

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BLVD. NW
BOARD OF TRUSTEES REGULAR MEETING - 7:00 p.m.
December 11, 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
Dorothy Connolly, Acting Clerk
Cyndie Tidwell, Planner
David Mathews, Attorney

1. **CALL TO ORDER**

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, December 11, 2002 in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m.

Approval of the Agenda

Motion: Trustee Lopez moved approval to change the January 8th 2002 Board of Trustees Meeting to January 15, 2003 and also as part of his motion moved to remove items 5B & 5D off the agenda. **Trustee Siegel** seconded the motion.

Vote: The motion carried unanimously.

Motion: Trustee Siegel moved to approve Dorothy Connolly as Acting Clerk for tonight's meeting. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

2. **Public Comment Period**

Mayor Hooker said that noticing no one has signed up for the Public Comment Period, he asked Senator Gorham and Commissioner Amijo to speak.

Senator Gorham said she would like to hear back from the Village with regard to what the Village was interested in for the capital outlay for the year for legislative requests. She said she was informed that there may be a political fight over the capital outlay this year and is urging the Village to get involved. She asked if the Village has a request list.

Mayor Hooker said it is part of the big book that you have of all the capital outlay requests.

Mayor Hooker asked what are the prospects for the capital outlay.

Senator Gorham said she is really not sure and elaborated on why. She spoke about the dangers of diverting money from the funding stream. She spoke about Bill Richardson taking a 300 million dollar chunk out of the permanent funding for economic development. She discussed that she is not in favor of anything touching the permanent fund because our children and our grandchildren will not have educational opportunities that we have now. In addition, it funds about 33% of the dollars that go into education for colleges, universities and schools for the deaf and blind.

Trustee Siegel said his concern is that there is going to be a proposal to get rid of the gross receipts tax on medical care and on food. Our concern in the Village is the loss of revenue to municipalities that are already severely strapped. He said he is concerned on how these revenues will be replaced.

Senator Gorham said she has not heard anything about touching municipality incomes.

Discussion continued on other tax being redirected like the compact revenues from the casinos. Senator Gorham said she does not see that happening. With regard to this subject, further discussion continued that the burden of law enforcement falls on the municipalities and counties and nothing is coming back to help off set the expenditures.

Commissioner Elect Armijo said he appreciates the opportunity to come to the Village and introduced himself and hopes to establish a working relationship. He said he has never made any promises as a politician except one, and that is to work hard.

3. CONSENT AGENDA

Trustee Siegel said he had some changes in the Minutes of November 13, 2002. On page 5, lines 17, 18 & 19 should read: "*He said there is drainage, manure handling and dust/pest mitigation plans that are **proposed** so those concerns are addressed in **that** ordinance.*" He said on page 5, line 39, to change Trustee Leatherwood to "**Treasurer**" Leatherwood. Also on page 10, line 21, change the word "*whether*" to the word "**should**."

Trustee Lopez moved approval to accept the Consent Agenda with the changes.

Trustee Rael seconded the motion.

Vote: The motion carried unanimously.

4. PUBLIC HEARINGS AND APPLICATIONS

A. Request by Sharon Sanchez for Jerome Maldonado (property owner) for a Zone Map Amendment to SU-1 Zoning to allow for a Tobacco Establishment, where the property is currently zoned C-1. The property is located at 6847 4th St. NW and legally known as Lots numbered One (1), Two (2), Three (3) and Four (4) in Block numbered Two (2) of GREEN VALLEY ADDITION to the City of Albuquerque, New Mexico, as the same are shown and designated on the Map of said Addition filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 2, 1939. This parcel contains approximately .27 of an acre.

Attorney Mathews swore in those individuals who wished to speak under Consent Agenda Item, 4.A.

Planner Tidwell said the application before the Board has not been heard by the Planning & Zoning Commission because the P & Z Commission did not anticipate having anymore zoning action items for this year and cancelled their December meeting. Under the Retail Conservancy Section of the C-1 Zone district as amended by the Board, it does not include as one of the Permissive or Conditional Uses the sale of tobacco products. She said the only option to Mr. Maldonado and his tenants, at this time, would be a zone map amendment to include the sale of tobacco products. She said obviously they are sold in grocery stores, gas stations, restaurants, etc. but as an Incidental Use.

Mayor Hooker said if we approve a Special Use for this use does that preclude another retail use so in the future when they come back for a different business they have to request a new zoning.

Planner Tidwell said that if the Board should decide to move to approval of the sale of tobacco products, it would be most helpful if your motion said something to the effect of: *All permissive and Conditional Uses in the C-1 Zone and sale of tobacco products* so that each time a tenant moves in and out of that suite, they do not have to come back for a zone change. She said we can adjust the list at the time that the Board enacts the code revision.

Trustee Siegel asked if Planner Tidwell had an opportunity to review the list, and if there are any other traditional C-1 uses that the Board inadvertently omitted that we need to be aware of before this issue comes up again.

Planner Tidwell said she included a provision for the Planning Director to evaluate whether a new business, new activity or new use was similar enough to those that are already approved to make a recommendation administratively to allow that to happen. She said otherwise it comes back for a zone change every time. She said the list has been expanded but there are new things on the horizon that we do not know about yet.

Administrator Rosoff said expanding the list has made the list much more specific, but it is still likely that there are a few more.

Gaylene Lund introduced herself and said the tribe did enterprise into a tobacco company three years ago and are making a cigarette. She said we basically are selling cigarettes tribe to tribe and in small convenient stores. She said she would like to open a small retail outlet and a distribution center. She said there is a small area in back where they would deliver cigarettes.

Trustee Rembe asked if this was the first retail outlet in New Mexico and why would you not want to be on Indian land when there are no taxes.

Gaylene Lund said this is the first retail outlet in New Mexico and said she does not know the answer as to why they would prefer not to be on Indian land.

Sharon Sanchez said they looked for a building and picked a location that they thought would be good and this location is centrally located to everything. It is true, however, on Indian land; they would not have to pay the taxes. She said it will just be the sale of cigarettes and maybe small novelties, like cigars or candy. She said they plan on opening as soon as they are approved.

Trustee Rael said his question is how big will the wholesale operation be compared to the retail portion of the business. He said the wholesale portion of the business will not generate any tax revenue for the Village.

Trustee Siegel said there is a line item on the financial statement for cigarette tax, however, we have not collected any cigarette tax. He asked how far is the store from the Middle School.

Administrator Rosoff said we have not collected any cigarette tax revenue since August of last year. He said he has been tracking that with Taxation and Revenue. He said that is funding on cigarettes that are distributed by a distributor into the Village. It is an issue of finding the distributor who is not claiming the tax in the Village. He said that amounts to approximately \$140. per month when we get it. He said the proposed cigarette store to the Middle School is approximately $\frac{1}{2}$ mile.

Trustee Rembe explained her position with regard to a cigarette store and the health hazards connected with smoking, and therefore, she is not in favor of this type of business in the Village.

Trustee Siegel said he also is not a big proponent of smoking but the fact is, it is already a retail use and is prevalent in the Village. He said he does not think it is fair to turn someone down when it is an already established business in the Village. He said, therefore, he does not feel this application should be turned down.

Motion: **Trustee Siegel** moved to approve a Zone Map Amendment to SU-1 Zoning to allow for tobacco sales and all other Permissive Uses, where the property is currently zoned C-1.

Trustee Rembe asked about the parking and loading area for the wholesale portion of the business.

Sharon Sanchez stated that the cigarettes are delivered in cases and probably will go out the back door in small allotments and that the parking is adequate for the operation.

Trustee Rael seconded the motion.

Vote: The motion carried with **Trustee Rembe** voting no.

B. A request by Bill and Evonne Joiner for a Site Development Plan Review to allow an Academic Sports and Fine Arts Learning Center in the C-1 and A-1 Zone. The property is located at 7424 4th Street, NW and legally known as Tract 112, Middle Rio Grande Conservancy District Map Number 27. This parcel contains approximately 2.74 acres. The Planning and Zoning Commission heard this application at their Special Meeting Held on November 20, 2002 and forwarded a recommendation of approval for the Board of Trustees consideration.

Trustee Lopez said he understands that the Planning & Zoning Commission recommended approval unanimously.

Planner Tidwell said yes that is correct. The Planning & Zoning Commission reviewed the plan and it is a very thorough plan.

Trustee Siegel said asked if the very far rear of the development is not under request for approval tonight. He said when discussing the A-1 Zone, he believes the Board did make the fields a Conditional Use.

Planner Tidwell said yes that is correct and because of drought conditions and water issues that they would prefer to look at the possibility of developing that either residentially or making that decision at a future time.

Motion: **Trustee Siegel** moved approval of Item 4.(B) for a Site Development Plan Review to allow an Academic Sports and Fine Arts Learning Center in the C-1 and A-1 Zone. **Trustee Lopez** seconded the motion.

Discussion continued with regard to the opening date for the Learning Center and it is anticipated to open June 1, 2003. The number of students initially is anticipated to be approximately 38 students per session.

Trustee Rembe asked if Mrs. Joiner has had previous experience in teaching.

Evonne Joiner said that she does have experience in this field and has hired an Executive Director Colonel Kevin Jackson.

Colonel Jackson stated his educational background. He said he taught at the West Point Academy, City College of Chicago and also worked as the Deputy Secretary of the Youth Authority in New Mexico. He said his heart is for the kids and the families and there is a real need out there for this. He said the Joiner's have tremendous hearts for children and will be a real asset for this area.

Trustee Rael asked how affordable will this be.

Colonel Jackson said they want to be less than the competition and they would like to pursue some federal grant funds that will help in the funding for disadvantaged families.

Evonne Joiner said she also has talked to some individuals with regard to funding and her husband's in-laws are setting up a foundation strictly for education. She said her in-laws are going to be putting a nice sum of money into the non-profit side of the business for scholarships for children who might not otherwise be able to attend. She said that Colonel Jackson is also Founder and Executive Director of the New Mexico Family Council.

Vote: The motion carried unanimously.

5. OLD BUSINESS

A. Discussion and Approval of an Ordinance - Revising Chapter 31 of the Codified Ordinances - Amends Sections 3 & 5, Adding a New Section 12 (Village Center Zone) and Amends the Zone Map to Delineate the Village Center District

Trustee Lopez said the Board has gone over this for months; are we at the point that we can approve it.

Mayor Hooker said this can be the final vote to amend the existing code not our entire revision to the entire code. He said there are written comments from Administrator Rosoff.

Motion: **Trustee Siegel** moved adoption with the staff proposals. **Trustee Rembe** seconded the motion.

Trustee Rael said referring to item one, comments from the staff; he thought it was discussed to include something to the effect that the Village would also have to approve drive-throughs.

Mayor Hooker said yes, we talked about that as part of the site plan review and approval by the staff and is not written into the code as such.

Trustee Siegel said he thought a drive-through is a Conditional Use and would have to be looked at on that level.

Trustee Rael said on page 8, line 4, paragraph g., eliminate *used by the*, and put a period after parking lots. He said it appears that it still does not have the wording that indicates there is access from the parking area.

Administrator Rosoff said it was not addressed in the comments, but was discussed at the last meeting; however, the Board did not adopt any specific language.

Trustee Siegel said it doesn't say you cannot have access to the parking lot. He said it does not prohibit that.

Mayor Hooker asked Mr. Contreras to speak to the question.

Mr. Contreras said he can work with the way it is worded. He said the only two things that he would like to address are: (1) He has not seen the map that shows the new Village Center Zone and (2) He thought that the drive through facilities would be a Permissive Use provided the drive through is outside 500 ft. from 4th Street. He said also the map posted out front shows that it is R-3.

Mayor Hooker said it is Conditional and just a matter of engineering review with a higher level of administrative and public review. He said the designations on the map are the existing land use designations today. The district defines the boundary of the limit of what the Village Center Zone could encompass.

Administrator Rosoff said once this passes you will have created a Village Center district in which Village Center Zoning can be applied for.

Trustee Rael said he is still not happy with the wording on page 9, line 3, and paragraph L.

Trustee Siegel said just strike all.

Attorney Mathews said eliminate the word *be* on line 3, paragraph L, page 9 and insert the words *have an entrance directly accessible from the sidewalk*.

Mr. Contreras asked if this is meant for having entrances from 4th Street and Osuna. Is this the intent of this paragraph?

Mayor Hooker said yes that is the intent.

Mr. Contreras said if certain establishments choose not to utilize those entrances because of prime, etc., is that still going to be a requirement from the Village's standpoint to still have those doors open.

Mayor Hooker said it could be said that they shall be open.

Trustee Lopez said he doesn't think that the door actually has to be open.

Mayor Hooker said that is where the operational issues could overcome the construction. The intent is to follow what the City of Albuquerque is doing with their parking and access task force, i.e. looking at how to get across parking lots, how to get to the doors of buildings and how to do that in the most gracious and safest way possible.

Trustee Siegel said there is a section on page 11, item 14 entitled Waivers that deals with that issue and is a minor deviation from the specific language and could be granted administratively.

Mayor Hooker asked if this is settled to Trustee Rael's satisfaction.

Trustee Rael said if Mr. Contreras can live with it, then it is ok.

Trustee Siegel amended his motion to include language suggested by Attorney Mathews.

Attorney Mathews read the suggested language for this paragraph, *"For visibility and accessibility, all commercial entrances used by the public shall be visible from the right-of-way, and the sidewalk shall have an entrance directly accessible from the sidewalk. It shall be no more than 75 ft. from the sidewalk."* He said we do not have a current definition of the word sidewalk in our current zoning ordinance. He said a standard definition of the word sidewalk would include a sidewalk in front of a store. A sidewalk does not have to be only along public right-of-ways. He said we could make that our definition, but that is not the common definition.

Trustee Real said that is fine.

Trustee Rembe included the amendment as part of her second.

Trustee Rembe said on page 8, line 4 to drop the words *screened or* and just say: *shall be enclosed to minimize noise.*

Trustee Siegel said he is still troubled regarding the minimum and maximum number of parking spaces per 1,000 sq. ft. of building. He said five spaces per 1,000 seem to be on the high side. He said the number of spaces should be guided by the usage.

Discussion continued regarding parking space allocation.

Planner Tidwell said five spaces per thousand seems to be on the high side but most likely adequate.

Leo Bartolucci said he has a question regarding the size of the Village Center. He said he was under the impression when he and others wrote the Master Plan and approved it, that the Village Center was the Northdale corridor only. He said now it appears that it is expanded. He asked how that came about.

Mayor Hooker said that came about by a proposal by the staff and the Board and has not been approved yet.

Leo Bartolucci said so it has to go to the public?

Mayor Hooker said this is the public discussion which is happening now.

Mr. Bartolucci said this is a big endeavor to include all of this.

Mayor Hooker said do you have a different recommendation.

Mr. Bartolucci said he just saw it for the first time so he could not comment on it now. He said is the intent that some of the things that are there now, will stay there?

Trustee Siegel said yes.

Mayor Hooker said a landowner could apply for a Village Center Zoning.

Mr. Bartolucci said I understand it now and thank you.

Vote: The motion carried unanimously with amendments.

5. B. Discussion and Approval of an Ordinance--Abatement of Dangerous Buildings

This item was taken off the agenda see 1.A. Approval of the Agenda

5. (C) Discussion and Approval to advertise in Summary -- Draft Amendment to Chapter 3 of the Codified Ordinance--Animal Welfare Ordinance.

Attorney Mathews said he would like to present a change that has been suggested by Arturo Andujo, the Village's Animal Control Officer. He said Arturo looked through the ordinance and he wants to draw attention to page 10, line 29. He spoke about what is confinement. He said he would like to add a sentence that says: *The area of confinement shall be approved by the Animal Control Officer.* He said that Arturo will then make sure that the area of confinement has to be covered as dogs can climb and must meet the Animal Controller's inspection that the animal cannot dig out of the confinement area.

Discussion continued with regard to the number of days that should be allotted for the period of confinement.

Attorney Mathews said the Animal Control Officer should be permitted to extend the period of confinement if he feels that it is necessary. He said it provides extra safety for the citizens. He said he would like to add to *Section 67, A.(2) the following: area of confinement shall be approved by the Animal Control Officer and release from confinement shall be approved by the Animal Control Officer.*

Attorney Mathews said should he add symptoms of illness more specifically.

Trustee Siegel said he would just write *symptoms of rabies* on *line 38, page 10* substituting the word **rabies** for **illness**. He asked what the opinion of the Board is with regard to adding systems of illness more specifically.

Trustee Rael said I think you should.

Trustee Siegel said he would write the words *symptoms of rabies* in those words.

Mayor Hooker said would it make sense to include it under rabid animals in the definitions on page 4.

Attorney Mathews said that is a good idea.

Administrator Rosoff said we may want to work with the Vet to put together a good information sheet that we give to the owner of a confined animal.

Trustee Rael agreed with Administrator Rosoff.

Mayor Hooker asked about being able to delegate the Animal Control Officer's authority to someone else like a deputy or veterinarian under this ordinance.

Attorney Mathews said with regard to licensing, this authority could be delegated to a veterinarian but as for confinement issues only another trained Animal Control Officer from Bernalillo County can make that decision.

Trustee Rembe stated under item #4 it is already in the ordinance that no animal shall be released from confinement except by the ACO.

Trustee Siegel said he would move to include the language suggested by Attorney Mathews.

Discussion continued regarding the West Nile Virus and it was mentioned that infectious diseases are monitored by the State Department of Health who sends out monthly reports, where they are occurring and tracks other kinds of encephalitis. The Village received two bulletins with regard to the West Nile Virus advising that it was in New Mexico. This occurred at the same time that the center was set-up to bring in the dead birds for testing. The notice included that horses were infected.

Mayor Hooker stated that the large animal vets were informed.

Mayor Hooker said Jackie Armijo was unable to attend tonight and she is concerned about how to address individuals who rescue animals. He said Pound Puppies are holding in the Village dogs for adoption, licensed by the City of Albuquerque and then taking them to a pet adoption event in Albuquerque. He said can the Village recognize tags from the City of Albuquerque on a short term basis to accommodate these individuals, and can the Village give them a grace period.

Attorney Mathews said the Board can do that and what we will need to know is what kind of period of time would be reasonable. He said once he has that kind of information, he will write it into the Ordinance.

Carol Lindberg said she keeps two horses on her acre and $\frac{1}{2}$ of property at Roadrunner and Rio Grande Blvd. She said she would like to speak to Section 11, paragraph B. on page 19. She said with regard to livestock owners being required to have dumpsters from Waste Management that Waste Management has no composting capabilities. She said this seems like a waste of a good resource. She asked what is available for an individual owner who wants to compost and works it into their garden. She said it should be an option. She said it would be wonderful if there was a place where we could take manure to locally to compost as the only thing available that she knows of is located in the South Valley. She said she has a neighbor who composts for her.

Trustee Siegel said that there is no need for the entire second and third sentence of paragraph B. He said requiring a dumpster from Waste Management is one way but there are other ways of managing the waste that would be acceptable.

Motion: **Trustee Siegel** moved to strike the second and third sentence in Section 11, paragraph b, on page 19. **Trustee Lopez** seconded the motion.

Administrator Rosoff said the contract with Waste Management requires that anyone who is disposing of waste needs to do so through Waste Management.

Olga Sanchez said to please read the sentences that are being struck.

Trustee Siegel read: *"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. Such containers must be emptied on at least a weekly basis."

Mrs. Sanchez said it is very clear on how to handle manure and we composted also. She said there are people spreading manure today and misconstruing that language and just using it as they see fit as putting it for footing for horses in horse arenas, etc.

Trustee Siegel stated in Paragraph E of the Ordinance which is now Paragraph D covers this and says: *you have to have a drainage plan, waste management plan, dust mitigation plan and vermin/pest mitigation plan.* He said further the plan has to be approved by Animal Control Officer and the Planning & Zoning Director. He said having one or two horses and requiring them to have a dumpster is unreasonable and if they want to spread the manure in that kind of setting, the Board should not get involved.

Allan Leatherwood, a resident of the Village and also Treasurer of the Village, said regarding Item B, when we talk about accumulation of liquids. He said he would like the language to say: *Animal pens, stalls, and runs shall have proper drainage to remove excess water or liquids.*

Attorney Mathews said it should be put in prohibited activities, Section 9 in subsection 10. He said what the Board doing tonight is getting this out before the public and he will work on the language in this section.

Trustee Lopez said yes this is for advertisement.

Allan Leatherwood said he would also like to suggest the following change in language. Section 11, Paragraph B, Page 19: Urine from livestock may not flow onto neighboring properties or *shared irrigation ditches.*

Trustee Siegel said and strike *or be allowed to accumulate in pools or in any low areas of the subject property.*

Allan Leatherwood said depending on the activity, dust accumulation will vary. He said to say you cannot allow dust to go over to your neighbor's property, is a problem and asked is it for 5 minutes or eight hours. He suggested regarding dust accumulation and recommends moving Item D into the AC Zone for a Commercial Operation.

Trustee Rembe asked if a time limit could be put on the dust issue.

Trustee Siegel said this is really going to be difficult and why don't we just strike Paragraph D. He mentioned that most of the dust is not from live stock; it is from roads not being properly maintained, from construction, etc.

Trustee Lopez said he agrees with that.

Trustee Rael said he also agrees with that.

Mayor Hooker said it looks like the consensus is to eliminate in Section 11, Paragraph D. If you have less than one horse per 10,000 square ft., you are not likely to have a problem except it still falls under the Nuisance Ordinance.

Attorney Mathews said he agrees that any violation is covered by the Nuisance Ordinance.

Trustee Siegel said we do not have dust in the Nuisance Ordinance.

Attorney Mathews said the only way it could be under the Nuisance Ordinance would be: *"maintenance of a health or safety menace"*. He said it does not specifically mention dust.

Mayor Hooker said is that something you could bring back to us by February.

Attorney Mathews said yes that he could.

Administrator Rosoff said on page 20, Paragraph A. that he would like to add to: Penalty Assessment Misdemeanors. Any violation of Sections 5 or 7 *or approved plan required under Section 11* of this ordinance shall be a penalty assessment misdemeanor.

Mayor Hooker said on page 19, now paragraph D, last sentence: *Denial of approval may be appealed to the Planning and Zoning Commission*. He said what about a neighbor who feels the plan is not adequate; what is their recourse. He said do they appeal to the Board of Trustees.

Trustee Siegel said lets say you approved a plan and the neighbor was complaining, what does the neighbor do.

Mayor Hooker said what if we say *denial or approval of the plan may be appealed*.

Administrator Rosoff said we will need rules as to how it is advertised, noticed and how it is heard that would have to be incorporated. He said it might be reasonable to say that when a plan is submitted the applicant must send a first class letter to each neighbor within 300 feet that the plan is in the office and that there is a comment period. If no one comes in and comments on the plan, it is approved. He said the comment period would start on the date of the mailing of the first class letters that the applicant sends out and that the comment period would have a specific amount of time (whatever that is) and that the Village has to act on the plan within a certain number of days after that comment period has expired. He said we can get that in by tomorrow.

Vote: The motion was approved unanimously to advertise as amended.

6. NEW BUSINESS

A. First Amendment to contract for Accounting Services with Helen Lucero.

Administrator Rosoff said what we are trying to do here is to allow us to make part of the current compensation package a health benefit rather than cash so that Helen Lucero can be enrolled in the same benefits program that is administered by the City of Albuquerque.

Motion: **Trustee Lopez** said he thinks that is a good idea and moved approval.
Trustee Siegel seconded the motion.

Trustee Rael asked if Miss Lucero did Accounting Services for other entities.

Administrator Rosoff said she does not do Accounting Services for any other public entities. She has her own coverage under an individual plan and does not have the same benefits as a group plan. He said the premiums from her pay will be deducted.

Trustee Rael asked 100%.

Administrator Rosoff said yes.

Vote: The motion carried unanimously..

7. Financial Business

A. Cash Report - November

Treasurer Leatherwood reported that our revenues for the month were \$142,000 and expenditures were \$208,188. We ran a deficit for the month of \$65,268. He said for the year we are running a surplus of around \$15,000. This is July through November of this year. He said there were three paydays during this period and also had around \$30,000 worth of fire equipment which had to do with the new brush truck. With regard to the Cash there is an error on report one, the cash for the period has basically gone up \$2,000, the \$83,000 you are seeing there is the decrease in cash for the month. Again that is a little misleading.

Trustee Siegel said and the \$116,000 that is just the decrease from the high water mark.

Treasurer Leatherwood said he believes that is an error; he believes that should really be \$2,000.

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

Trustee Siegel said asked why we do not have any gasoline tax revenue. It seems like we had a lot in July and August and then practically nothing the last three months.

Treasurer Leatherwood said he really does not know but has a theory of how they work in Santa Fe with regards to gross receipts and municipal receipts. He said why it does not get to us in some months and other months it can be high, could be that someone went on vacation.

Trustee Siegel asked if there is any kind of auditing of gross receipts and are we actually getting all that we are entitled too.

Treasurer Leatherwood said the big problem is that it is all funneled through Tax & Revenue and Tax & Revenue has an extremely complex computer system to allocate tax revenues and pushes the responsibilities to municipalities to track it. He said the auditors for Tax & Revenue have always qualified their opinion in regards to being able to give an accurate distribution of taxes.

Discussion continued with regard that the municipalities having paid for the new computer system and that the first section was to be the income tax section and it is still not up and running and has been a problem for the last 25 years. It could be in our favor or not in our favor, but we do not know. Also the records are confidential so we are unable to resolve this situation. The Village receives a list by sector of the businesses in the Village and what months they paid taxes.

Administrator Rosoff said overall the Village is less than $\frac{1}{2}$ of 1% under budget through the November's distribution, and December is expected to be a very good distribution. If we are behind in January, we will be looking at budget adjustments in February.

Vote: The motion carried unanimously.

Trustee Lopez asked what Andres Viamonte's role is with regard to the 4th Street project.

Attorney Mathews said Andres Viamonte is talking to the business owners about the whole scope of the 4th Street project and is doing this under his contract with Andres. He said Helen Bennett has not returned any phone calls in his efforts to set-up mediation. He said he is not sure that Helen represents anyone. He said if Andres does not talk to these people no one else is and we will not be able to proceed.

Trustee Lopez said he thinks it is an excellent approach.

Trustee Lopez reported on the Water Resource Board. Comments and questions were discussed and there are some flashpoints regarding the impact and whether or not the Village should enforce its' own water conservation measures. Every municipality will have

to approve the Regional Water Plan and that means the water plan will have to be presented to the governing board and the citizens of the Village because of domestic well issues, irrigation issues, etc. The plan would be accepted by Resolution. The final plan will be finished by the end of June, but the 90% draft will be presented on January 15, 2003. It appears that it will be brought to the Village in April and then we will have until June to finalize our position.

Trustee Siegel asked about the status of private wells in the Village.

Trustee Lopez said anyone in the state of New Mexico who wants to install a domestic well can apply to the state engineer. However in the Rio Grande what the Albuquerque district of the state engineers have been doing is putting conditions on it, such as metering and allowing only a certain amount of water that a resident can draw. He said the Village could put a limit on how much a resident could draw on his well and would have to be coordinated with the state. He said the assembly presented an annotated table of contents which goes through the strategy of what the Water Assembly has been doing. He said he will make the materials available for all to review.

8. REPORTS

A. Mayor's Report

Mayor Hooker reported on the Local Central Area Workforce Investment Board and concerns that federal money has been used in ways that are not allowed especially for youth training programs. There is a detailed report from the Federal Department of Labor directed toward the Central Area Workforce Investment Board. The Village is accountable for a fraction of that money. The elected officials who serve on the Board are working together slowly to see how to address the concerns raised by the Department of Labor. There is some concern that we are in the middle of a feud between our contractor verses the State Department of Labor that used to do all the services and that they were angry that they did not get the contract. The Mayor is presenting to the other fellow Mayors and Governors of the Pueblos that we work with the Council of Governments to become our physical agent and have them watching the money and managing the contracts that are providing the services. There is a remote chance that money may have to be paid back which could amount to around \$20,000. He said he believes that capital outlay will be our key issue. Commissioner Armijo said he will be there everyday and will be happy to work with the Village and advise us of what we need to be aware of. Mayor Hooker announced that he will be taking time to go to Santa Fe during the session. He will keep everyone posted in case you are available to join him. Mayor Hooker proposed to the Board and Sr. Administrators of the Village a planning retreat to be held in January. This would be a facilitated program to discuss future goals and achievement of same. He said some of our training budget will be used to do a similar staff training retreat to work on team building, to understand policy and the goals of the Village.

Trustee Lopez asked what happen to the Code Enforcement Officer.

Administrator Rosoff said he did not meet his expectations for performance, and was not completely truthful with us. He said he prefers not to give specific details.

Mayor Hooker said it was more of a personnel problem not an understanding of the job specifically. He said we are looking for a new Code Enforcement Officer.

B. Administrator's Report

Administrator Rosoff reported on the French Drain Project is finishing up one french drain that is only about half done. He said the contractor was asked to price an amendment for one additional french drain. He said he is thinking that it will not be a price that the Village will want to pay and that it probably will go out under a separate purchase order to another contractor. He said the Waste Management Contract is nearing four years and is a contract for an additional four years of one year options. He said the board may want to look at this for possible changes like to deal with compost. There is really no one else in the area to do the job, therefore, we probably do not want to terminate the contract but extend it with some prior negotiations.

Further discussion continued and it was determined to ask Waste Management for a proposal excluding the provision to let them prosecute their bills in our court. It was further discussed that this would raise the price of service.

Administrator Rosoff said firefighter, Anthony Justiniano, was offered a job in Albuquerque and a new firefighter has been selected, Ryan Mc Carthy. He reported that there will be a public meeting at the Village Hall tomorrow night at 7:00 pm on Storm Water Pollution Prevention. We have a permitting process that we have to undergo and must submit a permit application by December 31, 2002 and this meeting is a mandatory portion of that. The meeting will be conducted by ASCG. He reported that the City County Consolidation Charter Committee started meeting a few weeks ago and their next meeting is next Wednesday morning at 9:00 am, at one Civic Plaza and looks like a they are meeting on a two week schedule. He said the culvert is being replaced at Nabor and Solar and MRGCD is helping us with that. He said will we bring a collection of traffic calming projects to the Board in January.

C. Legal Report

Attorney Mathews said most items have already been discussed during the meeting. Attorney Mathews said other activities for the Village are those that would be discussed in closed session dealing with litigation and personnel matters. He said he has been presenting seminars around the state on zoning issues and transferable development rights. He said as he finished one of his seminars, a gentleman followed him out of the seminar because he had talked about the TDR Ordinance for Los Ranchos and his name is Peter Ives from New Mexico Land Trust. Mr. Ives said that New Mexico Land Trust would be interested in providing seed money to start our Land Use Bank. He said we need

to get back to the TDR Ordinance and finish the numbers on it. He said we are going to have to define what a development right is.

Mayor Hooker asked if a closed session is needed in January to go over the litigation.

Attorney Mathews said we will not need a closed session, and he will discuss that with the Mayor individually.

Administrator Rosoff said a closed session is needed in January to receive the report from the Auditor.

D. Planner's Report

Planner Tidwell reported on the Joiner Application and that the quality and development of the plan from the architect and engineer was of a high level of detail that followed our Ordinance and Master Plan. She reported that an application from Steve Maestas, representing Northdale partners for the first phase of renovation for Northdale has been submitted. This will be heard by the Planning & Zoning Commission on January 28, 2003 and then there will be a Public Notice issued for the Board of Trustee's meeting review of the sight plan on February 12. The Main Street Steering Committee did not meet in December and a date will be established for an all day meeting to set a work plan for the next 18 months. *Street Talk* is in your mailbox and announces an award ceremony and a workshop in Santa Fe in February and will provide further information at the next meeting. It was further reported that a request for a budget approval will be presented to the Board of Trustee to pay part of the salary of the Executive Director for the Mainstreet Program. The Steering Committee members for Mainstreet Program met and the topic of the discussion was that gross receipts were leaking money out of the Village. It was reported that Mary Holman was sure that the 4th Street Business Association would appreciate that type of discussion and that the figures show that the Village is leaking about 56% of the potential.

Administrator Rosoff reported on the topic of gross receipts that we spoke about early, taking the tax off groceries. It was mentioned that the municipal tax on groceries wasn't part of that bill. However the municipal tax on groceries is not the only tax on groceries that we receive. He reported that approximately 7/8% of the 2 $\frac{1}{4}$ % received is kicked back from the state. If they rule out tax on groceries and medical, this represents money that is not coming back.

E. Fire Department Report

The Fire Department report was presented in writing.

F. Engineer's Report

The Engineering Report was presented in writing.

9. TRUSTEES INFORMAL DISCUSSION

Mayor Hooker reported that Deputy Mary Brazas has left her former position and is now in the Department of Forensics'. Paul Pepin has been hired as our new deputy. Deputy Whitezill has moved up to Mary Brazas' former day shift position. There will also be a new area commander starting in January. It was suggested the new sheriff be invited to our second meeting in January and any questions that the Board may have, to present them ahead of time. Mayor Hooker said we will also get an update on the Public Safety Committee for the next meeting. It was mentioned again that the Northdale drawings and the Joiner's drawings are available for review at the Village Hall.

10. ADJOURNMENT

MOTION: Trustee Lopez moved to adjourn at 10:30 pm. Trustee Rael seconded the motion.

VOTE: The motion carried unanimously.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____ 2003.

Annabelle Silvas, CMC
Village Clerk

