

Planning & Zoning Minutes  
P/Z Room South City Hall  
360 Rio Communities Blvd  
October 18, 2018

**Call to Order**

- John Thompson called the meeting to order at 6:32 p.m.

**Roll Call**

- Present: John Thompson, Jim Winters, Dennis Kintzler and L.E. Rubin
- Also present: Mayor Mark Gwinn, Councilor Peggy Gutjahr and Deputy Clerk
- Absent: Robert Teague (excused) and Lawrence Gordon (excused) and Tom Scroggins

**Approval of Minutes of September 20, 2018 –**

- Dennis Kintzler moved to approve the minutes as submitted. Jim Winters seconded the motion and the minutes of the September 20, 2018 meeting were approved on 4-0 vote.

**General Discussion**

- Mayor Gwinn said the City Manager has been terminated and the position has been posted on our website, the local newspaper and with NMML. He said he hopes to have a manager hired by the end of November. He said Council is looking at things P&Z has done and will continue to support them.
- Mayor Gwinn said our attorney reviewed the solid waste ordinance we sent them. He said attorney Chris Wright said the body of the document is good, but he wants to change some verbiage and say what judges want to hear. He said he hopes, by end of this month, we'll be ready to have a joint meeting and he thinks we should have another public forum before a public hearing.
- John Thompson said the recommendation of the P&Z was single hauler, mandatory and other verbiage isn't so important to us.
- L.E. Rubin said he likes the idea that the contractor makes the decision about how to handle matters with residents like poverty level, etc. He asked if, once it goes to public hearing, does it have to go back to the lawyer.
- Mayor Gwinn said only if we make drastic changes to the document, but any time we make a change we have to put it out for another 14-day review.
- John Thompson asked if the City is bound to take lowest bidder.
- L.E. Rubin said they don't have to, but they do have to justify why they didn't.
- Mayor Gwinn said that's one of the questions on the audit.
- Mayor Gwinn said he understands that P&Z thinks Council drags their feet, but we need to get the right verbiage. He said what Jim Winters put together is a good foundation.
- Jim Winters said Bosque Farms has good participation by their residents and they say they worked hard to sell the idea to their community.
- John Thompson said, since we only had one or two people at the public forum, we may need to do a better job of selling the public.
- Mayor Gwinn said word of mouth is the best way to get the word out to people.

- Dennis Kintzler said the contractor will have to give people a chance to pay their bill. He said, in the past, people have not paid one hauler and just went to another.
  - John Thompson said word of mouth may not be enough and suggested an article in the local newspaper, the city newsletter and social media.
  - Mayor Gwinn said the Code Enforcer will start work on November 1 and Preston Craig will help to train him.
  - Councilor Gutjahr said the Treasurer told her she will get an RFP out for a landscape company.
  - Mayor Gwinn said EDC would like to have joint meeting with P&Z quarterly. He also said he has talked to several people about being on EDC.
  - Councilor Gutjahr said the City wouldn't have come as far as it has if Bob Skerry had not been here and he and Jim Winters worked well together.
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- Saqib Kazmi was at the meeting tonight to explain his plans for opening a grocery store in the City. He said he is considering buying the Nazarene church on La Luna and putting the grocery store in the metal building that was used for the school gymnasium. He said he would also like to use part of the property for rental apartments. He also said he will not sell liquor.
  - Jim Winters asked about access to the store and cautioned Mr. Kazmi about the diesel gas line under the road. He said Mr. Kazmi should contact the owner of that gas line for information.
  - Mr. Kazmi said it is easy for people to come from Manzano Expressway to the store and the existing playground would be the parking lot.
  - Dennis Kintzler said if apartments are rented to college students, they will use Manzano Parkway.
  - Jim Winters said the zoning would have to be C2 with conditional use and we could do that if we agree but access to the property may be a problem.
  - L.E. Rubin asked about Mr. Kazmi's time frame.
  - Mr. Kazmi said he has seen the building but needs to make sure he can put a store in the existing building. He said if he makes an offer on the property he will make it contingent on approved access. He said he will need three months to get the store ready after he buys the property.
  - Jim Winters asked Mr. Kazmi to come back to P&Z for further discussion and a possible vote after he finds out what he can about access.
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- Jim Winters distributed information about the solid waste ordinance and the reasons people want the ordinance and some reasons why people don't want it. He also distributed the latest version of Chapter 11.4 Garbage, Trash and Waste Services and comments from the Solid Waste public hearing in August. He said this is the information sent to the City's lawyer for legal decisions.
  - Dennis Kintzler said there should be a way that the hauler has right to raise rates because of increase in fuel cost.
  - Jim Winters said he added that to the list that went to lawyer.

#### **Subdivisions update and possible vote – no discussion**

#### **Zoning issues/Updates –**

- Jim Winters said we agreed that we would move as quickly as we could through the entire Zoning Code and come back to the arguing points. He referred to page 25, section 4.3.7 and said there was some discussion about having both special use and conditional use and the thought was to strengthen conditional use and do away with special use.

- John Thompson said special use should be left in and he feels strongly about not binding future commissions.
- Jim Winters suggested special use be left in as a place holder. He said we wouldn't be binding them at all because they can do whatever they want to do.
- Jim Winters asked everyone to look at uses under C-2 zoning. He suggested the best way to go with the request for a grocery store would be a conditional use. He said two conditions would be that the property drains properly and that there is no interference with the gas pipe line and continued the discussion regarding conditions.

**Comprehensive Plan Review** – no discussion

**ADJOURN** –

- L.E. Rubin moved to adjourn. Jim Winters seconded the motion and the meeting was adjourned at 7:58 p.m.

Respectfully submitted,

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Pam Johnson, Deputy Clerk

Approved

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Robert Teague, Chairman

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Dennis Kintzler

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John Thompson, Vice Chairman

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Lawrence Gordon

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L.E. Rubin, Secretary

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Jim Winters

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Tom Scroggins