

MINUTES

SPECIAL MEETING

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.

BOARD OF TRUSTEES REGULAR MEETING

October 16, 2006 - 7:00 P.M.

Present:

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Mary Homan, Trustee

Tim McDonough, Trustee

Pablo R. Rael, Trustee

Annabelle Silvas, Clerk

Juan Vigil, Administrator

Terry Nighbert, P&Z Director

Sherry Tippett, Attorney

Greg Perez, Fire Chief

Tape 1-Side 1-Index #000

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Village of Los Ranchos' Governing Body held a Special Meeting on Monday, October 16, 2006 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:07 p.m.

Mayor Abraham announced that a Closed Session Meeting was held at 6 p.m. on October 16, 2006 and only those items described on the posted notice were discussed.

MOTION: Trustee Lopez moved approval of the Mayor's statement that a Closed Session Meeting was held at 6 p.m. and only those items described on the posted notice were discussed. Trustee Rael seconded the motion.

VOTE: The motion carried 3-0, with Trustee McDonough abstaining.

A. APPROVAL OF AGENDA

Tape 1-Side 1-Index #012

2. PUBLIC COMMENT PERIOD

No one signed up to speak under Public Comment.

Tape 1-Side 1-Index #016

3. PUBLIC HEARINGS AND APPLICATIONS

A. AN APPEAL BY THE MAYOR/ BOARD OF TRUSTEES AND MELENDRES AND MELENDRES, LLC OF PLANNING AND ZONING COMMISSION APPROVAL OF A REQUEST BY DAN VARELA, ROMANO AND ASSOCIATES, LLC AGENT FOR T-MOBILE L. P. TEXAS TO CONSTRUCT NEW, CONCEALED WIRELESS TELECOMMUNICATIONS FACILITY(S) LOCATED ON VILLAGE OF LOS RANCHOS PROPERTY, ON SEPTEMBER 19, 2006, AGENDA ITEM A. THE

PROPERTY IS LOCATED AT 6718 RIO GRANDE BLVD. NW AND IS LEGALLY KNOWN AS LOT 1 OF LAND DIVISION PLAT PRADOS TRANQUILOS, BEING A PORTION OF M.R.G.C.D. TRACTS 32 AND 33, MAP 29, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, MAY, 1977. THE PARCEL CONTAINS 2.276 ACRES MORE OR LESS. TC-06-01

B. AN APPEAL BY THE MAYOR/ BOARD OF TRUSTEES AND MELENDRES AND MELENDRES, LLC OF PLANNING AND ZONING COMMISSION APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT BY DAN VARELA, ROMANO AND ASSOCIATES, LLC AGENT FOR T-MOBILE L. P. TEXAS TO CONSTRUCT NEW, CONCEALED WIRELESS TELECOMMUNICATIONS FACILITY(S) AND ASSOCIATED EQUIPMENT, WITH ABILITY TO COLLOCATE TWO OTHER WIRELESS CARRIERS (TO BE DETERMINED) LOCATED ON VILLAGE OF LOS RANCHOS PROPERTY, ON SEPTEMBER 19, 2006, AGENDA ITEM B. THE PROPERTY IS LOCATED AT 6718 RIO GRANDE BLVD. NW AND IS LEGALLY KNOWN AS LOT 1 OF LAND DIVISION PLAT PRADOS TRANQUILOS, BEING A PORTION OF M.R.G.C.D. TRACTS 32 AND 33, MAP 29, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, MAY, 1977. THE PARCEL CONTAINS 2.276 ACRES MORE OR LESS. CU-06-05

C. AN APPEAL BY THE MAYOR/ BOARD OF TRUSTEES AND MELENDRES AND MELENDRES, LLC OF PLANNING AND ZONING COMMISSION APPROVAL OF A VARIANCE REQUEST BY DAN VARELA, ROMANO AND ASSOCIATES, LLC AGENT FOR T-MOBILE L. P. TEXAS FOR A SEVENTY FIVE FOOT (75') NEW, CONCEALED WIRELESS TELECOMMUNICATIONS FACILITY WHERE SIXTY (60) FEET IS ALLOWED PER ORDINANCE 162, ON SEPTEMBER 19, 2006, AGENDA ITEM C. THE PROPERTY IS LOCATED AT 6718 RIO GRANDE BLVD. NW AND IS LEGALLY KNOWN AS LOT 1 OF LAND DIVISION PLAT PRADOS TRANQUILOS, BEING A PORTION OF M.R.G.C.D. TRACTS 32 AND 33, MAP 29, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, MAY, 1977. THE PARCEL CONTAINS 2.276 ACRES MORE OR LESS. V-06-13

Mayor Abraham announced that he had withdrawn his appeal. He said it was made on the basis of process because he was concerned that if no one appealed the items they would automatically become law because the variance and conditional use according to the Village's ordinances does not have to be heard in front of the elected body, only in front of the Planning & Zoning Commission. He said he felt that this was such an important issue that the Board of Trustees should be able to hear it and decide upon it. He also noted that he and Mr. Melendres had agreed that no procedural issues would be decided at this meeting. He said an hour has been reserved at the November 8, 2006 Board of Trustees meeting to continue this discussion and he hoped that would give everyone time to make a presentation or research any more ideas. He said this issue has been going on since Mayor Stowers' time, 10 or 12 years ago, and in this administration since December 7, 2005.

Mayor Abraham noted that they will start with the Appellant, Melendres and Melendres, followed by T-Mobile.

Attorney Tippett swore in those persons wishing to speak on these items.

Planner Nighbert read Planning Report No. PZ-06-61. He said the applicant is applying to construct one or more concealed wireless antennas and associated equipment with the ability to collocate other wireless carriers' antennas in the area behind Village Hall. He said it is a 3-part process and the application for erecting a new wireless facility is governed by Ordinance No. 162. He said this ordinance also has a clause that involves Ordinance No. 183 which is the Zone Code and states that the requirement for a wireless telecommunications facility can only be located on C-1 or municipal property. He said in this case the municipal property lies within the A-1 zone and a municipal government building or an ancillary use is a conditional use in the A-1 zone. He said there is also a variance request from the ordinance limit of 60 feet to 75 feet. He said the Planning Commission found in favor of the applicant and approved the cell tower application; they also approved the conditional use and the variance.

Tape 1-Side 1-Index #130

Paul Melendres, from the law firm of Melendres and Melendres, said he represents two groups: the Park Watch Group and El Caballero Norte Property Owners Association. He said he is prepared to make a legal argument about why the Planning and Zoning Commission violated the Village's own ordinances, but he said he would first like Mel Patterson, an expert who was hired on behalf of the two groups to make a presentation. He said Mr. Patterson has been able to conduct some propagation studies that will show some interesting things about whether this location is necessary to allow for coverage.

Mel Patterson, Center for Municipal Solutions, said he is representing the Park Watch Group which is comprised of a portion of the El Caballero Norte subdivision and his contact is Marian Shelton. He said T-Mobile's application to the Village of Los Ranchos was the most bizarre process he has ever encountered. He said his job is to ensure that wireless applicants meet the requirements of local wireless ordinances. He said his recommendation in conjunction with the completed application assures local authorities make fully informed decisions based on confirmed facts. He said his activities in this instance only involve the issues related to T-Mobile meeting the requirements of Ordinance No. 162. He said in no way are their efforts intended to prevent improved cellular service or end competition to the area. He said they fully realize that cellular service for several of the carriers should be improved. However, he said they believe that alternative locations must be seriously considered that would not have a detrimental impact to the character and nature of Rio Grande Blvd. He said he will limit his discussion to potential alternate sites as required in the ordinance. He said all other shortcomings of the T-Mobile application are well documented elsewhere. Mr. Patterson said they have conducted their own propagation studies (refer to Mr. Patterson's letter dated October 16, 2006 to Mayor Abraham and Village Trustees) that prove acceptable alternative locations can work very well. He said they propose a new tower be located at 4th and Schulte and also that collocating on PNM poles paralleling 4th Street would function well also. He said their studies show the 4th and Schulte location would work at 75 feet and they have the assumptions and equipment specifications to support their claim. He said in summary, in his professional opinion, there are many activities that should be completed prior to this application being considered complete and ready for consideration. He said his study has shown that alternatives at much less controversial locations with the same benefits to the Village are available and should be considered. He said E-911 can be accomplished regardless of where the tower is located within the Village.

Paul Melendres said at the time he was retained, their goal was to work with the Village to come to some conclusions about whether it was an absolute necessity to have the tower located

here in the park. He said unfortunately it appears throughout the process that his adversary has not been T-Mobile but the Village and the Village staff itself. He said this entire process should have taken place in November. He said he is confused about why the meeting is taking place this evening since Mel Patterson has had to rush the information to the Trustees. He said this process was sold under the theory of public safety, E-911, but he said after investigation they now know that a tower anywhere in the Village will cover the E-911 problems. He said he now wonders if this is about public safety or money. He said he believes there is something else behind this, about why this is being pushed through. He said his legal analysis is of why the Planning & Zoning Commission violated the Village's own ordinances. He said the first reason is that you have an obligation to have a complete application. He said what are missing are historical studies and cultural studies to see what affect it will have on the community. He said they also do not have environmental impact studies and there were no RF emissions demonstrating that the tower is in compliance with the FCC. He said they have never seen documents and formulas to demonstrate that this is the only location. He said in Section 7.1.(a) of the Zone Code it talks about priority of location required that whoever the applicant was, they should be able to reasonably demonstrate that no other location or facility would accommodate what they are proposing to do. He said he has not seen any documents or data that support this. He said that Mel Patterson has now shown a propagation study which illustrates that there are other locations that can take place. He said the reality is that the Board needs the Village staff and experts to sit down and come to some conclusions about the mathematics behind what is being proposed. He said the Zoning Code made it clear that the tower could not exceed 60 feet but they are asking for a zoning variance up to 75 feet so that other cell companies can get on the tower. He said he does not understand why the Village does not have its own expert to tell you that the numbers are accurate. He said he believes the Trustees should be asking questions about why there is a meeting this evening and then voting on it on November 8, why was it rushed before the Planning Commission with an incomplete application, where are the studies, what about the other locations and why do we need a variance? He said he believes there should be coverage for the people, but it should be in accordance with the Village's own ordinances and ensure that this is the appropriate location.

Tape 1-Side 1-Index #492

Jeff Albright, resident of Albuquerque, said he is an attorney and is there on behalf of T-Mobile with the law firm of Lewis and Roca Jontz Dawe, LLP. He said he does a lot of telecommunications work and wanted to share the information that has been provided in support of the application: description of T-Mobile; FCC License to operate in New Mexico; Table of Cultural Properties within ½ mile of the proposed site; tower construction notification system that applicable federally recognized American Indian tribes, etc., and state historic preservation officers have been notified of the proposed facilities; location maps, elevation drawings, site plans certified by a Registered New Mexico Professional Engineer; statements committing T-Mobile to engineer the facility to accommodate additional sets of antennas, at least 3, and exercise good faith and diligence in accommodating other providers in order to meet the collocation requirements of the ordinance; a comprehensive scenic assessment including plans to camouflage the facility as a tree to blend in with vegetation; analysis of the heights of existing trees; landscaping plan to screen the facility; sealed photo simulations from various angles; examples of similar facilities already in existence; written justifications for the need for the proposed facility as well as how the facility fits into T-Mobile's overall network; maps of existing coverage; predictions of coverage from proposed site as well as several alternative locations. He said the completeness of T-Mobile's original application was confirmed by Planning & Zoning in the Planning Report dated July 27, 2006. He also noted that additional

information was voluntarily submitted on September 1, 2006. He said T-Mobile's historical consultant professional archeologist is present to answer any questions concerning the consultation with New Mexico State Historic Preservation Division and National Environmental Protection Act. He said once the facility is constructed and operational T-Mobile is prepared to certify compliance with FCC regulations regarding radio frequency emissions upon request by the Village as stipulated in the ordinance.

Tape 1-Side 2-Index #000

Jeff Albright said with respect to a demonstration of need, the primary reason T-Mobile is proposing the facility behind Village Hall is because it is the only suitable location to meet the service needs of its customers. He said the fact that is indisputable is that the wireless phone coverage in many parts of the Village, regardless of the provider, is lacking. He said it does not live up to the expectation customers have for reliable service. He said the problem is centered on the Rio Grande Blvd. corridor almost precisely midway between Montañó Road and Paseo del Norte. He believes T-Mobile has demonstrated as much by the documentation already submitted in the form of coverage maps and letters from its Managing RF Engineer. He said as far as alternate locations are concerned, T-Mobile has investigated various alternate possibilities, including power poles along Rio Grande, municipal property along 4th Street and most recently a tower at 2nd and Alameda that is 2.77 miles away from Village Hall. He said the burden of proof upon the Applicant is clearly limited to providing evidence that no existing facilities are located within the targeted market coverage area as required to meet the Applicant's engineering requirements. He said the 4th Street corridor is nearly 1 mile away from the targeted coverage area and T-Mobile already has 2 facilities along that street. He said that Nick Romano has additional height analysis and additional propagation maps. He said they also have collocation letters available that were provided from other carriers who have indicated their interest to collocate on the proposed T-Mobile tower.

Attorney Tippett swore in those additional persons who wished to speak on this item.

Tape 1-Side 2-Index #040

Nicholas Romano, Development Supervisor with T-Mobile, 4520 Montgomery, said he has just distributed 3 letters of intent from Alltel, Verizon and Cingular who have also expressed interest in a proposed facility at Village Hall. He said even though those companies are not part of the application, T-Mobile felt it was important to show that other companies besides T-Mobile have an interest in this facility. He said the other thing he distributed was prepared by a Professional Land Surveyor, a version had been included in the original application, but it is a detailed analysis of the heights of the trees surrounding the Village property. He said it shows that the majority of them are over 50 feet and some are as high as 62 feet. He said this is in conjunction with their petition for the variance because a 60 foot pole would result in a lot of shadowing from the trees. He said he is also providing the propagation maps for the facility that is located at 2nd and Alameda. He said there are 2 scenarios: one shows the coverage where there is the proper engineering applied to integrate with their network and the other shows if it existed simply by itself. He said neither one from the 2nd Street tower provides any in-building coverage here within the Village and only spotty in-vehicle and outdoor coverage within the Village. Mr. Romano said he also distributed maps to the audience that were provided by Alltel showing their coverage in the area, before and after. He said the remainder of the maps were submitted as part of the record on September 1, 2006 and they show the coverage in conjunction with a letter from Mark Lane explaining the various studies that were done on the proposed site at Schulte and 4th Street as well as some PNM poles that they studied and the existing and proposed study of the

site at Village Hall. He said they have overlaid on to their existing coverage map the results of a drive test done by their professional network tester to actually measure the received signal strength from the phones themselves. He said the maps are predictions of coverage done by a computer. He said it is clear from the maps that there is a coverage issue.

Jeff Albright said Mark Lane, who is an RF Engineer, is present and can speak to any of the RF coverage issues. He said the Alameda tower, even with the antennas at 160 feet, is too far away to impact the service levels along Rio Grande and specifically in this area. He said T-Mobile has ruled out all possible alternatives from an engineering standpoint and from a zoning standpoint. He said the only feasible location for filling in the gap in the C-1 or government areas as outlined in the ordinance is at Village Hall, which is also the only property where such use is permitted along Rio Grande. He said with respect to E-911, T-Mobile phones are not GPS equipped. He said the location-based data that is provided to emergency service operators when a 911 call is placed with a T-Mobile phone derives from the geometry of the surrounding sites. He said other companies use this non-GPS-based method as well. He said this means the location of cell sites is integral and paramount to the provision of enhanced 911 location-based data to emergency personnel in the following 2 ways: first, there is call routing because none of the T-Mobile sites that currently serve the Village are located within the Village limits. He said when a 911 call is placed from a T-Mobile phone, currently being served by a site in Albuquerque, the call will be routed to APD. He said this could result in life endangering delays since the call must be routed from APD to Bernalillo County before the Village Fire Department is made aware of the problem. He said even more important than routing is the fact that 911 calls cannot even be completed when there is no coverage in the area. He said in order to provide coverage where all calls, not just 911 calls can be reliably connected, a site is needed along Rio Grande Blvd. He said with respect to the variance, T-Mobile's request is not contrary to the public interest and that is the standard that is in the ordinance. He said the tall trees require a facility taller than 60 feet, not only for T-Mobile to provide reasonable coverage, but also for T-Mobile to meet the requirements that T-Mobile design the facility to accommodate 3 or more additional providers. He said the only way to do that is to extend the pole to a sufficient height to allow the additional companies the ability to provide coverage over the trees, otherwise there would be interference, some transmission reduction and it would cut down on the coverage the other providers could provide. (Mr. Albright then responded directly to each of the 6 assertions made by the Park Watch Group by summarizing his comments made above.) He said he believes the debate boils down to one issue: Is this the best that all of us can collectively do – the community, T-Mobile, the industry? He said T-Mobile chose the pine tree design because they believe it is the best design which will be the least intrusive and have the least impact on the character of the community. He said collocation reduces the number of towers required and makes for better networks.

Tape 1-Side 2-Index #233

Questions from the Trustees

Trustee Lopez said he had a question for Mr. Patterson regarding the drawing attached to his letter. He said he used the word “verifiable” RF propagation model. He asked what the word “verifiable” actually means.

Mel Patterson responded that “verifiable” means that if you have all of the assumptions that were used in the modeling or the predictions that were used for the RF study, then it would be

very easy for someone to verify that the propagation studies are accurate and properly represent what the map shows.

Trustee Homan asked whether the propagation studies were computer simulations and whether they take into account the foliage height.

Mel Patterson responded that they are simulations and the foliage height they used was 52 feet for trees in this area, according to the Village's Planner Nighbert. He said he did not conduct any actual drive-bys.

Trustee Homan said Mr. Patterson mentioned several times about the 75 foot tower for 3 additional carriers. She asked if he was talking about 4 carriers total.

Mel Patterson said he does not know that; he said that was one of his questions from the original application and he is not sure what is being approved. He said there really should not be anyone other than T-Mobile.

Trustee Homan said Mr. Patterson mentioned E-911, Phase 2, and that perhaps the coverage would totally change at that time. She asked him what is going on, what should they know about that and when is the change projected?

Mel Patterson responded that E-911, Phase 2, is the requirement by the federal government that the wireless facilities actually be able to determine where the cell phone user is located. He said T-Mobile uses triangulation and Verizon uses GPS, as long as they meet the requirements of the regulation, it does not matter.

Trustee Rael asked if he was saying in Phase 2 it does not matter where any tower is, the cell phone will determine the location. He asked if the towers for triangulation would all have to be in the Village.

Mel Patterson responded that they would not all have to be in the Village.

Trustee Homan asked what the timing is for the Phase 2.

Mel Patterson answered that he believes it is already being implemented and is already in effect in the Albuquerque area.

Trustee McDonough asked if Mr. Patterson typically provides RF studies in the performance of his service.

Mel Patterson responded that he does not; he said they normally only perform verification of RF studies based on information that is provided with the application data. He said his normal function is that he works for local governments and municipalities as an independent consultant and when an application comes in, his function is to verify that they actually meet the requirements of the ordinance. He said in 99% of the cases this includes propagation studies and all the supporting data used to generate those propagation studies, including specification sheets for antennas, radios and everything else involved.

Trustee McDonough asked if it has been his experience that most of those propagation studies were accurate or inaccurate.

Mel Patterson responded that typically they are fairly accurate because they know they are being verified. He said he can also say that they can use propagation studies to justify anything and that is the reason and importance for verification.

Mayor Abraham said his question would be if you can justify anything with any propagation study, if the Village had hired you, would you have verified and justified that the location had to be here?

Mel Patterson responded no, not unless they could actually prove and provide justifiable and verifiable data that supported their claim. He said that is what he does for other cities and towns; he verifies that they actually do need that tower at that location and at that height. He said to date there has been no information provided by T-Mobile that allows the maps to be verified.

Mayor Abraham said what if they wanted to put it at 4th and Schulte and you had the Schulte Neighborhood Watch Group hire you, you would then justify why it should be over here. He asked if that would be correct if you can justify anything with a propagation study.

Mel Patterson responded that there again it would depend on verifiable data. He said if the data said that that was the only place it could be, then that is where it should be. He said he agrees with T-Mobile and everyone else that this is the ideal location, but it is not the only location that works.

Mark Lane, RF Manager for T-Mobile, 11335 Campo del Oso, said he is available for questions.

Trustee Lopez said his question is if you had the data, could you either verify it or not?

Mark Lane said there are some assumptions made in that data that are erroneous to what they worked on as a company.

Trustee Rael said if you had shown that you could erect a tower on 4th and Schulte and it would provide the same service as the one here, would it cost you any more or less to do it there or here?

Mark Lane said in terms of materials it would not cost any more. He said if they negotiated a lease rate with a given landlord, then maybe, but he said he is not an expert on real estate negotiation.

Trustee Lopez asked Planner Nighbert if we owned 4th and Schulte.

Planner Nighbert answered that we do own 4th and Schulte.

Trustee Lopez then asked Planner Nighbert if we could enter into a lease with him, if in fact the tower was needed at that location.

Planner Nighbert said we could do that if a tower was needed at that location and it met all the criteria.

Mark Lane said if you were to construct a large parking lot for your business, how would you light it? He asked if you would build the lights a mile away to shine into the parking lot or would you build logical light structures within the parking lot? He said that is basically what they are doing. He said they are building logical light structures within the parking lot which is a dead zone that shows up as the Village.

Trustee Homan asked if the existing towers were higher than they presently are, would that help with the coverage?

Mark Lane responded that in some instances, yes, but he said it is a difficult question to answer because when you have trees and manmade structures above the ground, you do not have a uniform loss to the signal. He said the tree canopy changes over time which means that their service to the Village will change over time by as much as 12 dB. He said in the winter months they will have better coverage in the Village because the deciduous trees lose their canopies which means that their signal can propagate through the branches better. He said in the spring, summer and fall months, which is 75-80% of the year they lose coverage within the Village. He said it is a difficult canopy to penetrate regardless of the height from surrounding areas.

Trustee Homan asked if he was the individual or was he involved regarding the propagation study from the 195 foot tower on 2nd Street. She asked at what height was the propagation survey done.

Mark Lane responded that for the T-Mobile map they did it at 160 feet because when they visited the tower on Friday they deemed that there is a guy ring at 175 feet up the tower and above that were two folded bi-pole antennas which means that someone already has antennas at the locations 175 feet to 195 feet. He said this means they would have to stay away from that because they would be interfering with the other company's location. He said they deemed that the next available spot on the tower would be 160 feet to give them clearance from a very large guy ring that would interfere with the radio frequency emissions of T-Mobile's antennas.

Trustee Homan said as more and more people get cell phones, should they expect more and more cell towers to be needed? She asked if there is a limit on how many calls a tower or an antenna can take coming in.

Mark Lane said there is a multi-faceted answer for that question. He said they need to start balancing capacity and coverage questions. He said as more and more cell phone users come into an area, they have to plan their radio resources to handle that many calls. He said when they do that, they only have a given spectrum of frequencies to operate with which are given to them by the FCC. He said they have what is called frequency reuse and the higher their frequency reuse means the higher the capacity of their system and the more cell sites typically will be present. He said when they talk about increasing the height of antennas at existing sites, they are in effect decreasing their frequency reuse. He said they are then not able to provide the same capacity because they are extending the radius of coverage from the cell site which in turn impacts the surrounding sites in their entire network. He said their entire network can be adversely affected by one improperly designed site facility. He said it can be a matter of lowering antenna heights to increase the number of cell sites within a given geography or taking

other engineering means such as an electrical down-tilted antenna where they use the antenna to act like an umbrella, going up and down, folding that energy down into a given area. He said basically what they are doing is shrinking their cell sites and making each one responsible for coverage within a smaller area.

Mayor Abraham asked Mr. Lane to explain why Verizon has coverage on 4th Street, but because of capacity they might have to add another cell tower.

Mark Lane said T-Mobile and Verizon use very different technologies but it still comes down to RF which transmits through the air much like light does. He said light has a much, much higher frequency than what they are talking about and it has different characteristics as it travels through the air. He said they can base their energy propagation through air on light, because everybody can see light. He said they have been given a finite spectrum to operate in by the FCC. He said they have 72 frequencies to operate on and provide as much cellular service to as many customers as they can. He said they need to reuse those 72 frequencies constantly and the problem occurs when they use Channel A in a given location, then they don't want to reuse Channel A right next door. He said at a given cell site they may use 12 frequencies in one set of antennas pointing in a given direction. He said that is why they shrink down their cell size, they bring down the emissions of one single site as close to the site as possible and thereby reuse their frequencies at a much shorter distance.

Mayor Abraham asked Mr. Lane to explain about handing off a call from one cell site to another.

Mark Lane said when you are driving in your car, you are going to hand off from one cell site to another. He said as you go up 4th Street from Montañó on his system you will originate a call at 4th and Montañó on one site located right there at 4th and Montañó in the PNM substation. He said as you drive north, once you start seeing a stronger power from the next site up which is at the Sparkle Car Wash and when that signal strength becomes greater than the cell site at 4th and Montañó, you will begin a hand-over procedure and once that is completed, your call will be handled by the Sparkle Car Wash site. He said as you drive north on 4th Street, you will again drive out of range of that cell site and you will drive to the range of the cell site that is at 4th and Ranchitos and the hand-over process will begin again.

Tape 2-Side 1-Index #000

Trustee Rael said Mr. Lane mentioned earlier that the leaves and trees can distort or weaken the signal. He asked how they are able to place cell towers inside clocks and bell towers and still make them work.

Mark Lane responded that it works, but at a reduced power. He said they use "RF friendly" material in front of the antenna when they disguise it. He said that is a material that presents the lowest possible signal loss to their frequencies.

Trustee McDonough asked if the Village was not trying to pursue collocation, how tall would the tower need to be to get the service they are looking for?

Mark Lane said height is a good thing for them; the more height they can get, the more they can do with their site in a given area, up to a point. He said without the collocation consideration, they would do what is maximal by the ordinance which would be 60 feet and that would still

give them height above the trees and the flexibility to engineer proper coverage throughout the Village. He said they would then be able to customize how their frequencies travel to best service the Village. He said 60 feet would be his answer.

Trustee McDonough said during the discussion about passing off phone calls between towers, what would generally be the ideal range between cell towers?

Mark Lane responded that the ideal range between towers is going to depend on the environment that the cell sites are in. He said if you get into a very populated area like Manhattan, New York, you could have multiple cell sites within one given building. He said as you travel out through rural America, you may see 15 to 20 miles in between cell sites. He said as you get into a suburban area, you would start looking at housing density, the more houses you build and the closer you build them together, the harder it is for their frequencies to penetrate into that given area and provide reliable service. He said for Los Ranchos, T-Mobile would look at probably a mile separation or greater depending on whether more users come into the Village.

Trustee McDonough said he had a question for Mr. Albright and asked if it is typical for applicants for cell towers to complete NEPA and Cultural Resources studies prior to getting any type of approval or authorization to move forward.

Jeff Albright responded that it is a long, involved process for those studies. He said it is time intensive and monetarily expensive to go through all of those studies if there is not some likelihood of having a site at a location.

Tape 2-Side 1-Index #075

Proponents: (those who favor Mr. Melendres' side or think that the Planning & Zoning decision should be denied)

Ben Garcia, 290 Lisbon, Rio Rancho, said he has been a cell tower employee for the last 11 years and he did cell tower work for the government for 4 years. He said he does not believe the monopine is going to fit in with the Village. He said his family has lived here for quite a long time. He said he thinks the cell tower will be an eyesore and it is not going to look like the picture. He said the picture is of only 1 carrier and it will look very different with 4 carriers on it. He said he has built them in California and Arizona and they never look like the picture.

Trustee Homan asked Mr. Garcia what his proposal would be for an alternate design.

Ben Garcia said he doesn't think there is a good design that fits in with the Village's landscaping. He said there isn't one that looks like a cottonwood. He said his opinion is that they are all ugly, but perhaps the flag pole would be the least ugly for the Village. He said you would not be able to collocate 5 carriers on a flag pole, you could maybe get 3, but not 5. He said he has worked for American Tower and D.W. Tower.

John Wood, 6505 Calle Candela, said it appears there are two competing interests here. He said there are the cell phone companies who want to make the tallest possible tower to maximize the performance they give their customers and there are residents such as himself who are concerned about the erosion of the unique vistas in El Caballero. He said if it is determined after the studies that this is the best place to put the tower, he would appeal to the committee that a tower no greater than 60 feet be entertained as the solution to the problem.

Duane Brown, 1110 El Alhambra Circle, said he distributed a letter he wrote to everyone where he raised 3 points. He said the first point was technological issues and whether they met the burden under the ordinance, have they done what they need to? He said there were a lot of discussions about safety issues but he does not think it is because there is no cell tower in the Village. He said he thinks the problem is with APD and Bernalillo County and other areas that need to do a lot more to address the E-911 issue. He said another one of his concerns is that there should be a full-blown lease agreement with T-Mobile in place because there are lots of issues with respect to what is going to happen with the cell tower once it gets here and how many carriers are going to be on the tower. He said he doesn't think you have enough information to make the decision at this point in time. He said his third point is that he is concerned about the whole rush to move this forward because we are not Albuquerque. He said we need to preserve the good things about Los Ranchos like its semi-rural character, feeling of openness and a nice canopy of trees. He said he believes we can do a lot better for the Village if we take our time and make sure that the substance of what is being proposed to you is, in fact, in front of you so you can understand it. He said you need to know that you really do need the cell tower here, know what your deal is with T-Mobile, know that you are addressing all the problems, not just part of it, and make sure that when you are done you haven't done something that destroys the things that we are all living here for.

Marian Shelton, El Caballero Norte, said she has spoken with the Board before. She said her first concern is that their consultant feels 4th and Schulte would work for the Village and he has provided the numbers for T-Mobile and you to verify to show that it will work. She said it will be by the new fire station for E-911 and it won't be over here in the park to disrupt the beauty of the park. She said an important question is whether T-Mobile will give her consultant their numbers to verify. She said they have never done this and they don't know if their numbers are verifiable. She said the cell tower is going to be there for 25 years but there are going to be so many new, smaller, less offensive kinds of equipment soon. She said the 75 foot or 60 foot cell tower will be standing back there and it is truly ugly. She said she believes that if the cell tower is put in a different location then everyone wins. She said this application is not finished and is very loose. She said any carrier can come in and do the same things and put them wherever they choose to. She said T-Mobile's power requirements are 8 times the accepted industry standard and she doesn't understand that. She said they talk about interference with the West Side and she knows that you can tilt the antennas anyway you want to rather than interfere with other cell towers. She said you should be concerned about the topple factor because if it topples on their neighborhood, they are okay, but if it topples toward Village Hall, you have had it. She said there have not been any soil studies and it could fall. She said at the last meeting T-Mobile said they would not put another cell tower on 4th Street. She said if they want coverage in the Village and if 4th and Schulte can provide that, why wouldn't they put one over there? She said she thinks there are a lot of things to think about so that everybody wins. She said they want coverage and they want E-911, but they don't want a mess in the park.

Mayor Abraham asked how many residents belong to the Park Watch Group.

Marian Shelton responded that at the first meeting of the Group there were 16 people. After that the neighborhood was concerned so they went to every single resident in their neighborhood and asked them if they would sign a petition stating that they don't want the cell tower in the park because they wanted to know how many of them felt strongly about it. She said 75% of her neighborhood signed the petition. She said at the initial meeting they decided that their group

would be called Park Watch, then some of the other neighbors heard about it and they got the petition together and that is the 36 who signed. She said the Group then went to the Board and said that the Board is elected to do things for the neighborhood, and not to decide for themselves. She said then the Board took over the costs and is now the group that is supporting the consultant and any of the other things they need.

Roberta Ramo, 908 El Alhambra Circle, said she and her husband have owned property in the Village for over 30 years and she grew up in New Mexico. She said one of the reasons that she wanted to live in the Village was because she thought it was sad that in other areas where she grew up that there was not much consideration for the land, the vistas, the views and the sense of place. She said she sent each of the Trustees a letter from her and her husband that indicates how they believe it is the job of the Village to protect the citizens of the Village. She said that doesn't mean that there should not be cell phone coverage, but what it does mean is that they are relying on the government of the Village to do the kind of independent decision-making that would determine what the least intrusive way is to solve the problem. She said her neighborhood association asked the Mayor sometime ago if the Village would hire an independent consultant and that idea was turned down. She said that none of those in the neighborhood knew if this was the only place for a cell tower to solve the problem and that is when they decided to hire an independent consultant to ask that question. She said she believes this has been a weird process because it hasn't been open and the information they get is always at the last minute, there are often short times to make decisions, the Mayor keeps referring to litigation but there hasn't been any up to this point. She said they hired an attorney to represent them because they thought that was the only way to get your attention. She said her whole neighborhood is affected in some ways because they are right there by whatever happens in the park and many of the things that have happened in the park have occurred without any consultation with her neighborhood. She said she thinks the Village is a jewel and it is important to her that everything that is done should protect the aesthetic and cultural part. She said she hopes that the Board will decide that there is another location and if not, she hopes they will turn down the monopine.

Trustee Homan said regardless of where the cell tower is located in the Village, she asked Ms. Ramo if she had a preferred design.

Roberta Ramo said her own view is that it would be possible to solve the hole that one carrier had by using the Schulte Street area and there it would not be noticeable because of all the stuff on 4th Street. She said when the Fire Department moves over there they will need their own tower anyway. She said if for some reason it has to be in the park, she has seen the bell tower at Academy which is unobtrusive and doesn't stand out in the kind of ugly way the monopine does. She said she travels a lot over the country and she has not seen ugly cell towers in any of the places that care about their property values or the aesthetic value of the place they are at. She said she believes there are other structures that work but they are more expensive to the carrier and she doesn't think that is her problem or the Village's problem.

Camille Juarez-Casaus, 434 El Paraiso, said she is not part of the neighborhood group that is petitioning against the cell tower, but this is her home area and she is here to speak against any intrusive decisions that are going to offset the beauty of their area. She said she has a concern of how the Mayor and the Trustees are referring to "you and us" and it should be us together. She said working as an elected Mayor you should be listening to the people. She said 1 is just as important as 1,000. She said we don't know the effects of the cell towers; the radiation it puts off whether it is minute or not, there were no conclusive studies done on that. She said she is

here because she got a call to come. She said she hopes development decisions are made with the Village people in mind who live here. She said the Board of Trustees are asking questions of T-Mobile and these are questions that should have been asked before. She said now they are at the appeal level which takes money and time. She said she doesn't understand why they are so pushed for time. She said she is concerned that they may want to cut down trees to accommodate their needs since they will have a 25-year lease. She said she supports our environment and what the Village represents.

Patti Serna, 900 El Alhambra Circle, said she submitted a letter earlier today because she didn't think she would be at the meeting. She said she would like to get some clarification from the Board of Trustees as to what the process is that they find themselves in. She said she thinks this meeting was triggered by the Mayor filing an appeal and that everyone now knows it was not a valid appeal. She said he was not an aggrieved party, he was authorizing T-Mobile to ask for permits and they got what they asked for. She said the people who did not get what they asked for are El Caballero Norte and the Park Watch Group. She said this meeting is occurring before the deadline for appealing under the Wireless Ordinance deadline which expires on Wednesday. She said she would also like to ask for additional time. She said she heard questions from Ms. Homan about Phase 2, E-911 and she has some user friendly articles she would like to share with the Board to help them understand what the communities are facing in trying to ensure that the public is safe. She said T-Mobile is under the gun to try and improve their network. She said the wireless industry refers to buildings and trees as "ground clutter". She said she would like to ask for some more time to give the Trustees more information and ask them to respond to her in writing later on to clarify exactly how this appeals process is going to take place and who has the right to get up here and talk. She said she believes the Mayor is not an appellant anymore but he has been mailing photographs to neighbors that purport to show with a 70 foot ladder on a sunny day that a 75 foot monopine would be largely invisible. She said it doesn't prove that. She said he has also conducted experiments with cell phones and published those findings in the *Village Vision* as well as having them at the September 19 Planning & Zoning meeting. She said she doesn't believe the 1 hour at the November 8 meeting before a vote is enough. She said she believes this may be a process that is worth starting over from the beginning.

Marianne Woodard, 909 El Alhambra Circle, said she would like to note her formal objection to being limited to 3 minutes or in the alternative to request the same thing as Ms. Serna that they be given time to continue to supplement the record. She said they have been on a continual evolution, week to week, since the date that notice was mailed to adjoining land owners. She said she is not a member of the Park Watch Group. She said once it is settled on what is going to be put where, then that is the time for notice and opportunity to be heard on the issues. She said with regard to T-Mobile it is interesting that they are not offering the pine branch for viewing that they showed to the Planning & Zoning Commission as the branch from the proposed tree. She said almost every week the specifics of the proposal have changed. She said it is often stated that not everyone will be made happy, but she said she doesn't want this shoved over on Schulte under the kind of process they have been subjected to.

Tape 2-Side 2- Index #000

Marianne Woodard (continued). She said the photos taken by the Mayor are not representative of anyone's view in El Caballero Norte. She said the photos she is referring to are the ones that were mailed to the residents and were nowhere in the record until after the Planning & Zoning Commission meeting occurred. She said one has the caption: "Cannot see 70' tower, tower is below existing tree canopy." She said there were an additional 2 photos that were taken on El

Alhambra Circle on the street between the Ramo's house and her mother's lot which are captioned: "Northwest corner Caballero Norte, 70' tower" and the other one does not have a caption. She said they made specific use of a tree on her mother's lot that is maybe 70' or more high and they made use of that tree as blocking the view which represents no one's view, including the Ramo's. She said one is titled "Could not see tower from Ramo driveway". She said these photos are a small indication of the efforts to not take into account concerns of the immediate neighborhood. She said she believes the reason these things occur is simply a distraction from the fact that they are asking you to take the word of T-Mobile. She said the fact that there are gaps in coverage for them or others does not prove that this location is the best location for solving an acknowledged gap.

Mayor Abraham said for the record that they have received a large number of letters, both pro and con, that have been put into the record.

Tape 2-Side 2-Index #054

Those in Favor of a Cell Tower

Kyla Thompson, 1122 Green Valley Road, said she is right around the corner and from everyone that has spoken this evening, she is probably closest to where the cell tower would go. She said she wants to get down to the basics of what she and her husband feel is necessary for the Board to consider and that is the lack of cell phone coverage, period. She said all of these appeals where these people want more time are just prolonging the issue and these stall tactics do nothing but hurt and continue to hurt their businesses. She said her husband has a T-Mobile plan and she has Verizon and neither of them receives cell phone coverage on their entire acre. She said they are both small business owners and they are both hurt very badly by the lack of cell phone coverage. She said we are becoming a wireless society and she thinks everyone agrees with that. She said as a business person we must reflect our clients' technology. She said they are new to the valley but they pay the same taxes as everyone else. She said they are here to stay and they are just praying that this issue will be solved and solved quickly because of the detriment to their business. She said the other reason they moved here was to be close to her 87 year old mother who lives on Edith Blvd. She said they bought their home with a guest house anticipating that her mother could live with them one day. However, she said the medi-alert around her mother's neck does not work at all here in the Village. She said the back-up security for her mother is a wireless phone which she can keep near her, but that doesn't work here either. She said what they have had to do since her mother cannot live with them is research assisted living facilities in Albuquerque. She said there is a year and half wait, not to mention the expense to her and her husband because her mother cannot live with them in their home. She said it is extremely upsetting to her mother. She said if the Board's decision on November 8 comes down to aesthetics or location versus function and safety for your constituents, please weigh these serious situations. She said she appreciates her neighbors' concerns about the monopine, but it would not offend them as much as not having service that is detrimental to their business and not having her mother live with them. She said she would look at the tower every day and thank you for it. She said if this Village becomes a Village of have's and have not's, it is not really a Village, it is just a bunch of people living in the same zip code area.

Don Davis said he doesn't live in the Village and he doesn't have a dog in the hunt. He said he does own cellular and broadcast towers and his primary business is that of radio broadcasting. He said he owns 2 locally-owned radio stations known as JoyAM1550 and RealOldies1600. He showed a picture of the tower at 2nd and Alameda. He said he saw an article in the *Alibi*

Magazine about what was happening in the Village and submitted a letter to Mr. Melendres. He said he told Mr. Melendres that his tower was available at 2nd and Alameda and that he would provide certain incentives to the Village including no-charge use of the tower for public safety use. He said he believes T-Mobile has made a convincing case that his tower is not appropriate because the RF engineering does not back up the use of his tower. He said he has no comment on the other engineering proposals because he has not had a chance to review them. He said he would guess that most everyone in the room is a cell phone customer. He said the safety aspects, the convenience aspects, the business friendly aspects of having a cell phone are very positive. He said he would like to say that T-Mobile, in his opinion, is not being a bad actor here. He said they are trying to provide a public service and they are also trying to provide collocation which is very valuable to many, many people. He said the impact of this one proposal is over thousands of people in generally a positive way. He said his feeling about monopoles is that he hates them. He said he would rather have an artistically designed monopole with a nice sweep to the antenna mounts, no visible cables and painted an appropriate color. He said he thinks that would be the least visibly intrusive way to accomplish the tower, whether it is here or on 4th Street. He said he believes this will have great public benefit and he believes the visual aspects of the installation can be ameliorated and he thinks T-Mobile and the other carriers will do their best to do so.

J. T. Michelson, 5001 Rio Grande Blvd., said he has been a resident of the Village for 40 years. He said he would like to thank the Mayor, this term of Trustees and the current administration for what they all have been doing. He said the increase in the cash balance is appreciated very much, the visibility and recognition of the Village is important, and the professional operation of the administration he thinks that they should all be proud of. He said he is speaking in support of the disguised tree cell tower to be located on Village property. He said he has experienced numerous times when calls to his cell phone have been dropped, the phone has gone immediately to voice mail or he has been unable to place a call from his residence. He said he believes there is a health and welfare issue besides the inconvenience of a dropped or lost call. He said emergency calls unable to be made or dropped represent a major liability issue to the Village and it may also represent a liability issue to those people that oppose the tower. He said the Village has a responsibility to its citizens and people passing through to ensure that the emergency phone service is as reliable as technology can provide. He said the issue of the tower changing the appearance of the Village has merit, but he said it could be compared to the medical condition of a small pox vaccination. He said the treatment leaves a scar on the person receiving the vaccination, but the good obtained by the recipient as well as the general community outweighs the mark of the scar. He said for those concerned about the appearance of the Village, it would be a good time to reflect upon the power poles located on Rio Grande Blvd. and throughout the Village. He said the placement of these lines underground would enhance the appearance of the Village immensely.

Roger Thompson, 1122 Green Valley Road, said he would like to support everything his wife, Kyla, said regarding the cell tower service. He said his observation since he moved into the Village for the last year is that we are suffering from analysis paralysis. He said it is just a cell phone tower. He said let's talk about eyesores in the Village – 4th Street construction is an eyesore, PNM parting our trees because of wire is an eyesore, McDonald's wrappers and beer cans along Green Valley Road is an eyesore, it's just a cell phone tower. He said he needs it for his business. He said it is a personal safety issue for this Village, period. He said technology is going to develop whether you want it to or not. He said in the future, teenagers are going to be buying our homes and they will demand full technology. He asked the Mayor to get it done now.

Fire Chief Perez said he wanted everyone to know that the Fire Department does not take a stand one way or the other. He said they are a neutral party who is concerned for the safety of all the Village residents. He said he knows that he has been quoted by each side on the issue but the fact is that the Fire Department needs a tower because of safety issues, but where that tower is located does not matter to them. He also said there is no need for any type of additional communication tower at the 4th and Schulte Fire Station because they don't utilize any type of large tower.

Mayor Abraham said that for the November 8 Board of Trustees Meeting he would suggest that Mr. Melendres have one or two spokespersons. He said the same would apply to T-Mobile. He asked what the Trustees wishes are for the next meeting.

Trustee Lopez said it appears the design of the tower is the most contentious issue and he would like T-Mobile or anyone else to put their "out of the box" thinking caps on and try to come up with a design that might be a little more palatable to most of the folks in the room. He said he has not heard any objections to a cell tower and he believes they should be able to come up with a design that at least meets some acceptance.

Georgia Chavez, 428 Chavez Avenue, NW, said she doesn't know why the Trustees can't think about a bell tower instead of the ugly towers. She said another question they should ask is what happens when the trees get taller and why doesn't T-Mobile buy their own property instead of getting government property free to build their cell tower. She said the answer is that the best place to have them is not for sale; they must be zoned C-1.

MOTION: Trustee Rael moved to continue this until November 8, 2006. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

4. **ADJOURNMENT**

MOTION: Trustee Rael moved to adjourn at 9:50 p.m. Trustee Homan seconded the motion.

VOTE: The motion carried unanimously, 4-0.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2006.

ATTEST:

Annabelle Silvas, CMC
Village Clerk

