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**REGULAR MEETING OF THE
EXTRA-TERRITORIAL ZONING COMMISSION
FOR THE CITY OF LAS CRUCES
DONA ANA COUNTY GOVERNMENT OFFICES
MAY 1, 2014
6:00 p.m.**

BOARD MEMBERS PRESENT:

John Villescas, Chairman
Robert Hearn, Member
John S. Townsend, Member
Tim Sanders, Member
Douglas Hoffman, Member

BOARD MEMBERS ABSENT:

Kenneth Allin, Vice Chairman
Janet Acosta, Secretary

STAFF PRESENT:

Adam Ochoa, Planner, CLC
Ezekiel Guza, CLC
Robert Cabello, CLC Legal Staff
Becky Baum, RC Creations, LLC, Recording Secretary

I. CALL TO ORDER (6:07 P.M.)

Villescas: I'm going to call this meeting of the ETZC meeting to order. Today is Thursday, May 1st, scheduled for six o'clock. It's approximately 6:08 p.m. Let me see. First thing after the call to order which I did, I need to read the introduction.

The ETZ Commission Members shall not privately discuss with any interested persons the merit of any case which is pending before this Commission. If there has been any such discussion, it should be disclosed at this time. Because this Commission acts in a quasi-judicial capacity, this hearing tonight follows the procedures mandated by the New Mexico Court of Appeals. Anyone wishing to give testimony on a case must be recognized by the Chair, go to the podium, state his or her name address, and be sworn in. An applicant's presentation may be limited to four minutes. Neighborhood representatives or representatives of other groups may be limited to three minutes each. A neighborhood spokesperson may be limited to ten minutes. You may speak more than once on a case, but the Chair reserves the right to further limit the time allocated to speak. This meeting shall be conducted by a modified form of Robert's Rules of Order. Please note that it takes four affirmative votes for a passage of a case. Please note that a Commissioner may vote "yes" on an amendment to a main motion, yet vote "no" on the main motion.

1 Any affected party may appeal a decision made by the Commission to the
2 ETA.

3
4 **II. ANNOUNCEMENTS**

5
6 Villescascas: Item two, announcements. I have from the chair one announcement that's
7 actually two in one. We have two Commissioners absent tonight as you
8 can see, out of seven we've got four, I mean five, we have quorum of four.
9 But the two that are missing are two ... are the secretary and the vice
10 chair which we both need in order to have the meeting. So unless anyone
11 objects I would like to appoint Commissioner Hearn as secretary in Janet's
12 place for tonight. Do I hear any objections? And Commissioner Sanders
13 would you act as vice chair? Any objections there? Okay, for the record
14 Commissioner Hearn is the secretary for tonight's meeting and
15 Commissioner Sanders will be the vice chair for tonight's meeting.

16 Do we have any announcements? I don't have any besides those
17 two. Do we have any further announcements from the rest of the
18 committee? Staff do we have any announcements.

19
20 Ochoa: No sir, nothing further.

21
22 **III. APPROVAL OF MINUTES - February 6, 2014**

23
24 Villescascas: Item number three, approval of the minutes of February 6th of 2014. Do I
25 have a motion for the approval of the minutes?

26
27 Hearn: I so move.

28
29 Villescascas: Do we have a second?

30
31 Townsend: Second.

32
33 Villescascas: Any discussion? If there's no discussion, Commissioner Hearn would you
34 call the roll please?

35
36 Hearn: So I get this in the right order.

37
38 Villescascas: The order doesn't matter, just I have to go last.

39
40 Hearn: That's what I was looking for. I've got to go from the bottom up.
41 Commissioner Hoffman.

42
43 Hoffman: Thanks a lot. I do abstain when I have not been at the meeting. So I
44 abstain.

45
46 Hearn: Commissioner Sanders.

1
2 Sanders: Aye.
3
4 Hearn: Commissioner Townsend.
5
6 Townsend: Aye.
7
8 Hearn: Commissioner Hearn votes aye. Commissioner Acosta, absent.
9 Commissioner Allin, absent. Chairman Villescas.
10
11 Villescas: I vote aye. So it passes by the slimiest of margins.

12
13 **IV. OLD BUSINESS**

14
15 Villescas: Old business. Do we have any old business to take care? Anyone from
16 the board have any old business? Staff do we have any old business?
17
18 Ochoa: No sir, none tonight.

19
20 **V. NEW BUSINESS - NONE**

21
22 Villescas: New business. Before we get into new business I'd like to ask of the ...
23 and I'll go in order ... of the three cases before us. Since we do not have
24 a full board tonight of seven due to unforeseeable illness which we can't
25 do anything about, we have five Commissioners. Now if you noticed in the
26 preamble we operate by a modified form of Robert's Rules of Order. It is
27 not a simple majority rules; you need four positive votes for your
28 application or measure to be approved. In other words you would need
29 four out of five positive votes in a case like tonight. So in a case like this I
30 would like to offer each applicant the opportunity to withdraw and
31 postpone till the following meeting at no cost, of course, to the applicant.
32 So we'll start with Case ETZS-13-020, Kissiah Parrigin Subdivision No. 14,
33 preliminary plat. Is there a representative here? That you Mr. Scanlon?
34 I'll give you two minutes if you want to discuss and explain it to them. Go
35 ahead.

36 And the same thing with the second motion, or item for us I'm sorry,
37 Case ETZS-13-020W. Do we have someone here for that case? Mr.
38 Scanlon also. Okay.

39 And Case ETZS-13-035W. Are you here for all three of them Mr.
40 Scanlon?

41
42 Scanlon: That's me.

43
44 Villescas: Okay, what do you want to do?

45
46 Scanlon: I think we want to table.

1
2 Villescas: Okay, on all three?
3
4 Scanlon: On all three.
5
6 Villescas: And you're perfectly ... and I think you were also ... were you here last ...
7 a couple of weeks ago affected by an absence of one of the
8 Commissioners, was that you?
9
10 Scanlon: I'm not sure. It happens all the time.
11
12 Villescas: It tied the vote three to three. So it can greatly affect the outcome. And
13 you know the procedures of the postponement will be no cost. We will
14 repost is that correct? Do we have to repost? I know the signs stay up.
15
16 Ochoa: Mr. Chairman since we are actually postponing to a date specific which
17 would be the next meeting which would be June 5th ETZC meeting.
18
19 Villescas: Okay.
20
21 Ochoa: We do not have to re-advertise, we just pick ... the only thing we'd be
22 advertising basically is an agenda again.
23
24 Villescas: Okay. And signs do stay up, right?
25
26 Ochoa: That is correct sir.
27
28 Villescas: Okay. So we ... Mr. Scanlon has opted to postpone to the next meeting
29 all three cases before us; that's ETZS-13-020, ETZS-13-020W, and Case
30 ETZS-13-035W. They will be postponed till Thursday June 5th, 6 o'clock
31 here at the County Commissioner Chambers. And of course that's at no
32 cost to his clients. I apologize to the public that came out for these
33 meetings but things both are very important for both sides and the way our
34 laws are written you need four positive votes which in this case would
35 mean you'd need, what is that, 80%.
36
37 Hearn: Yep.
38
39 Villescas: See, I did the math right. So you'd need 80% which is a slim margin. So,
40 anyway those three are officially postponed. Am I okay for the record?
41 Okay.
42
43 1. **Case ETZS-13-202: Kissiah Parrigin Subdivision No. 145, Preliminary**
44 **Plat.** A request for approval of a preliminary plat known as Kissiah-
45 Parrigin Subdivision No. 14 for a 7.292 +/- acre lot zoned ER3/4M and
46 located on the west side of Kissiah Drive, 0.55 +/- miles north of its

1 intersection with Peachtree Hills Road. The proposed preliminary plat will
2 be subdividing one (1) existing residential lot into seven (7) smaller
3 residential lots. Submitted by Borderland Engineers & surveyors, LLC on
4 behalf of Manuel and ANA Maria Hernandez, property owners.
5

6 2. **Case ETZS-13-020W: Kissiah Parrigin Subdivision No. 14,**
7 **Preliminary Plat (Waiver Request).** A request for a waiver from the
8 right-of-way dedication and improvement requirements associated with
9 the proposed preliminary plan known as Kissiah-Parrigin Subdivision No.
10 14. The applicant is seeking to waive the required right-of-way
11 improvements to Mesa Drive, an adjacent collector roadway as classified
12 by the Mesilla Valley Metropolitan Planning Organization (MPO), and the
13 required right-of-way dedication and improvements to Slade Lane, the
14 proposed access for the lots within the proposed subdivision. Submitted
15 by Borderland Engineers & Surveyors, LLC on behalf of Manuel and Ana
16 Maria Hernandez, property owners.
17

18 3. **Case ETZS-13-035W: Johnson Estate Subdivision No. 2 Replat "B"**
19 **(Waiver Request).** Request for waiver from the surface material and
20 road width requirements of the ETZ Subdivision Ordinance Access
21 Standards. The waiver is associated with a proposed two-lot split of a
22 16.824-acre parcel located at 4064 W. Picacho Avenue, zoned EC2:
23 Parcel ID 03-29343. Submitted by Steve Peale of Borderland Engineers
24 and Surveyors LLC, on behalf of Samantha Johnson and Dedra Ann
25 Poor, property owners.
26

27 VI. STAFF INPUT

28 1. Monthly Subdivision Report

29 Villescascas: So that brings us to item number six, staff input. Staff.
30

31 Ochoa: Mr. Chairman, staff just wanted to ... when these packets were put
32 together, two staff members here were not available for the distribution of
33 your packets. We just wanted to know, did you all receive the monthly
34 subdivision report in your packets?
35

36 Villescascas: Two.
37

38 Ochoa: You did receive two of them. They were from the month passed and then
39 since we did not have a meeting last month and then the next month as
40 well that preceded that month. If you have any specific questions of them,
41 they were all ... the majority of them were administrative replats and we
42 took care of in house, nothing that came before you as you know since we
43 had no meeting since was it February 6th I believe was the last time we
44 met here. But we stand for ... if you have any specific question I'm more
45
46

1 than happy to answer those questions. If not, I could try to get you more
2 specific answers if it's something more specific you'd like to ask.
3
4 Villescas: I have nothing from the chair. Does any Commission member have any
5 questions on the monthly reports? So next meeting will we have one or
6 three?
7
8 Ochoa: Mr. Chairman next meeting we should have, since we are actually having
9 a meeting ...
10
11 Villescas: Yeah, these two.
12
13 Ochoa: These will no longer be in your packet.
14
15 Villescas: Okay.
16
17 Ochoa: So it should just be one that you get next time.
18
19 Villescas: While we're on the subject, I don't know who's responsible for putting the
20 agenda up here on our screen so we can see them, but whoever's
21 responsible I really really appreciate it. It helps me a great deal.
22
23 Ochoa: Mr. Chairman I have to apologize about that. Last meeting we had we did
24 not have a .pdf version of it and my little thumb drive just got all screwy
25 unfortunately. We did get this time resolved and this should be constant
26 now from now on sir.
27
28 Villescas: Well you may get an angry phone call from the county cause I'm going to
29 ask the county to do this too. Is there any other input?
30
31 **VII. COMMISSION INPUT**
32
33 Villescas: If not, item number seven is Commissioner input.
34
35 Hearn: I'm not sure I'm happy with the way my career as secretary has been cut
36 short.
37
38 Villescas: I hope to have ... I know Janet will be back at our next city meeting as well
39 as the next county meeting and talk about that in a second. And I hope
40 that things turn out well for Mr. Allin and Mr. Allin can continue with us on
41 the board. I hope to see him next month as well. And speaking of that,
42 before I ... well next item number seven kind of follows right into it. There
43 will be no county meeting next month which was scheduled for the 23rd of
44 the month if I'm correct. Is that a Thursday?
45
46 Ochoa: The 22nd of May maybe or the June meeting sir?

1
2 Villescas: I'm sorry, it would be ... the staff meeting wouldn't be a month from
3 tonight, that's the city meeting. It would be the 22nd. Yeah, it's the
4 meeting for this month.

5
6 Ochoa: Three weeks from tonight.

7
8 Villescas: Yeah, from tonight.

9
10 Ochoa: Yes sir.

11
12 Villescas: We will not have a county meeting. I remember that it's this month cause
13 it's ... I wouldn't be here anyway cause it's my son's graduation in Boston
14 so I'll be in Boston. Any other input?

15
16 **VIII. PUBLIC INPUT**

17
18 Villescas: Any public input?

19
20 **IX. ADJOURNMENT (6:27 P.M.)**

21
22 Villescas: If none, do I have a motion for adjournment?

23
24 Hearn: So moved.

25
26 Villescas: Do I have a second?

27
28 Sanders: Second.

29
30 Villescas: Any discussion? All in favor.

31
32 ALL: AYE.

33
34 Villescas: All opposed. We are adjourned.

35
36
37
38
39 _____
Chairperson
40