

Planning and Zoning Commission
Regular Meeting
February 7, 2019 6:30 PM

Call to Order

- Tom Scroggins called meeting to order at 6:32 p.m.

Roll Call

- Present: Chairman Tom Scroggins, Vice-Chairman John Thompson, Jim Winters, Dennis Kintzler, L. E. Rubin, Lawrence Gordon
- Also Present: Duty Clerk Amy Lopez

Approval of Minutes of January 17, 2019 meeting

- Minutes will be approved at the next P&Z meeting after changes, per conservation, are made.

Re-adopt Open Meetings Act (Council: Resolution 2019-146 Open Meetings Act)

- Jim Winters moved that we re-adopt Open Meetings Act (Council: Resolution 2019-146 Open Meetings Act). John Thompson seconded the motion. With a 6-0 vote, the Open Meetings Act (Council: Resolution 2019-146 Open Meetings Act) was re-adopted.

Re-adopt and re-sign the Code of Conduct and Ethics policy/Social Media Policy

- Jim Winters moved that we re-adopt the Code of Conduct and Ethics policy/Social Media Policy). John Thompson seconded the motion. With a 6-0 vote, the Code of Conduct and Ethics policy/Social Media Policy was re-adopted.

General Discussion

- Jim Winters mentioned that Gordon Greeves would not be able to make meetings because of other Thursday evening commitments. Jim Winters let Gordon Reeves know that if there are any topics that he, as the Code Enforcer, would like to have the P&Z discuss, Jim Winters could bring it to the attention of the P&Z as a General Discussion item.
- Dennis Kintzler asked if the City Manager has been hired.
- Tom Scroggins said last he heard was that they had made an offer to someone and that person had made a counter offer. He thinks on the agenda for next Tuesday that there will be a special meeting to discuss the counter offer.
- Dennis Kintzler asked how they reach a decision about that.
- Jim Winters said that it goes up for vote in closed session and they come out of that session and say what decision and action they had come up with.
- Dennis Kintzler asked if anything has been done to encourage AMR to stay in the area.
- L. E. Rubin said that AMR has 5 posts in the County, where they place ambulance and dispatch them out of.
- Dennis Kintzler said they are concerned because the owners of the building they are in are rumored to have a prospective buyer.
- L. E. Rubin said that AMR is the only transport in Valencia in the county that is approved.

- Jim Winters said that part of the confusion is that AMR was based out of Las Cruces and are moving to Albuquerque and are moving one post into Los Lunas. He believes that Dennis Kintzler is right in being concerned. Maybe the City could work something out with some of our space in the back.
- L. E. Rubin said that they suggested that they could house themselves at the Fire station, but an anti-donation issue might arise.
- Jim Winters said that there might be a way through our 501c3 to hire them to manage the area or that AMR might be able to have space in one of our buildings at a fair market value. They could be paying the same as they are paying now. It is a comment that should go up to council.
- Dennis Kintzler mentioned that maybe one of the P&Z should present this idea to the Council.
- Jim Winters said that Tom Scoggins could bring it up during Public Comment.
- L. E. Rubin said that there are very few days where we are at status 0, with no ambulance in the area. We are a volunteer station and AMR answers our call with in the City.
- Dennis Kintzler said that we really need them because of the Industrial Park.
- Jim Winters said that it is something that Council needs to know.
- Tom Scroggins said that we need to review the material he provided, The Abatement of Dangerous Buildings and Structures (from the State of New Mexico) and Rio Communities Building and Construction Ordinance. He thought it could be reviewed and our concerns be given to our attorney. Maybe we can put it on a March Agenda.
- Jim Winters moved to add a discussion of the material to the next agenda. Lawrence Gordon seconded the motion, which was approved with a 6-0 vote.
- Tom Scroggins said that there are two burned out houses on Hermosa that have been there for over two and a half years. Councilor Brown wants to get abatement.
- John Thompson said that abatement needs to be used with a noun.
- Tom Scroggins said that this would give the city the ability to go in and tear down the houses, haul it away and put a lien on the property. The third place that is a problem is the purple building on Horner and 47, but he heard that is on the tax sale list for July.
- Jim Winters added that the Code Enforcer boarded that building up so that it would be a little safer and keep transients out.
- L. E. Rubin said that we already have an ordinance, but it is not specific and doesn't have the teeth to be able to do the abatement. Councilor Brown is asking us is to adopt a new ordinance that will expand it.
- Jim Winters said that a court order will be necessary to tear buildings down. The lawyers will be involved.
- Tom Scroggins said that abatement would go to court in our Municipal Court. If there was a problem, then it would go to District Court.
- Dennis Kintzler said that we could put liens on the properties.
- L. E. Rubin said that we need to pass the cost of that to the current owner or the bank.
- Jim Winters said that if you tear a building down without a court order you have a problem, because suddenly is the most valuable property in the world, and they (abatements) take a while. The discussion continued.
- John Thompson said that even if we don't recover that cost, at least we are making our community safer.
- Jim Winters said that it is a process but if we write it correctly it will be easier. The discussion continued.

- Tom Scroggins said that what an abatement would do would allow us to be more specific where as the building code is more general. Gordon Greeves wants us to do more about multiple vehicles, but our code now is too broad. We would have a better opportunity to remediate if we were more specific. The discussion continued.
- Tom Scroggins said that he is not interested in being the Ordinance writing commission, our concerns should be taken to the Council, and taken to our lawyers.
- Jim Winters said that it should be handled like we handled the trash ordinance. We should put it all on paper and pass it off to the right people. We would have done our planning part, which is our job. The discussion continued.
- Lawrence Gordon asked whatever happened to the trash.
- Dennis Kintzler said that we will be speaking with the lawyers over the phone on February 13, 10:00 a.m., here at City Hall in Mayor Gwinn's office. There is a new attorney that has taken it over.
- Jim Winters said that we have 4 legal issues and Tim Scroggins said that they are a specialized in writing ordinance. The lawyers wanted to ask what we thought of what they had come up with.
- Tom Scroggins said that this is one of the only law firms in New Mexico that specializes in Ordinances.
- Denis Kintzler said that we need to get this done.
- Tom Scroggins said that if we do this abatement, we should have attorneys right away so that we don't have the same issue of the lawyers taking so much time to write it. We should meet with the attorneys because talking to them when they get the information might speed things along.
- Dennis Kintzler said that it costs money to pay the attorneys, but it is better than a law suit.
- Jim Winters said that part of the problem is that bigger cities pay a lot to keep these lawyers on retainer, whereas we are a small city and can't afford to and that might push us down on their list of priorities.
- Dennis Kintzler said that the lawyers need to realize that we are going to grow and could give them more business if they do a good job.
- John Thompson said that it is cheaper to plagiarize from Bosque Farms.
- Jim Winters said the most of what the lawyers are doing is going to go out as a template for multiple cities. He also said that part of the problem is the people in rural areas that don't have trash pick-up. They are coming into the city and dumping their trash in the dumpsters. The discussion continued.
- L. E. Rubin said that his understanding is that the hood inspection has been done at the Fire Station. There are a few repairs that need to be corrected to pass the technical inspection. There is until no certificate of occupancy. We can't move the fridge and the freezer in because of the certificate of occupancy. The roll-up doors are not fixed yet.
- Jim Winters said that the Code Enforcer will be fixing that.
- L. E. Rubin asked if we have heard anything further about the 64 housing units that were going to be put in. There is still a fight between the Tabet's to fix the issues.
- Jim Winters said that the City Manager should be trying to address the issues. The other thing is that Tabet was disappointed that the bid that he got to put in infrastructure, 1.6 -1.8 million dollars, when he was expecting 1.2 million.
- L. E. Rubin asked about annexation.
- Jim Winters said that it is not dead but it is on hold until we get a new city Manager. We are getting good feedback from principals that they are ready. The restaurant is a little behind schedule.
- Dennis Kintzler mentioned that we need to welcome the new businesses.

- Jim Winters said that there is a Welcome Neighbor and Welcome Business Committee. This committee gave money to each business in the strip that they can use for a party or ads for the paper. They are going to put a big ad in the paper.
- Jim Winters said that they are making some updates and renovation on the Golf Course. We are doing things to get some recognition. He went on to say that the guy from Adams Market came back by to talk to us. He asked that the only thing he wants is a list of people that have property for sale. He said that he compiled a list. He told EDC that they should compile a list of properties in the area for sale that the owners can opt into.
- John Thompson said that having an opt in list takes the pressure off so that no one can get mad about not being on it.
- Tom Scroggins mentioned that Jim Winters has asked Amy Lopez that she share meeting minutes between the EDC and P&Z. If we all get the minutes we all have the same information.
- Jim Winters said that the EDC is on board with this.
- Dennis Kintzler asked what is going on with OSHA in the building.
- Jim Winters said that there had been a problem, someone got in trouble.
- Tom Scroggins said he was here when OSHA came. The discussion continued.
- John Thompson said he broke neighborhoods up into five groups and was wondering if five groups was enough. The five areas are: mobile homes, patio homes, Hermosa, common wall, golf course.
- Jim Winters said that he looked at the map this afternoon, it is between 304, 47 and Golf Course Road, the only other thing we might need to add is the multi-family homes near Damen.
- John Thompson asked for feedback on whether we would but a little Island for the Foot Hills apartment on Frederico.
- Jim Winters said that they are zoned multi-family so yes, it is already covered.
- John Thompson said that he could make a distinction North of Horner and South of Horner.
- Jim Winters said that North of Horner and Suncrest have sidewalks and bigger houses.
- John Thompson asked if we want to define lot size and sidewalks.
- Jim Winters said that all new construction will be required to have sidewalks as part of our code.
- John Thompson said that he has Chamesa as world of its own but it could be included with the mobile homes.
- Jim Winters said that it is grouped in with the Manufactured Homes, but the Senior Park and Jill's park are considered unique as they are considered a park. Homes within the park rent spaces rather than owning them.
- Dennis Kintzler said what is going to happen with the parks bringing in RVs into the park. This would bring us gross receipts tax.
- L. E. Rubin said with short term parking there is lodger's tax.
- Jim Winters said yes, as well as gross receipts tax. We can use that tax to build parks with.
- John Thompson said that he labeled the areas: Golf Course, Mobile Home (maybe it should be called Manufactured Homes), Patio Homes, East side of 47 maybe called Horner, or Hermosa.
- Jim Winters said that as we go through maybe we should just start with one or two of those areas.
- L. E. Rubin said that a lot of those lots are 1 acre lots but on Hill and Dale, the lots are small, as well as back by Hermosa.
- John Thompson asked if we should divide them by larger vs smaller lots.
- Jim Winters said that is probably the best idea. A larger lot would have different rules that a smaller lot.
- L. E. Rubin asked if people still apply for a septic within city limits.

- Jim Winters said that there are rules about how far the septic can be from a well, city water, and such. The discussion continued. There cannot be a septic and a well on less than ¾ of an acre.
- John Thompson asked if it was important to make a distinction of that when we design our neighborhood.
- Jim Winters said that it would be best to leave it as it is.
- John Thompson said that the purpose would be for new building. The discussion continued.
- Jim Winters said the other thing that happened while L. E. Rubin was gone is a marijuana plant is wanting to come in to replace the one that is going to Belen. The other thing he wants to do, because he owns all the vacant lots near the Golf Course on Tierra del Sol, is to build an assistant living center. Mark saw him measuring those lots. Six or Eight of them are common wall, and there would not be ten feet between them. They are really small lots. We are back to needing to know how far the homes can be set apart from each other.
- L. E. Rubin said that we were the first one in the state to adopt the 2018 Fire code.
- Jim Winters said that the best thing to do would be to allow them to build homes within three feet as long as we adopt the two-hour fire wall rating. He talked to Jason the prior evening. He said that it was ten foot unless there is that fire rating. Jason would be fine with us using the two-hour.
- L. E. Rubin said that instead of having to change it every time there is change in fire code to add wording that allows us to use the latest code adopted by the city.
- Jim Winters said that he thinks that there is similar wording right now.

Zoning Issues/Updates

- Jim Winters brings to attention Draft 5. He color-coded sections that have been discussed or need to be discusses. Green means that it is a go. Yellow means there needs to be discussion because it is new. It will be homework. The hard stuff begins at our next meeting.
- John Thompson asked if someplace else, maybe in zoning, we need to make reference and define these neighborhoods.
- Jim Winters said that we need to find out where to put that. We could come into R-1 or in a separate section, subtitles for R-1, and have the different specs, or we could define R-1a R-1b and say see section for set-backs, for example.
- Jim Winters said we are up to page 47 and if you see anything that needs to be changed, any thoughts or comments up to 42, it can be discussed at the next meeting. Page 47 is where the hard stuff starts.
- L. E. Rubin asked if the yellow is something Jim Winters added and we need to go over.
- Jim Winters said that or we have added to and need to revisit. Like on 453a, accessory building on page 41. He added some possibilities on different ways to look at it. The discussion continued. Jim Winters said the goal is to get rid of the yellow. There are some easy solutions to correct some of these issues.
- John Thompson said that once we go through this, we should modify the neighborhood map. The business district will need to be included.

Adjourn

- Jim Winters moved to adjourn. John Thompson second the motion and the meeting adjourned at 8:08 p.m. with a 6-0 vote.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Date: _____

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Dennis Kintzler

Lawrence Gordon

L. E. Rubin

Jim Winters