

Please silence all electronic devices.

Call to Order

- Chairman Scroggins called the meeting to order at 5:40 pm

Pledge of Allegiance

- City Manager Dr. Martin Moore led the Pledge of Allegiance

Roll Call

- Present: Chairman Thomas Scroggins, Vice-chair John Thompson, Secretary Scott Adair, Mr. Lawrence Gordon, and Mr. L. E. Rubin (Virtual)
- Present: City Manager Dr. Martin Moore and Deputy Clerk Amy L. Lopez

Approval of Agenda

- Vice-chair John Thompson made a motion to approve the agenda for February 24, 2022. The motion was second by Secretary Scott Adair. Vote: Chairman Tom Scroggins- yes; Vice-chair John Thompson – yes; Secretary Scott Adair- yes; Mr. L. E. Rubin- yes. With a 4-0 vote the agenda for the February 24, 2022, Planning and Zoning Meeting was approved as written.

Approval of Minutes for February 3, 2022

- Secretary Adair made a motion to approve the February 3, 2022 Meeting Minutes as written. The motion was seconded by Vice-chair John Thompson. Vote: Chairman Tom Scroggins- yes; Vice-chair John Thompson – yes; Secretary Scott Adair- yes. With a 3-0 vote the minutes from February 3, 2022, was approved as written.

Motion and a roll call vote to recess Regular Business Meeting session and to go into Public Hearing

- Tom Scroggins explained there was going to be a hearing in regard to the subdivision of property listed above and asked for a motion to go into the hearing.
- Vice-chairman Thompson made a motion to recess the regular business meeting and go into the hearing. Secretary Adair seconded the motion. Vote: Chairman Tom Scroggins- yes; Vice-chair John Thompson – yes; Secretary Scott Adair- yes. With a 3-0 vote, the motion to leave the regular business meeting and go into a hearing was approved.

Public Hearing for the purpose: Consideration of Subdivision Property: Legal Description: UPC:

109081446296000000 Account Numbers R175467, R175468, and R175469 Subd: LEMON GROVE ESTATES Tract: 15A, 16A, and 17A; PARCEL 15 0.08 ACRES 1997 REV; PARCEL 16 0.07 ACRES 1997 REV; PARCEL 17 0.09 ACRES 1997 REV

- Chairman Scroggins: Now we are in the public hearing, and we are, two parcels, I understand, are being subdivided and some of it is going to have to be rezoned. One of it is going to be one, part of it is going to be another.
- City Manager Dr. Moore: Mr. Chairman, point of information. The first item for hearing is going to be basically a replat from three lots to two. The second item is going to be the subdivision and rezoning issue.
- Chairman Scroggins: I see. Okay, now are we going to have a presentation for this.

- City Manager Dr. Moore: We can. We don't see anyone from the application of this, for the replat. But it is simple, I or the staff, if you want us too, can present the information.
- Chairman Scroggins: This first one, that is the one that they want to make two lots out of three?
- City Manager Dr. Moore: Right, these are lots that are 0.07, 0.09, and 0.08.
- Chairman Scroggins: They are the ones that are behind, okay.
- City Manager Dr. Moore: They are on Rio Communities Way.
- Deputy Clerk Lopez: If any of you want to see the plans, they are those right in front of you on that table.
- Secretary Adair: I remember it.
- City Manager Dr. Moore: It is very basic. What they are basically doing, Mr. Chairman, is they are. Less than a tenth of an acre, that's a bit crowded and they want to do a single-family residence type of a thing, you know. In order to do that, those three lots need to become two. We don't see any issues, and I am not aware of any objections to the replat of those lots. So, for us, the staff, this is a very simple and straightforward replat. The utilities are already there, there isn't any request for changes to setback requirements or anything like that. It's a really simple, let's change this, let's get it done, so we can build some houses.
- Chairman Scroggins: Okay, Scott, do you have any questions?
- Secretary Adair: I don't.
- Mr. Garcia: This is the lot I would like to build a two-story home.
- Secretary Adair: A two-story house? Where is this located?
- Mr. Alfredo Garcia: On the corner.
- Secretary Adair: Of these two properties? On these three properties? But you are making them two, right?
- Mr. Garcia: I have three lots, and the corner is like this. Inaudible discussion.
- Secretary Adair: That is what I am saying, these are the three lots that he is going to make into two and make a two-story house.
- Inaudible discussion.
- Chairman Scroggins: There is the bank.
- Mr. Garcia: I have three lots.
- Secretary Adair: These three lots.
- Mr. Garcia: Yeah, that are small. Would you like to look at the plans?
- Secretary Adair: Sure. You don't have any house designs on this? And a two-story here?
- Mr. Garcia: Inaudible discussion.
- Secretary Adair: You know, what I want to see is
- Mr. Garcia: I left ten foot here and ten foot here and five foot from here. I am leaving here a four-foot sidewalk.
- City Manager Dr. Moore: He has the three lots here and is trying to turn them into two lots.
- Vice-chairman Thompson: This is the replat of these three lots into two.
- Secretary Adair: So, we can approve that but as far as he is requesting to build a two-story home, that is a different process. That is outside of the scope of the hearing. In audible discussion.
- City Manager Dr. Moore: Your simple question is, are you willing to take these three lots and turn them into two. That is the question you are discussing tonight. He will have a different conversation with staff about what he needs to do about his building.
- Secretary Adair: I understand. John, do you have any questions?

- Vice-chairman Thompson: I couldn't hear the City Manager's simple question though.
- Secretary Adair: So, we are going to rule on turning these three lots.
- City Manager Dr. Moore: For those of you online, just to let you know what is going on, is originally there are four lots, and he is wanting to take three of them and turn them into two.
- Inaudible discussion.
- Vice-chair Thompson: Yes, this has come before us about two months ago.
- City Manager Dr. Moore: Mr. Chairman, L. E. is on.
- Chairman Scroggins: Thank you, L. E.
- Municipal Clerk Adair: Can you click on that, on the very bottom to get rid of whatever that is? It is coming up on the screen. There you go.
- Chairman Scroggins: Okay, do we have any discussion, questions? John, do you have any questions about that?
- Vice-chairman Thompson: No, I don't. It makes perfect sense.
- Secretary Adair: I'm good.
- Chairman Scroggins: Is L. E. on yet? Why don't we hear about the subdivision of the property on Houston and Manzano Expressway?

Public Hearing for the purpose: Consideration of Subdivision and Rezoning of Property: Legal

Description: UPC: 1010028210345000000, TRACT: 1 S: 15 T: 5N R: 2E 11.17 Acres, 1998 Rev; UPC: 1010028310385000000, TRACT: 2 S: 15 T: 5N R: 2E 17.54 Acres, 1998 Rev; UPC: 1010028270290000000, TRACT: 3 S: 15 T: 5N R: 2E 22.77 Acres, 1998 Rev

- Chairman Scroggins: John? Okay, alright, and the next one is the subdivision and rezoning of the property. That is the property we talked about earlier that is across the street from the church.
- City Manager Dr. Moore: Actually, it is literally up the street from, I believe it is, the Presbyterian Church that is just up the street from.
- Inaudible conversation.
- City Manager Dr. Moore: There is some across the street on Manzano Way and then there are a couple that are on the same side of the street.
- Chairman Scroggins: Some of that is on the south side of Manzano? And some of it is on the north side.
- City Manager Moore: So, you have homes and churches on the south side of the elementary school, and you have the churches on the north side of Manzano. It is located on Houston Blvd which is the main road located off Manzano Way.
- Chairman Scroggins: We heard this.
- Secretary Adair: And we have a gentleman here, I am not sure if he is for the first replat? Are you with the first hearing, the replat of the three properties to two?
- Mr. Garcia: I am Mr. Garcia. Inaudible conversation.
- Secretary Adair: Yes, he is here for that hearing. (Commissioners then heard Mr. Garcia's hearing. See above.)
- City Manager Dr. Moore: Yeah, Houston and Manzano are the main intersection, and it is approximately 53 acres, three different parcels. What's in front of you today is a request for rezoning and (inaudible) and from me, after the request for rezoning is permission to proceed with the formal subdivision application. That doesn't mean, he has a lot of things he is working on. He's got the elevation from the drones, they've got drainage, they've got roads, they've got other things that they, obviously, their engineers are working on. They've got that part that will

be coming to you. But the thing tonight is the rezoning. There are two pieces. There are two pieces. One of the pieces has to do with R-1, and the other piece on Manzano, for the request of rezoning is commercial, in particular the class would be C-3, which is heavier use commercial.

- Chairman Scroggins: Is that heavier use by traffic or.
- City Manager Dr. Moore: It is heavier use by traffic, noise, those types of things.
- Secretary Adair: So, you are suggesting the C-3 would be this retail, office, commercial, medical, multi-family 9 acres area?
- City Manager Dr. Moore: The 9 acres area along Manzano is the part where he was requesting C-3.
- Secretary Adair: And there is an R-1.
- City Manager Dr. Moore: The remainder is the residential one, which is the lower density, single-family housing unit.
- Vice-chairman Thompson: Inaudible.
- City Manager Dr. Moore: And the applicant is here to speak to it and answer questions.
- Chairman Scroggins: John, do you have any question?
- Vice-chairman Thompson: No, I don't.
- Chairman Scroggins: Do you have a copy of this?
- Vice-chairman: I've got it in my kitchen. I am getting new flooring tonight, so you might hear some hammering if I don't get to the mute button.
- Chairman Scroggins: Scott do you have anything?
- City Manager Dr. Moore: Mr. Chairman, there are also a couple of people in the audience, who, I believe, are representing one of the churches close by, and wanted to address you.
- Sharon Eastman: I am Sharon Eastman, and I am representing the Presbyterian church. One of our members who was working at the church, and saw the presentation(inaudible) and the church has absolutely no objection to the subdivision going in. It would just give us more people in our neighborhood that we could serve.
- Secretary Adair: That you, that is good to hear.
- Sharron Eastman: She is my driver.
- Chairman Scroggins: You know, even if you are the driver, you can still speak.
- Audience member: No thank you.
- City Manager Dr. Moore: Mr. Chairman, I did (inaudible), but I do have comments that were to be read, since the general public was not allowed.
- Chairman Scroggins: L. E.? Is he there? Sorry, this gets to be messy, but we have been going through this for a couple of years.
- Secretary Adair: And we haven't gotten any better, have we?
- Chairman Scroggins: Now, if I were a young man, I would probably know how to do this.
- City Manager Dr. Moore: Part of the challenge too, was trying to get a public hearing, (inaudible). We had some challenges with COVID related infections, we have to get the building thoroughly cleaned, actually most of our employees tested positive, came from outside sources. Interiorly, we seemed to be doing good, but we had to say, okay, until we get everything, we are going to keep the amount of people going into the building extremely limited, but we still had to the public make comments, even though they can't come, the general public can't come in. So, we had to give the opportunity. We did have a member of the public come in and said he was representing residents that has a number of questions. So, that is where that is coming from. Technology was not cooperating.

- Chairman Scroggins: I know, I know how that goes.
- City Manager Dr. Moore: One of the first questions was about the actual verbiage on this particular one. (inaudible) this hearing there was a slip on the agenda, you see, there is something called a UPC, or a Uniform Property Code, that is used by the county, and one of the three property codes that we identified for this particular subdivision had a digit, that was the second one, it said 2821038, and we had to correct that to put a number three in that instead of a number two. So, we corrected that on the signage and on the public notices and wanted to acknowledge in the public hearing that, was there an error, yes, we did correct it on the postings and the agendas, and we did get that published. The second question are related to the zoning and what is going on with the zoning, when we are talking about the C-3, talking about the R-1, what are we talking about? R-1, of course, is what we call our standard, or less dense, you know, lower density residential population area. Meaning single family homes is the goal for the area that is being zoned as R-1. In addition, to the R-1 area, there is two and a half acres up on Houston Blvd that is being looked at for a potential park and there have been some initial discussions with the City and we are talking with them. And that would be an ability for people to come out, in addition it would provide drain ability, because park spaces are good places for drainages. How do we plan it so the park can do what it needs to do, and drainages can do what they need to do? So, that is pretty simple and standard and straightforward. That is not an issue with us. Heavy commercial was a question, and a concern in relationship to right along Manzano Expressway. I did want to let you know, I have spoken with the property owner, and I know they are in discussions about some different types of retail that will complement the new subdivision that is coming in and provide some types of services that would be of some quality to the community, quality to the residents, the churches and everybody else around that area. So, our recommendation of that area, and I will bring it up in the action part, let's leave it as a planned development area because we do have a special use permit that would cover everything that he needs to cover on those types, and the residential, those types of uses can come back and he will be able to see what kinds of businesses we'll be talking about and what they will need. So, that was a concern, that the public would be able to know what is going on, what type of businesses will be going in, and that type of a thing, so that was an issue. Another issue was related to traffic and to question about traffic. And I do believe that the, we know that Houston can stand a little more development, we have between 50' and 60' wide right of way. So, we have the ability as a City to work with the developer, and if we have to, we can widen certain areas, and create a turn lane, whatever types of things we have to, we have room to do it.
- Chair Scroggins: I know they have talked before about Manzano becoming a State Highway and right now, I think it's a county road, is it?
- City Manager Dr. Moore: Manzano was in discussions, and there was interest expressed by the Department of Transportation for taking a stretch of that over as state highway. That process stalled. We suspect, it happened because of the COVID process, so that is an issue that needs to be brought up for discussion. Right now, it is not. We, as a city, have the responsibility for the maintenance of that stretch of road, I did check on that. It is our responsibility. It was originally a county road and then there is a rule now that the stretch of Manzano that is within the city limits, is the City's responsibility to maintain.
- Chair Scroggins: Does that also mean the City has the ability to allow ingress and egress, so if there were a strip mall on that acreage, we could get left turns put in.

- City Manager Dr. Moore: That falls within us, it is within the city limits, so that falls within us. When the development plans come forward, he will see those drawings, that approval is recommended by the Planning and Zoning Commission and goes through the City Council. So yes, we don't have to involve the county in this. That is part of the niceness in this, that is the silver lining of the cloud of the city having to maintain that section of the Expressway, that having people come in and out for development purposes, is something we can deal with internally.
- Chairman Scroggins: L. E.?
- Mr. Rubin: I am here. Are you there? I have been here since 5 o'clock waiting for you. Because of technical difficulties, I am delayed. But I would like the record to show that, despite all rumors, I am here.
- City Manager Dr. Moore: There are some other public comments, but we will share them with you when you come up to your public comment area. Those were some issues that were of particular concern with what we are doing.
- Chairman Scroggins: Do you gentleman have any remarks you would like to make?
- Sandy Pofahl: I appreciate it. My name is Sandy Pofahl, I am with Rio Holdings. I own the property there and we are proposing the rezoning of planned development to R-1. We have spent a good amount of time looking at other communities and subdivision site plans. We are very happy the way this has worked out. I am excited about the park we are putting in, it is close to the school, we have nice parking in there and I think it will be a nice contribution to the City. The homes that are going to be there are not going to be cheap home and they are not going to be million-dollar homes. They are going to be attractive, moderately priced homes that are going to be excellent for a number of families. There's a lot of new development in the Albuquerque area, especially south of Albuquerque. I think this is going to provide some very nice homes for some very nice people. I just find it a pleasure to be here in Rio Communities. It has been a pleasure to work with Marty and the other people here and I am open to any questions you might have.
- Secretary Adair: Just a quick question, why did you decide to put your park there instead of more centrally located.
- Mr. Pofahl: So that it is closer to the so school and so that it can be more easily accessed by other members of the community. We put it inside, people will mentally think, oh that is specifically for the Rio Vista subdivision. If we put it inside. And I think where it is now, people there would go over there and use it, but people driving by would think, oh, there is a park and there are parking places and are more apt to go ahead and use it then. Candidly, I think the subdivision would probably use it better putting it inside, but putting it there, both the people within the subdivision can use it. But also, the people driving by. Especially the kids over at the school. I think that would be nice.
- Chair Scroggins: John, do you have any questions?
- Vice-chair Thompson: yes, I am thinking about groundhogs, ants, and burrowing animals. They always have two escape routes, and as I recall, on that map, there was only Houston. So, if there was an accident or if we were to need a fire truck in there, we would need two ingress and egress. I don't know if that would be up to the city or the developer, but there needs to be two ways for to get in and out.
- Mr. Pofahl: We do have two. And I know it is hard to see over there, but if you look in the lower corner, there is a road that comes out there. The site plan made it light green, but there is a

way in. There are actually three ways in, three. There are two over on Houston and then there is one coming down into this area as well. So, there are actually three ingresses and egresses.

- Vice-chairman Thompson: That would be one thing I would be looking at. I am glad you included that.
- Mr. Pofahl: There are two on Houston school, on Houston Blvd, excuse me. On Houston Blvd, there are two ingresses and egresses over here and then there is one over on the lower right-hand corner over here that we will be putting in as well. We will be working with the City to make sure they are happy with that as well.
- Chairman Scroggins: L. E.? Do you have any questions?
- Mr. Rubin: No, I have no questions.
- Mr. Pofahl: Thank you very much.
- Chairman Scroggins: Well, thank you. I think Dr. Moore is looking for comments.
- Inaudible discussion.
- Manager Dr. Moore: Okay, Mr. Chairman, you can proceed with the hearing (inaudible). I can't find any other comments.
- Chairman Scroggins: Okay, if you can't find any more comments, I think we are about done with the hearing. and we can move to action items. I need a motion with roll call vote to go back into regular business meeting.

Motion and roll call vote to go back into Regular Business Meeting session

- ❖ Vice Chairman Thompson made a motion to recess the hearing and go back into the regular business meeting. Seconded by Secretary Adair. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin

Move to Council: *Subdivision of Property: Legal Description: UPC: 109081446296000000 Account Numbers R175467, R175468, and R175469 Subd: LEMON GROVE ESTATES Tract: 15A, 16A, and 17A; PARCEL 15 0.08 ACRES 1997 REV; PARCEL 16 0.07 ACRES 1997 REV; PARCEL 17 0.09 ACRES 1997 REV*

- Chair Scroggins said the first item to look at is consideration of the replat of property from three lots to two that is off of Rio Communities Way and asked for discussion.
- Vice-chairman Thompson made a motion to recommend forwarding this to City Council for consideration with a yes recommendation. Secretary Adair second the motion. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin

Move Council: *Subdivision and Rezoning of Property: Legal Description: UPC: 1010028210345000000, TRACT: 1 S: 15 T: 5N R: 2E 11.17 Acres, 1998 Rev; UPC: 1010028310385000000, TRACT: 2 S: 15 T: 5N R: 2E 17.54 Acres, 1998 Rev; UPC: 101002827029000000, TRACT:3 S: 15 T: 5N R: 2E 22.77 Acres, 1998 Rev*

- Chair Scroggins asked if there was further discussion regarding this hearing.
- City Manager Dr. Moore said a public comment regarding whether anyone on the Commission or Council was involved at all with the properties or company asking for the hearing. He explained no, this is a private individual that is coming to the city. He then then said there was a question asking what consideration was and the answer is consideration is deliberation. He continued to say another question was if Council had anything to do with the preparation of this hearing and the answer is no, because they will have to act on their end on a separate

hearing. He continued to explain there might be a single Council member who may have knowledge of the hearing but there is never a quorum involved and whenever it is evident that a hearing will be required, Council steps back. The discussion continued.

- City Manager Dr. Moore said it was recommended that the zoning for the commercial property remain as planned development so that it can be determined later what is needed when future businesses come in and then a special use permit can be obtained. The discussion continued.
- Vice-chairman asked for further discussion.
- Chairman Scroggins said he would entertain a motion for our approval of rezoning the proposed residential to R-1 and leaving the commercial property as planned development and re-platting the property and moving it forward to Council.
- Secretary Adair made a motion to approve the rezoning of the residential area as R-1 and do not address the planned development 9.2 acres until further notice. Vice-chairman Thompson second the motion. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin
- City Manager Dr. Moore explained there are two parts and recommended a motion be made to prepare and submit the formal subdivision application.
- Secretary Adair made a motion to proceed with a formal subdivision application. Vice-chairman Thompson second the motion. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin

Adoption of the City's Open Meetings Act Resolution

- Chairman Scroggins began a discussion regarding the annual adoption of City's Open Meetings Act Resolution.
- Chairman Scroggins asked for a motion to adopt the Open Meetings Act.
- Vice-chairman Thompson made a motion to adopt the Open Meetings Act. Mr. Rubin second the motion. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin

Public Comment

- Mr. Westmoreland asked with regards to UPC 1010028210385000000. I was unable to pull the information on this tract. I need to know if the UPC number is correct. If incorrect it should be changed on the agenda, and I would appreciate a response as to the UPC's accuracy.
- City Manager Dr. Moore explained the UPC number was one digit off, was corrected on the sign, public notices, and agendas and a letter of correction was sent to properties affected by the hearing.
- Mr. Westmoreland said I want to know if anyone on P&Z is a relative, part-owner or maintains an interest in any of the properties listed on the agenda.
- City Manager Dr. Moore said no, there is not relation, part-owner of interested parties among Planning and Zoning and applicants.
- Mr. Westmoreland said I want to know who from P&Z contacted any property owner of the tracts shown on the Agenda.
- City Manager Dr. Moore explained the applicants came to the City without being contacted and any contact for Planning and Zoning for paperwork would have been through the Clerk's office

and not the commission, the commission has not talked to any of the applicants except through public meetings. A discussion began.

- Mr. Westmoreland said I want to know if anyone from P&Z tendered an offer for any of the land set out in the agenda. I want to know if anyone on P&Z confirmed water and sewer was available on these properties mentioned on the agenda.
- City Manager Dr. Moore explained no one from P&Z tendered an offer for any of the land set out in the agenda and yes, the availability of water and sewer has been confirmed through staff, city engineers and the NM Water Company.
- Mr. Westmoreland said if the P&Z board was involved with the agenda properties, which councilpersons provided input into the listing of the properties on the agenda.
- City Manager Dr. Moore said none, the input for all items listed on the agenda came from communications from the Municipal Clerk's office and the agendas are properly posted, and no members of the Council were involved in the agenda.
- Chairman Scroggins said the only thing that we heard about public hearing was that we were going to have two and continued the discussion.
- Mr. Westmoreland said the way the agenda is formatted does not say anything about what is "Consideration". Is the general public not entitled to know why there is no explanation of what "consideration means?"
- City Manager Dr. Moore explained consideration is the common definition in the dictionary, plain language statement that we will discuss it, consider it, and possibly decided upon.
- Chairman Scroggins said he always asks for discussion and a thorough discussion to follow before a decision is made and considers the process of discussion is consideration. The discussion continued.

Commission Discussion/Future Agenda Items

- Chairman Scroggins explained we will have our next meeting on March 3rd and there are not a lot of items on the agenda, but we will be discussing meeting times, but the agenda is available and will be posted tomorrow. He then asked if Vice-chairman Thompson had any agenda items to add.
- Vice Chair Thompson asked if there is a way for the Commission to be made aware of building permits that are approved, so they may be aware of them.
- Chairman Scroggins explained basically my signature is an acknowledgement of a permit and began a discussion.
- City Manager Dr. Moore explained the City is approving flood plain as well as setbacks according to our ordinance and that is how the City certifies them, but the building permit itself is approved by Construction Industries Division.
- Chairman Scroggins said we are having a problem receiving application that should go to Belen and began a discussion.
- A discussion began regarding the zip code.

Adjourn

- Mr. Rubin moved to adjourn. Secretary Adair seconded the motion. With a 4-0 vote, the motion to adjourn was approved at 6:46 pm.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk
(Transcribed by Cheyenne Sullivan, Assistant Clerk)

Date: _____

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

L.E. Rubin