

Planning and Zoning Commission Minutes  
City Council Chambers Northside of City Hall  
360 Rio Communities Blvd.  
September 3, 2020

**This meeting was streamed on Facebook Live**  
<https://www.facebook.com/riocommunities>

**Call to Order**

- Chairman Thomas Scroggins called to order the Planning and Zoning Commission meeting at 6:32 p.m.

**Pledge of Allegiance**

- L. E. Rubin led the Pledge of Allegiance.

**Roll Call**

- Present- Chairman Tom Scroggins, Vice-Chairman John Thompson (via phone)
- Secretary L. E. Rubin, Scott Adair, Lawrence Gordon, and Dennis Kintzler
- Present- Deputy Clerk Amy Lopez, Code Enforcer Gordon Reeves

**Approval of Agenda**

- Secretary Rubin made the motion to approve the agenda for September 3, 2020. The motion was second by Lawrence Gordon. Vote: Chairman Thomas Scroggins - yes; Secretary L. E. Rubin - yes; Scott Adair - yes; Dennis Kintzler - yes; Lawrence Gordon a - yes. With a 6-0 vote the agenda for the Planning and Zoning meeting was approved.

**Approval of Meeting Minutes from August 20, 2020 and Signing of Meeting Minutes for the joint meeting between City Council and P&Z on July 29, 2020**

- Lawrence Gordon made the motion to approve the Meeting Minutes for August 20, 2020. The motion was seconded by Dennis Kintzler. Meeting Minutes for the joint meeting with City Council on July 29, 2020 were signed. Vote: Chairman Thomas Scroggins - yes; Secretary L. E. Rubin - yes; Scott Adair - yes; Dennis Kintzler - yes; Lawrence Gordon a - yes. With a 6-0 vote the agenda for the Planning and Zoning meeting was approved.

**General Commission Discussion**

- Lawrence Gordon asked how the City gets people to pull permits to install pools.
- Code Enforcer Reeves said they need to come in and get paperwork from us showing us location and fence height; a licensed pool installer would know this and pull the permits and began a discussion.
- Tom Scroggins said we have two general discussion items; we have Code Enforcer Reeves to talk to us about noncompliance accessory buildings.
- Code Enforcer Reeves said if the homeowner puts in an accessory building that does not adhere to the code for accessory building, they would need to fill out a nonconformance certificate; they would fill this out and present it to P&Z to see if they can keep the building where it is.
- Lawrence Gordon said this is mainly for people that are grandfathered in.
- Code Enforcer Reeves said we need to make sure they include a plat and began a discussion.

- Code Enforcer Reeves said he can take it back to the owner and explain to him what is needed.
- Tom Scroggins said he does not think the setbacks are appropriate in this case.
- Code Enforcer Reeves said we might want to make an exception because it is accessible from the alley and three sides and began a discussion.
- Tom Scroggins said it can be put on the agenda, we just need enough time to do so.
- Tom Scroggins said he received a letter from Mayor Pro Tem Gutjahr who would like us to consider what we want in a City Manager.
- John Thompson said he would be looking for experience in grant writing, knowledgeable in lobbying, a masters would be nice but not necessary with appropriate experience, someone with sales experience, an extrovert to talk to retailers and home builders, and who is willing to put in the effort bring commerce to the City.
- Scott Adair said the City Manager should have knowledge in infrastructure, contracts, federal and state planning, economic development should be second to better infrastructure.
- Lawrence Gordon said they are both correct, you have to bring in businesses which bring in revenue which allow us to fix the infrastructure and began a discussion.
- Dennis Kintzler said we need someone who is not involved in personnel.
- Scott Adair said you take care of your people, take care of training, economic development is second to taking care of infrastructure and began a discussion.
- L. E. Rubin said he is in favor of a City Manager and he thinks we should have a City Administrator so he believes it is important to have experience, be transparent and work with the Council, they have a job to do but they need to seek out Council's advice before they do things the Council was not aware of, we need the public to be able to see what the Council is doing as well.
- Dennis Kintzler said we need to keep the public better informed and began a discussion.
- L. E. Rubin said pay should be merit based and if they are not willing to be hired that way we should keep looking.
- Scott Adair asked how would you feel about allowing other committees involved in the hiring process.
- Tom Scroggins said legally it is up to the City Council, but we have to have someone looking after the best interest of the public and began a discussion.
- John Thompson said you could give the committee vetoing approval rather than the ability to hire and began a discussion.
- Code Enforcer Reeves said the Council needs to establish what we want and need for our future, what problems we will address and hire a City Manager who knows how to resolve those issues.
- Scott Adair said the City Manager needs to come in with a vision for the City to be able to accomplish those goals and began a discussion.
- Tom Scroggins said he thinks it is more important to have experience than letters after their name and began a discussion.
- Scott Adair said the City Manager should go in and educate the City Council because they are not as knowledgeable as they need to be in certain areas.
- John Thompson said he would rather see a salesman than a lawyer and began a discussion.
- Tom Scroggins said John Thompson would get something written and to the commission to be reviewed before sending to the Mayor on or before September 11, 2002.

## **Public Comment**

- Lisa Adair said we do not have a personnel board the oversees personnel, that is the City Managers position to do personnel. We do not have an office manager.

## **Animal Control with Possible Guest**

- L. E. Rubin said he spoke with Mr. Gentry who was not able to set up a meeting for tonight, but he said that he would not approve any animal in city limits unless there is a zoning on the outskirts; Ron Gentry gave me a copy of the Los Lunas ordinance which was pretty thorough, they limit what types of animals to dogs and cats and domestic pets, but Mr. Gentry said you don't let people start having animals that cause problems for the people next door.
- Scott Adair asked if the animals currently here would be grandfathered in and began a discussion.
- L. E. Rubin said the emotional support animals would have to have the correct paperwork and began a discussion.
- Scott Adair said the animal ordinances all include the health and welfare of the animal and the nuisance to neighbors, it is all there in other's ordinances and we need to pick and choose what we want.
- L. E. Rubin said any type of animal should have to be licensed with the City, regardless of what type of animal it is.
- Code Enforcer Reeves said we need to be tough on how long feces should be able to be on the ground and began a discussion.
- L. E. Rubin went over some of the rules regarding the amount of required space for livestock animals, breeding, and disturbing the peace and began a discussion.
- Tom Scroggins said we need to address waste, any type of animal waste, including domestic animals, dog and cat feces and other pets.
- Scott Adair said it is going to be hard to tackle a time limit for each pet, but we could use the nuisance laws.
- L. E. Rubin said that it would eventually go before the judge, but we need a judge that is going to enforce the ordinance.
- Code Enforcer said we need to have an established fine in the ordinance to give the judge some teeth to get their attention and began a discussion.
- Scott Adair said part of the ordinance should state why we have the ordinance, for health and safety.
- L. E. Rubin said when it comes to being grandfathered in there was not an exception for the solid waste ordinance, there should not be grandfathering for this ordinance.
- Lawrence Gordon said trash is not the same as being a pet owner and began a discussion.
- Lawrence Gordon said if it is grandfathered, we need to ensure they do not replace it.
- L. E. Rubin said that they would have to had registered that with the City, but how do we know when it has died and has been replaced and began a discussion.
- Lawrence Gordon said the City needs to have an ordinance to know where we stand and continued the discussion.
- John Thompson said the restrictive ordinances could be restrictive to economic development and would hope that we don't get too restrictive.
- Scott Adair said that we need to think of what we are as a city and began a discussion.
- L. E. Rubin said how we write this will depend if we want to be Bosque Farms or Los Lunas.
- Tom Scroggins asked if we should we have more discussion on animals next time.
- Code Enforcer said we need to establish the boundaries of the animals for the fence line, we need to identify how long the waste can be on the ground, there should be a

fine for offenses, progressive fines if it keeps happening, that would allow the judge teeth to fix the problem. He then said we need to identify the proper way to identify the proper way to dispose of the waste and began a discussion.

- Code Enforcer Reeves said we need to have something for roaming animals and began a discussion.

**Vacant Property**

- Code Enforcer Reeves said he will have to start placing liens on substandard liens, because we have people getting in trouble and instead of taking care of it, they transfer the property, that way the property is taken care of. We also need to talk about vacant properties that were left to children of deceased and they are big nuisances until they go to foreclosure, the mortgage company will send it to another mortgage companies if it sits too long and began a discussion.
- L. E. Rubin said we could site them as a public health problem, wouldn't we be able to put a lien against it.
- Code Enforcer Reeves said the City can come in and secure the property, and by doing that work to the property we are putting a lien, but by putting liens on these properties, we can track the selling of these properties so that he can concentrate on something else.
- Tom Scroggins said next time we can discuss animal control and vacant properties.

**Zone Grid**

- Not discussed at this time.

**Adjourn**

- L. E. Rubin moved to adjourn and carry the neighborhood plan to the next agenda. John Thompson second the motion and the meeting adjourned at 8:09 p.m. with a 6-0 vote.

Respectfully submitted,

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Taken by Amy L. Lopez, Deputy Clerk

Date: \_\_\_\_\_

Approved:

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Thomas Scroggins, Chairman

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John Thompson, Vice-Chairman

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L. E. Rubin, Secretary

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Scott Adair

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Lawrence Gordon

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Dennis Kintzler