we are listening to has to do with just that thing. He said if this had been in place 10 or 15 years ago, we might not be dealing with a lawsuit right now. He said the Village has significantly loosened the regulations on non-commercial livestock. He said if you read the zoning code the way it reads today, it is one horse per 10,000 sq. ft and the Board has removed that as long as there is mitigation of the dust, manure, etc. He said there has been a lot of enforcement of the ordinances in the past, but this is much more liberal and offers more opportunity than under the previous zoning code.

**Robert Atkins** said that as of today you have a lawsuit with the Sanchez's, do you feel uncomfortable having an open forum with this pending in court.

**Trustee Siegel** said this has nothing to do with the lawsuit.

**Mayor Hooker** said the lawsuit is being heard in district court.

**Olga Sanchez** said that she did the petition run and **Trustee Lopez** said that the Village needs to pay attention to what people say. She said there were 198 signatures obtained. She said our air conditioner gets dust labeled with horse feces as comes right into the air conditioner. She said people are suffering from asthma caused by the dust from these places.

**Motion:** **Trustee Siegel** moved inclusion of this draft into the draft zoning code as presented tonight. **Trustee Rembe** seconded the motion

**Trustee Siegel** said he believes that 1(E) should be E (1).

**Administrator Rosoff** said the whole document has been renumbered and it should be B(5) on lines 20 and 21, page 2.

**Trustee Lopez** said he would like to make another point as **Trustee Siegel** indicated this is beyond just rodeo arenas; it is about wineries, bed & breakfasts, etc.

**Trustee Siegel** said horses are just one small part of agriculture and there is quite a bit else that this zone is designed to support.

**Trustee Rembe** asked on page 3, is 11:00 pm too late for a Permissive Event.

**Trustee Siegel** said the reason 11:00 pm is in there is because it came out of the Noise Ordinance.

**Trustee Rembe** said are we going to look at the question of horse arenas having up to 10 customers in attendance at any time. She said that is pretty limiting.

**Trustee Siegel** said that is permissive and feel free to amend it.

**Trustee Siegel** said he feels it should be based on the size of the facility.

**Robert Atkins** said if you are looking for existing property that is up and running, make it for how many permanent pens are up at the time, and he stated that he does not know if it should be limiting to that or not. He said if you have so many people that can board there and theoretically if they all show up at one time, they should be allowed to ride as there schedule permits. He said if they want to ride at 6:00 am before work, they should be allowed to ride.

**Mayor Hooker** said Heartlane he thinks has 23 stalls.

**Trustee Siegel** said the problem is you can have more with a Special Permit. He said what is the number with regard to traffic generated from people driving in and out, that it becomes a nuisance to adjoining properties. Maybe it should be tied to the size of the facility and the area available.

**Trustee Rembe** asked what is the largest horse farm in the Village.

**Mr. Atkins** said he believes the number is 52; that is the largest one out there.

**Mayor Hooker** asked how many acres is that on?

**Mr. Atkins** said 3 acres.

**Trustee Rembe** said where do people park.

**Mr. Atkins** said that is a good question, he does not know but they do have a paved road all the way down along side of their barn.

**Trustee Rembe** said she would like to see it doubled to at least 20.

**Mr. Atkins** said he would like to recommend considering how many boarders are allowed on the property.

**Mayor Hooker** said one way of looking at it is 10 per acre or 8 per acre.

**Trustee Siegel** said there are a lot of factors that come into how many can come in there without any other administrative approvals or oversight. It needs to be tied into the size of the facility itself. He said the larger the piece of land it is on, the less the impact will be.

**Mr. Atkins** said typically you have a mother and father and two children on the property watching one other child riding. He said that adds up to 4 to 5 people for just one rider.

**Mayor Hooker** suggested that we work on the language.

**Attorney McCary** said he would like the Board to look at the pictures he is presenting. He said it shows the dust that is generated in a horse arena. He said the property is 2-1/2 acres and sworn testimony has been given in the court proceedings that there are 25 horses on 2-1/2 acres, and that at times, the property has had in excess of 50 horses on it.

**Trustee Siegel** said it should be tied into the size of the property as to what those numbers should be and may require some research.

**Mayor Hooker** said he believes that staff can bring back a proposal to the Board. He said he would like to offer some small amendments to clarify some language. He said on page 3, line 20, it should read: Retail uses that comply with section **B** are not considered "special events" and on page 4, line 4 change Special Use to **Special Event**, and under 6.D, line 7 add after the word buffering, insert **retail use and add a sentence "Other uses shall require buffering as stated in this section.** He asked Attorney Mathews what is his position on Mr. McCary's item 4 coupling the Animal Welfare Ordinance to the Zoning Ordinance and how might that work or not work legally.

**Attorney Mathews** said he believes you are talking about any violation of the Animal Welfare Ordinance relating to livestock shall also constitute a violation of the Zoning Ordinance.

**Trustee Siegel** said that would only apply to the AC Zone then and why would it not apply to the other zones.

**Attorney Mathews** said that is the problem with the language. It will not apply to anything except the AC Zone.

**Mayor Hooker** said that is because it is in section B7.

**Trustee Siegel** said from personal experience these issues exist in the current zoning in residential zones probably more so than in the AC Zone. He said if you are going to put that in, it has to be throughout the zoning code.

**Attorney Mathews** said there would be some zones like the Village Center where it simply would not happen and therefore it would not need to be limited to the AC Zone. Injunctive relief is important; it is one of the ways we have been able to solve some other the problems on Guarduno. He said it is available under the Nuisance Ordinance but not under the Animal Control Ordinance not the way it is currently written.

**Trustee Siegel** said being we are significantly liberalizing the number of animals that can be kept, there needs to be penalties for violations ~~whether~~ should we write injunctive relief into the Animal Control Ordinance and reference it back to the zoning ordinance. He said if we are going to remove the density limits we need to have injunctive relief authority.

**Attorney Mathews** said that he could add injunctive relief in the Animal Welfare Ordinance which he thinks is a good idea especially when you get into dangerous animals. He needs to think about the part that says any violation of the Animal Welfare Ordinance may be a little broad relating to livestock, but he can work the language that Attorney McCary gave him and accomplish Attorney McCary's goal. He said he will add injunctive relief to the Animal Welfare Ordinance and should apply across the board to the whole Animal Control Ordinance. He said it should apply across the whole Zoning Ordinance. It will just be a matter of practicality that some zones it never applies to because it is never used for agricultural purposes.

**Mayor Hooker** said as he sees it, we need to consider the questions of some of the language regarding injunctive relief and the renumbering.

**Trustee Siegel** said he thinks that the dust and the nuisance factors are dealt with in the Animal Control Ordinance and we do need to work with the number of people that can come in on a permissive or permitted basis. He said he also would like to see some research from other communities regarding this matter. He said other than that, he does not see any need to go further with these.

**Attorney Mathews** said if you look at pages 6 and 7 together, page 6, line 5 - buffering consisting of either a 6 ft. solid wall and on page 7, line 7 it refers to the 4 ft. wall in keeping with the open view and scenic corridor. He said he does not think it is a conflict but he did want to point it out. The 4 feet is only for those

roads that face the road. He said is it troublesome to have those two different height standards.

**Trustee Lopez** said not for him

**Trustee Siegel** said not for him either as this is in there for the Special Permit horse facilities, and he does not think they will be facing any public thoroughfare where the corrals are.

**Attorney Mathews** said there might be some on Rio Grande but that is why the two distinctions are there in the heights. He said on page 6, on the setbacks he and Administrator Rosoff are going to add a little tighter language to what the setbacks apply to. He said Mr. McCary's comment regarding ground water and surface water from contamination; he put into the Animal Welfare Ordinance that urine, waste water, storm water from horse uses must be kept out of the ditches.

**Trustee Siegel** said the reason is, it is not just AC facilities that have this problem, but there are going to be private horse facilities that will have the exact same issues. He said that is why it belongs here.

**Mayor Hooker** said the City of Albuquerque allows an eight ft. solid wall between properties. He said is that more in keeping to what we need between a horse arena and an adjacent residential use. He said that Mr. Leatherwood's concern was that a solid wall and a setback is excessive, however, the Sanchez's have pointed out that a rider on top of a horse is more than 6 feet tall.

**Trust Rael** said the purpose is to keep the dust down and that is more at ground level.

**Mayor Hooker** said it will control some dust and noise but may not guarantee privacy for riders next to the wall if there is no setback. He said we have setbacks on structures but not uses.

**Trustee Siegel** said that is the point of having the setback and the wall. It again is for commercial facilities that are going to have a lot more problems with dust and privacy concerns and that sort of thing. He said 25 feet may be excessive with a 6 ft. wall and again those are all open to compromise. He said that was the idea of putting in the setback and the wall.

**Attorney Mathews** said he will make sure that the redefinition of structure includes horse arenas. The fence will be the defining area of the structure for an arena.

**Mayor Hooker** said we do not want to impose a uniform building code requirement on a portable fence.

**Trustee Rembe** said the property behind her that their fence is almost right on the ditch.

**Attorney Mathews** said he is rewriting that so that there would be more flexibility on setback variances especially because of some of narrow laws.

**Planner Tidwell** said regarding the buffering, it can be extremely expensive if fencing is solid for 2 or 3 acres.

**Mr. Atkins** said regarding the 25 ft. setback, as you drive north of here on Rio Grande most of the lots are long and narrow more than they are wide. He said more than 90% of the horse properties that have an arena, are bound by at least three sides. The average arena width is 110 X 220' at the largest and maybe 90' by 180' minimum. If you have 110' and you take 25 ft. away from each side, you have taken their arena away.

**Mayor Hooker** said that we might have to test this on some real world cases.

**Attorney McCary** said as far as the Cronk property is concerned, it does not have neighbors on both sides but he would like to suggest raising the height to 8 ft. and perhaps you can cut down on the setback to maybe 15 ft. He said he would like to throw that out for consideration. He said what he is concerned about that he feels is being overlooked is that the open corrals and portable corrals are right on the border of the property and are very intrusive and not expensive to move. He said he feels there does need to be a setback and some screening of open pens and corrals that are right on the border of the neighbor's property as well as the horse arena. This is not addressed in the present language of your draft.

**Mayor Hooker** asked what is the flooring of the pens.

Further discussion continued regarding the flooring.

**Mayor Hooker** said is he correct that the wash rack is not the problem it is the portable pens.

**Attorney McCary** said he would prefer not to have it there but it is more expensive to move that then the portable pens.

**Mayor Hooker** said would you agree that evergreens, etc to be equivalent to a solid fence.

**Olga Sanchez** said the horse feces and the dust is a problem unless you are out there watering the trees.

**Bernice Jenson** discussed her neighbor with regard to horse problems.

Discussion continued with regard to the feces not being picked up or stacked but rotated into the ground via a tractor.

**Mayor Hooker** said are there water spray systems that are available that could be mounted along the fence and the mist could keep the dust from spreading.

**Trustee Treasurer Leatherwood** said you could put requirements in that would probably flood every 24 hours. He said excess watering creates slippery conditions and that is a problem for the horse. He said he does not think that a mist will help.

**Trustee Siegel** said that is one of the consequences if you live in areas that have agriculture; you are going to have dust, animal smells, agricultural machinery and that sort of thing.

**Mayor Hooker** said he might offer the following guidance subject to the Boards approval. Mr. Mc Cary's item 1, he said that he believes that the Board clarified this. Item 2, Attorney Mathews has stated that the intent of this is reasonable to protect groundwater and surface water from contamination. He said we may need to clarify our language to make this precise by that it is in the Animal Control Ordinance and may be covered in the Animal Welfare Ordinance. We need to consider the buffering of parking. In paragraph 3, we talked about injunctive relief; item 4, we need to define community supported agriculture and bring that back to the Board; item 5 we have clarified what we mean; in item 6 the set backs, we need more technical response to the question of setbacks and buffering; then a question of what is the appropriate intensity of frequency of horse shows and we need to define exhibitions and shows. We need to get a better handle on hours of operation coupled with numbers of people and the size of the facility. Item 7(E), we need more technical response to the question of dust control processes. How do we respond to the question of sound? We do not address that specifically in our current draft but we do describe it in the noise ordinance.

**Attorney Mathews** said the amplified sound cannot extend beyond the property more than 50 decibel points and that is the way it should be in this too. This is in the Noise Ordinance.

**Olga Sanchez** regarding noise, how do you measure the sound of human voice vs. a motorize vehicle.

**Mayor Hooker** said there is a fast setting and an average setting.

**Administrator Rosoff** said agricultural vehicles are specifically exempt from the noise limit.

**Mayor Hooker** said considering the two kinds of noise, someone speaking, shouting vs. a continuous sound of a motor. He said believes the meter can respond and read the volume of the speech and is readily available.

**Trustee Rembe** asked if people have more than one horse show a month.

**Trustee Siegel** said if there are more than 10 customers, it is a horse show by definition and that is why the four times a month is in there.

**Administrator Rosoff** asked would you have something similar that we could compare this to; perhaps a dance studio. What would you call a dance recital were parents come and watch their children. What kind of an event would you classified that as.

**Mr. Atkins** said that would be perhaps called a clinic. A clinic would have more than 10 people.

**Attorney McCary** said it should be made clear in the draft that a horse show means more than 10 horses in the arena.

**Trustee Siegel** said that is the intent. Anything more than that has to get the Special Event Permit.

**Mayor Hooker** said he believes that there are some questions of definitions of shows, clinics, exhibitions, intensity of use, etc.

**Trustee Rembe** said regarding these clinics or shows you never really have under ten.

**Administrator Rosoff** requested the Mayor to please have everyone come up to the microphone as we cannot get these transcripts.

**Bernice Jenson** said how did this all happen. She said there were rules before and the rules in the past were never enforced.

**Vote:** The motion carried unanimously.

**Mayor Hooker** said we will proceed for the moment with the understanding that we will revisit this again. He said this is the draft that we will publish for your consideration. He said any written comments by the public are welcome, any proposed amendments to the draft are appreciated and we will give you as much time to it as we can.

### **5 A (1) Proposed Substitute Section 11 Village Center Zone (VC)**

**Trustee Siegel** said he has a procedural question. He said this appears elsewhere on the agenda for separate consideration and amending to the existing zoning code and he would like to propose that we skip to item 6D and changes that we make in the VC Zone that we do for advertising be automatically applied to the draft.

**Trustee Lopez** said he concurs with that.

### **6. D. Discussion and Approval to Advertise in Summary --Draft Amendment to Chapter 31 of the Codified Ordinance -Zoning and Zone Map.**

**Motion:** **Trustee Siegel** moved that the draft be advertised for approval.

**Trustee Lopez** said he had a couple of questions regarding the November 14<sup>th</sup> letter. He said he would like Mr. Contreras to advise us why he has requested 65,000 sq. ft of tenant space.

**Mr. Contreras** said he has withdrawn that request and is happy with what the Master Plan states of no more than 50,000 sq. ft.

**Trustee Rael** said on page 1, line 25 of the Ordinance, he has a problem with the 500 ft. He said that is a mistake to limit the core area to 500 ft. This is against the Master Plan; the Master Plan says it should go all the way to the ditch. He said in that particular area, limiting to 500 ft. will limit the number of people that would even consider developing there.

**Mayor Hooker** said would you say that extending the core area along Osuna to Chamisol addresses your concerns.

**Trustee Rael** said yes.

**Trustee Siegel** said he wonders if Mr. Rosoff has a map of the Village Center Zone and could show us just how far out 500 ft. would be on that map. He said the 500 ft. core area almost reaches the east and west border of the zone. It would extend half way into the current Northdale.

**Mayor Hooker** said the map in the packet shows that one inch is 500 ft.

**Trustee Rosoff** said the definition is 500 ft. unless you approve otherwise. You certainly have the ability anytime to determine where the core is.

**Trustee Siegel** asked how far is it from the center core of the intersection to the ditch.

**Trustee Lopez** said it is about 750 ft.

**Motion:** **Trustee Sigel** said he would like to make a motion to change the 500 ft to 750 ft. radius from the midpoint of 4<sup>th</sup> and Osuna intersection. **Trustee Rael** seconded the motion.

**Mayor Hooker** said *there is a consensus to make that change and he will not take a separate vote on that.* He said he appreciates Mr. Contreras for his proposed amendments to the draft except as he offered in his response and if Mike would respond to those comments

**Mike Contreras** said regarding Item 13, 15 ft is not adequate minimum height for shade trees. He said there has to be a limit as it becomes a hazard toward pedestrians and blocking signage. He said the language regarding doors entering from 4th Street could be a nuisance or concern with regard to robbery. Of course, if the tenant wants the doors, they could be installed.

**Trustee Siegel** said he also has a problem with the door concept. He feels that it is more of an architectural issue and perhaps replacing the doors with windows would work and be less of a threat as far as robbery is concerned.

**Mayor Hooker** said having the doors is better but having windows is reasonable.

**Mr. Contreras** said with regard to the change on the core area to 750 ft. it goes back to the use that only drive through pharmacies and drive through bank teller services that could only be on the edge area.

**Mayor Hooker** said he thinks that language can be changed to address that concern.

**Mr. Contreras** on page 1, line 30, asked what does this mean: *attractive functional development that is more compatible with residential development than other commercial zoning districts in the Village or the unincorporated areas of the County.*

**Mayor Hooker** said this is the intent section and the idea is that if we are allowing you to incorporate residential use, it takes some talent to put them together. To give an example, you would not put an apartment up to a drive up window. The key questions is how to integrate housing and commercial uses in an attractive and functional way.

**Mr. Contreras** said the 3.5 parks per thousand, he does not believe we can get a small grocer that will agree to that. He said he would prefer 5 parks per thousand feet of building. He said also with regard to the sentence, *no parking lot shall have more than 70 spaces or be larger than 1/2 acre.* He would like that changed to **80 spaces** and **3/4 of an acre.**

**Mayor Hooker** said and we excluded landscape planters and sidewalks in that calculation. He said he agreed with your proposed amendments except for the things he noted in his response.

**Trustee Rael** said the last sentence that he informed us about before was that his property has more driveway that what is considered in the draft.

**Mr. Contreras** stated on page 7, line 5 of the November 8th draft. He said we have property that is abutting Chamisol lateral, Osuna, 4th Street and the storage units, what this statement says is that you have to have sidewalks and streets against this.

**Mayor Hooker** said what we need to do is to focus on the version of the draft dated November 8, 2002. He asked what you propose. He said we are trying to offer expedited approval to applicants who meet the strict criteria of section. He said we wanted it to be clear and certain so that when they come in with their site development plan, they feel they have an entitlement in 30 days. However if we try to keep it to a 30 day calendar, it would make it very difficult to go through the P & Z Process.

**Mr. Contreras** said he is not sure but he will get together with the architect and get back to the Board on that item. He said further down on Line 42 (G) he

reworded the language in his letter he inserted the word *typically*. Therefore it would read loading docks, trash compactors, and trash containers shall *typically* be accessed, etc.

**Trustee Siegel** said regarding Mr. Contreras objection in line 5, he would like to add a sentence. **This requirement may be waived in a regulating plan if the overall goals and intent of this Ordinance and the Master Plan are generally supported.**

**Mayor Hooker** asked how vigorous would the variance procedure be in this context.

**Attorney Mathews** said it is very vigorous and does not fit the needs of the VC Zone which is why we need to create an alternative variance procedure. He said we have to show practical difficulty or unnecessary hardship not due to any action of the land owner. Our current variance procedure needs to be liberalized to address that fact and probably the Village Center Zone. It is very strict and very hard to meet practical difficulty or unnecessary hardship.

**Mayor Hooker** said if we wanted to include more flexibility in this section specifically through a variance process and not the regulating plan process, would it make sense to add that as a final paragraph of this section.

**Attorney Mathews** said rather than entering it into the variance procedure it would make more sense to add it in this zone itself then to change the variance procedure.

**Mayor Hooker** asked if Attorney Mathews could offer some complete language as a stand alone paragraph to say that. He said the idea is if the applicant can meet the intent of the ordinance, they can request a variance.

**Administrator Rosoff** said could that stand alone section just deal with the reasons that a variance would be granted and leave the variance procedure elsewhere in the ordinance.

**Mayor Hooker** said yes, the rationale for variance.

**Attorney Mathews** said he needed more time and will work on some language that will cover this.

**Mr. Contreras** asked would he need to go before any alternative Village Center Development Public Planning Process to change it. He said his concern is with delaying a project and having to redesign it.

**Mayor Hooker** said lets try to follow up on Dr. Siegel's concepts of 12. C,

**Trustee Siegel** said the idea behind that comment was that it can be rather restrictive depending on what part of the Village Center you are working with. He said you will not be able to shoe horn particularly if you are building in the peripheral area of the Village Center. He said you are not going to be able, in all cases, to follow that rigid requirement. He said he was looking for some way for it to be expeditiously dealt with if the overall design was going along with the intent of the zone.

**Attorney Mathews** said what we want to do is make this a fast process and suggested the following language: *In order to accomplish the goals of the VC Zone, any applicant for VC Zoning may request relief from the provisions of this section in the initial application.*

**Administrator Rosoff** said if you want staff to draft language and put it into the draft before we publish it, you can review it at the next meeting when you go for adoption. He suggested the following language: *in addition to the reasons for variance in the other chapter, a variance can be granted here for a project that meets the goals of the VC Zone.*

**Planner Tidwell** said with David Mathews' assistance in drafted language, we might try a procedure for a waiver from a particular requirements rather than a variance. She said we have to be clear to define the term waiver in our glossary of terms because a waiver is not interchangeable with a variance. She said upon review and concurrence of the Village Engineer and some kind development committee, a waiver for specific reasons would relate to what Mr. Contreras was referring to.

**Mayor Hooker** said with that kind of waiver process is that subject to appeal.

**Planner Tidwell** said she likes the idea of a waiver. A waiver that is based on common sense, industry standards, etc. is a nice option to have but it should not take the place of a variance procedure for something that is dramatic. She said an establishment of a team comprising of the Village Administrator, the Director and a member from the Governing Body would process the request. The team would have the authority to approve a waiver based on the request standing on its own merit and common sense.

**Trustee Siegel** said the waiver should be conservative as there will not be any public review.

**Administrator Rosoff** said our administrative process is relatively streamlined compared to other municipalities in other areas. To go through the P&Z Commission

and then to the Board is not a very timing consuming operation and a special meeting could be called if it is in the interest of the developer. He said the intent was that a plan meeting all the requirements would be expedited, and in fact, on page 2, line 18, 19, and 20 it says, "*A development project meeting all the requirements of this section shall be approved by the most expedient method available to the Governing Body*" means that someone brought in a plan that met everything. In this case, it would go directly to the Board of Trustees without going to Planning and Zoning. He said he thinks the intent is that for something that does not meet that, there is a bigger process and it needs more consideration. He said this is the way it is written now. He said if you want to include a waiver as part of that process, it would have a lower level of *need to find* than a variance does and that would be appropriate. He said that he does not think that short cutting the P & Z process is a good idea for a waiver.

**Trustee Siegel** said as long as we rewrite the criteria for a variance it will be ok.

**Administrator Rosoff** said you could rewrite the criteria for a variance or define criteria for a waiver that would be broader than the variance criteria but would still go through the P & Z process.

**Trustee Siegel** said he thinks that is a good point.

**Administrator Rosoff** said that staff would be happy to ask for a special meeting if a developer was serious and ready to go.

**Trustee Siegel** said perhaps we should go with what Administrator Rosoff suggested and leaves the language in tact, and if there is a project that does not fit this, then will have to go through the P & Z process.

**Administrator Rosoff** said we will add a definition of a waiver and a waiver paragraph for your review.

**Planner Tidwell** said on page 9, line 12 she is thinking about the pedestrian friendliness of a recessed doorway plus it gives increased advertising space in the storefront. If the doorways are not recessed, they could have doors that open across the sidewalk area. For various reasons, you might not want doors that open into the sidewalk area. She said it might be a good idea to incorporate language to encourage recessed doorways.

**Mr. Contreras** said the reason he put in a suggested change to the building being close to the sidewalk, we wanted to move the building back so that we could incorporate outdoor sitting, planters that would protect cars going off the road. He

said generally the doors open in. He said his letter states "*In the Core Area buildings and associated pedestrian areas shall be built to the sidewalk along 4th Street and Osuna Boulevard unless otherwise approved.*" He said this language gave him the latitude to address issues like Mrs. Tidwell brought up. It also addressed other design elements one may want to develop in front of the building and gives the latitude to create that feel or design. He said we want the opportunity for design so that it is not so rigid that you have so many rules that do not allow flexibility.

**Mayor Hooker** stated that Mr. Contreras added the language "*and associated pedestrian areas*". He said we might want to be more specific and offer that as patios or courts and this gives the opportunity to include an enclosed pedestrian area in front of the building. He said language like, *accessory patios or courts may be provided between the building and the sidewalk, could be added.*

**Administrator Rosoff** said on page 4, line 37, that was discussed during the last meeting for possible change but no conclusion was reached. He said he believes it was the Boards intent to allow a wine shop or something of that sort.

**Mayor Hooker** said there are two scenarios. One is the grocery store that sells liquor as part of their entire retail activity and if it is less than ten or fifteen percent total sales that could be Permissive Use. If it is a wine shop or package sales, do we want to have that level of scrutiny of a Conditional Use Application process and delete this exclusion.

**Trustee Siegel** said he feels package sales often increases transients and should require a Conditional Use. Therefore, if it becomes a problem, we have recourse. It should be removed from the paragraph. He said it should be allowed in the zone but as a Conditional Use.

**Administrator Rosoff** said we will write a separate paragraph for it as a Conditional Use and item 7 will be deleted.

**Trustee Rembe** said rewording this would be advisable, such as, the following things are allowed and the following things are not allowed.

**Administrator Rosoff** said the on page 5, line 5, the Board changed the density from 10% to 15% and we will make that correction.

**Mayor Hooker** asked Mr. Contreras' on Zone Change Required in your letter and our page 4, paragraph 4, please advise what you are asking us to do.

Discussion continued and it was decided to drop on page 4, paragraph 4, Zone Change Required.

**Mr. Contreras** said he has a question with regard to page 10, line 22, item 11.

**Mayor Hooker** said he believes we can drop the words *impact study* and in its place insert the word *circulation plan*.

Discussion continued regarding the standard distance from a driveway to an intersection.

**Trustee Siegel** said he would like to know what the standard is.

**Administrator Rosoff** said he will get back to the Board with the standard.

**Mayor Hooker** said he would like to offer to put in for now 200 feet on page 8 line 37.

**Administrator Rosoff** said on page 7, line 5 if you consider a ditch as a right of way that probably solves the problem on block size without being more specific.

**Mayor Hooker** said saying the ditch is an other right of way. He said what about the self storage.

**Administrator Rosoff** said he thinks it will need a circulation road on that edge.

**Mayor Hooker** said it could be an alley and how could we say that.

**Administrator Rosoff** said he believes you have said it that way somewhere else in the draft.

**Trustee Rael** said he thinks there is a road in front of the storage unit.

**Mayor Hooker** said is that something that could be claimed as an alley or a driveway. He said would they be willing to sell it. We are sort of at the mercy of the individual landowners and how they want to develop and integrate themselves with each other.

**Administrator Rosoff** said he thinks that in *other rights of way* it allows you to define the block by the alley.

**Attorney Mathews** said an alley definitely is considered a right of way and we could define a ditch as a right of way because we have pedestrian paths along the ditch and it meets the intent.

**Mr. Contreras** said he agreed.

**Mayor Hooker** said on page 6, line 5, regarding heights adding, other than towers or special architectural features, does help clarify the height requirement. However he does not support allowing things to go to 70 feet.

**Trustee Siegel** said in the ordinance a cellular tower has a maximum of 60 ft. and that is in the C-1 Zone and should probably apply to the VC Zone also.

**Mayor Hooker** asked how do we incorporate the provision of cell towers in the VC Zone.

**Administrator Rosoff** said we will refer to the language in the Cell Tower Ordinance and make sure it applies to the VC Zone.

**Mayor Hooker** said your concern about General Regulations, the first paragraph could be moved to the Purpose and Intent section to discriminate between the core and the edge and out of the General Regulations. He said perhaps this will separate the non-regulations language from the specifics.

**Administrator Rosoff** said the comment he remembers was that the last sentence in that paragraph was to be deleted, as it was not well enough defined to mean anything.

**Mayor Hooker** said to delete on page 6, line 30, the last sentence: *These areas shall be clearly identifiable by building types and character.* He said also to drop, line 30 on page 6 - *These areas shall be clearly identifiable by building types and character.*

Discussion continued with regard to paragraph B, on page 6. Mr. Contreras agreed to this section.

**Mayor Hooker** said that Mr. Contreras offered substitute language for Section L, Private Building Entrances. The Board agreed to Mr. Contreras' substitute language for Section L that included interior parking areas.

**Trustee Siegel** suggested changing the title of paragraph L from *Private Building Entrances* to *Commercial Building Entrances*.

**Mayor Hooker** said with regard to paragraph N, page 9, *change 40 feet apart to 50 feet apart or as required by building codes*. He said regarding paragraph P, we could add Spanish Colonial or Mission. Also regarding paragraph E, on page 10, *change 15 parking spaces to 25 parking spaces*.

**Mr. Contreras** asked about Zone Change Required on page 4, as to whether it was finalized or not.

Discussion continued and it was mentioned that this Section was dropped.

**Trustee Rael** mentioned that the question was called with regard to existing residents that have the driveways that are larger than the 25 percent.

**Mayor Hooker** said they are existing and are grandfathered in.

**Mayor Hooker** said this will be advertised with all the changes that the Board discussed in summary as an amendment to our existing ordinance.

**Motion: Trustee Siegel** motioned to advertise the draft in summary including the map as an amendment to the existing ordinance and as the draft that will be incorporated into the current draft. **Trustee Lopez** seconded the motion.

**Vote:** The motion carried unanimously.

**Mayor Hooker** said with the concurrence of the Board, we will move to Item C.

## 6. NEW BUSINESS

### C. Discussion and Approval to Advertise in Summary—Draft Amendment to Chapter 3 of the Codified Ordinance—Animal Welfare Ordinance.

**Motion: Trustee Siegel** moved to advertise in summary the draft amendment to Chapter 3 of the Codified Ordinance--Animal Welfare Ordinance. **Trustee Lopez** seconded the motion.

**Mr. McCary** referred to his hand out requesting the Board of Trustees consideration regarding the proposed changes. In Section B, the change is **livestock and other solid waste not be spread or used for footing, corrals, stalls or arenas**. He said it is very objectionable; it should be prohibited. In Section E, he said he would like to suggest that the approval and the denial of both sides of the

question have a right to appeal to the Planning & Zoning Commission. This section also requires that the animal keeper request and obtain a free NRCS site assessment and that those recommendations be implemented if they are different from what the Village currently has. He said also that unless the Planning & Zoning Director or Animal Control Officer makes the determination that they are not appropriate then neither would have a right to appeal. He said Section G, was discussed earlier, in having an injunctive relief obligation or remedy, if there is a violation. He said he would hope the Board would consider the changes which are in writing and consider what he submitted earlier on the Zoning Ordinance. He said he does want to talk for a minute about the lawsuit. He said the lawsuit is not before this body, and therefore, the court will make that decision. He said he would ask before the Board makes a final decision, as to what to put in and what to keep out of the Animal Control Ordinance and the Zoning Ordinance, to consider his clients. He said there are three issues: (1) Are they better off to live next door to a property that is restricted to 7 or 8 animals under the present ordinance or can they reasonably live with a property with 25 to 50 horses in the conditions that are going to be imposed; (2) Is there a commitment on the part of the Village to enforce whatever the Board enacts. (3) He said he has seen no action by the Village in the last 5 years or 21 months since the lawsuit has been pending to take action on the horse number limitation and there are numerous violations of it. He said how can his clients feel comfortable that there will be any enforcement. He said the statute also provides for damages.

Further discussion continued and **Mayor Hooker** said he would like to propose to accept the proposed changes in paragraph E to insert the words *who keeps* after person on line 35, page 19, on line 36 insert *one (1) animal per 2,000 square feet of open lot area, to drop by the livestock keeper or by the adjoining property owner and to keep the language, that the Approval or Denial may be appealed to the Planning and Zoning Commission.*

**Attorney Mathews** said to add the language that anybody can appeal within the Village.

Discussion with regard to the question of --Does mitigating pests include control or do we need to specifically include control?

**Trustee Siegel** asked the question of how does one judge if the mitigation has been effective or not? What is a reasonable amount of flies to accept?

**Attorney Mathews** said he feels that this can be solved by making judgments in cases that come before the Village all the time. The determination can be made on the evidence that is presented on that particular case. Evidence from neighbors

will determine if the mitigation is effective and the judgment has to be made in the end.

**Administrator Rosoff** said under paragraph E, if they have one of the large livestock or small livestock they have to submit a plan. The plan is to be approved by both the Animal Control Officer and the Planning and Zoning Director. He said it is up to the people that you have charged with administering the mitigation plan to determine if the plan is adequate.

**Mayor Hooker** asked the question in paragraph B. Is it reasonable to include stalls, corrals, pens and other language.

**Trustee Siegel** said he thought livestock areas were covered.

**Trustee Siegel** said suppose someone wants to compost the manure and is a Waste Management container the only way to deal with the waste.

**Administrator Rosoff** said they have to have a Waste Management Plan. It is in paragraph E.

**Trustee Lopez** said one could have their own container; it does not have to be a Waste Management container.

Discussion continued regarding other methods of disposal of waste and whether people can compost manure and still prevent the nitrogen loading.

**Trustee Siegel** said in paragraph B to eliminate the sentence: *Livestock owners shall acquire from Waste management, or any successor solid waste contractor of the Village, covered containers in which to dispose of livestock manure and other waste.* He said it seems that there should be some room for an alternative.

**Administrator Rosoff** said it can be written so that it is not exclusive to this solution and leave the solution as a possible solution.

**Mr. McCary** said it doesn't hurt to add that in keeping the livestock areas clear of all the manure and livestock waste, that it not be spread in arenas.

**Trustee Siegel** said he will add that amendment to paragraph B to his motion.

Discussions continued with regard to proposed paragraph F that an applicant might be required to obtain an NRCS report as a condition of their approval. Paragraph F was not agreed to by the Board but may be revisited.

**Trustee Siegel** said he agrees with Section G and will include that in his motion.

**Trustee Treasurer Leatherwood** said he has never seen any scientific documentation that livestock can contaminate ground water. He questioned what is the definition of clean. He also disagreed with not being able to dump manure in his private arena. Why does one have to use a container.

**Mr. McCary** said regarding the ground water he has a specific suggestion that the well owners have their wells tested for nitrate to see if permissible levels have been exceeded. He said as far as the smell test goes, this is not acceptable; we have to have some standards. He said dumping manure into arenas is going too far.

**Trustee Rembe** said on page 2 do animals sting. The word sting was deleted. She said the definition of a feral is incorrect.

**Mayor Hooker** said we will look at this section more as to how to define a pack of dogs that have attacked another dog, cat or person.

**Trustee Rembe** said how do we let people know that they have to have a license and tags.

**Mayor Hooker** said we do not require that.

**Trustee Siegel** said we are the only town in the area that does not require licensing for animals.

Discussion regarding dangerous animals, item 13, on page 13, to offer any live animal as a premium, prize, award, novelty or incentive to purchase merchandise continued.

**Attorney Mathews** said he could add something in here to ask for relief of this ordinance for specific instances.

**Motion:** **Trustee Siegel** withdrew his motion and moved to defer the amended draft back to the next Board of Trustee Meeting on December 11, 2002. **Trustee Rembe** seconded the motion.

**Vote:** The motion carried unanimously.

## **6. Resolution No. 2002-11-1 - Establishing the Main Street Committee**

**Vote:** Lopez, aye; Siegel, aye; Rembe, aye; Rael, aye. The resolution is adopted unanimously.

**7. Approval of Nominations of the Main Street Committee**

**Planner Tidwell** said she has a third person to add as a representative for the LR4BA, and that is, Al Griegos, Z-coil Footwear.

**Motion: Trustee Lopez** moved approval of Al Griegos as a representative for the LR4BA. **Trustee Siegel** seconded the motion.

**Vote:** The motion carried unanimously.

**8. Discussion and approval to Advertise in Summary Draft Ordinance-- Abatement of Dangerous Buildings.**

**Motion: Trustee Siegel** moved approval to Advertise in Summary Draft Ordinance - Abatement of Dangerous Buildings. **Trustee Rembe** seconded the motion.

**Attorney Mathews** said if you have a real serious situation there is a remedy that moves faster under state law than this. He said he has a few comments on this that he will submit in writing to the Board.

**Vote:** The motion carried unanimously.

**9. Discussion of the Village Housing Code Proposal**

**Mayor Hooker** said we will bring this item back.

**10. FINANCIAL BUSINESS**

**There was no Financial Report.**

**11. REPORTS**

**(A) Mayor's Report**

He said during the Winter Market, we had a hand full of volunteers show up to help and they focused on expanding the sand area in the playground. He said he has a

request for a teeter toddler which the Board will decide if it is not dangerous, we will budget for it. He announced that Theresa Zanetti is official sanctioned as our new District 15 representative, Alan Armijo is our new County Commissioner. He said he would like to ask the Board for next year how to consider remembering Veteran's Day. He said we have a Main Street Training Program on Saturday. He said as always you are invited to run along with the Fire Department to see what the Volunteers are put through. He announced that he had a very good meeting with Mr. Maldonado regarding the Tyler Road property and is looking at solving his parking problems, addressing the drainage problems, and the building is fixed up very nicely so far with tenants lined up with permits and business registrations.

**Administrator Rosoff** said there is an opportunity to do that as there is an organization that has a luncheon every Veteran's Day at Sadie's.

### **B. Administrators Report**

**Administrator Rosoff** reported that the french drain contractor has gone out and spotted his drains and should be starting to dig on Monday and should be done in approximately 3  $\frac{1}{2}$  weeks. He reported that he provided a copy of the gross receipts tax by section for the first three months of this fiscal year and explained the report. He said that the Area E Sewer should be starting out in the next 45 days and explained the location that is covered by Area E. He reported that he is working with Bernalillo County on a prisoner detail to do some work along 4<sup>th</sup> Street and we are also working on the overall traffic calming project. There will also be some restriping and culvert replacement on Solar & Nabor that you will see in the next few months. He stated that Fonsi is still expected this month.

### **C. Legal Report**

**Attorney Mathews** reported that he does not see any fast solution to this case and Mr. McCary has been in court and Judge Thompson has referred this case to mediation. He said he will be meeting with Mr. Campbell tomorrow regarding a letter that will be sent out by the Village but nothing has changed in his scheme of things, and if Mr. McCary thinks he will get a quick resolution out of Judge Thompson, he is in a dream world. He reported on his concerns on Mediation on 4<sup>th</sup> Street and how to proceed.

**Trustee Siegel** said he feels there is nothing to mediate.

**Trustee Lopez** said if we do not mediate there will be a lawsuit. He said the number of lanes is the very last thing you have to do in this project. He suggested doing everything and then at the very end of the project decide about the lanes.

**D. Planner's Report**

There was no Planner's Report.

**12. TRUSTEES INFORMAL DISCUSSION**

There was no informal discussion.

**13. ADJOURNMENT**

**Motion:** Trustee Rembe motioned to adjourn. Trustee Lopez 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, CMC**  
**Village Clerk**



