

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

**REGULAR MEETING OF THE
EXTRA-TERRITORIAL ZONING COMMISSION
FOR THE CITY OF LAS CRUCES
DONA ANA COUNTY GOVERNMENT OFFICES
May 2, 2013
6:00 p.m.**

24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

BOARD MEMBERS PRESENT:

John Villescascas, Chairman
Janet Acosta, Secretary
Doug Hoffman, Member
John S. Townsend, Member
Robert Hearn, Member

BOARD MEMBERS ABSENT:

Kenneth Allin, Vice Chairman
Tim Sanders, Member

STAFF PRESENT:

Adam Ochoa, Planner, CLC
Bonnie Ennis, CLC, Recording Secretary
Robert Cabello, Legal, CLC

I. CALL TO ORDER (6:05 PM)

Villescascas: I'm going to call tonight's meeting of the ETZC to order. Tonight is Thursday, May 2nd. Wow! We're in May already.

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. A neighborhood representative 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 will be conducted by a modified form of Robert's Rules of Order. 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. Any affected party may appeal the decision made by the Commission to the ETA.

Commissioner Acosta, will you call the roll, please?

Acosta: Commissioner Allin? Not present. Commissioner Hoffman?
Hoffman: Present.

1
2 Acosta: Commissioner Townsend?
3
4 Hoffman: He just stepped out, ma'am.
5
6 Acosta: Okay. Commissioner Sanders? Not present. Commissioner Acosta's
7 present. Chairman Villescas?
8
9 Villescas: I'm present.
10
11 Hearn: Excuse me.
12
13 Villescas: Yes, sir. *(all laughing)*
14
15 Acosta: Commissioner Hearn? I'm so sorry. Commissioner Hearn?
16
17 Hearn: I'm here.
18
19 Villescas: Well, hello, Commissioner Hearn.
20
21 Hearn: Bonnie whipped me to be here. *(all laughing)*
22
23 **II. ANNOUNCEMENTS**
24
25 Villescas: Okay. Let's see... announcements. Staff?
26
27 Ochoa: No announcements tonight, sir.
28
29 Villescas: Any announcements from the Commission aside from the fact that we
30 have two absences. One is due to medical knee surgery and the other
31 one due to a meeting in Santa Fe.
32
33 **III. APPROVAL OF MINUTES**
34 **1. April 4, 2013**
35
36 Villescas: Item III, approval of the minutes for April 4th of 2013. Do I have a motion?
37
38 Hoffman: I move that we approve the minutes.
39
40 Villescas: Do I have a second?
41
42 Acosta: Second.
43
44 Hearn: Mr. Chairman?
45
46 Villescas: Yes.

1
2 Hearn: Since I wasn't here I think it's appropriate that I recuse myself from this
3 vote.

4
5 Villescascas: Commissioner Hearn, you are perfectly within your right to do so; however
6 it is not required. You, in this particular case, we are okay because we
7 still have four others. If we had only four I would encourage you or we
8 would have to postpone that until the next meeting. But that is your
9 prerogative.

10
11 Hearn: Thank you.

12
13 Villescascas: You're welcome. Is there any other discussion? If not, Ms. Acosta, would
14 you call the roll on approval of the minutes of April 4th, 2013?

15
16 Acosta: Commissioner Hearn?

17
18 Hearn: Abstain.

19
20 Acosta: Commissioner Hoffman?

21
22 Hoffman: Aye.

23
24 Acosta: Commissioner Townsend?

25
26 Townsend: Aye.

27
28 Acosta: Commissioner Acosta votes aye. Chairman Villescascas?

29
30 Villescascas: I vote aye.

31
32 Acosta: Thank you.

33
34 **IV. OLD BUSINESS – NONE**

35
36 Villescascas: Item IV, Old Business. Staff, do we have any old business?

37
38 Ochoa: No, sir, none tonight.

39
40 Villescascas: Commissioners? I didn't think so.

41
42 **V. NEW BUSINESS**

43 **1. Case ETZS-12-023W:** A waiver request for a subdivision proposal known
44 as Wrigley Estates Replat No. 1. The applicant is requesting a waiver from
45 providing the required width and improvements to provide minimum access
46 to the subdivision from Wildwind Road, the nearest paved roadway; and the

1 required width and full improvements to the internal, private roadways which
2 shall comply with the Doña Ana County Design Standards. The subject
3 subdivision is located off of Willow Creek Lane, south of Wildwind Road and
4 west of Southwind Road. Submitted by Western Lands Surveying on behalf
5 of Nellie and Ramon Vigil, property owners. **POSTPONED TO JUNE 5,**
6 **2013**

7
8 Villescas: Item V, case number ETZS-12-023W: a waiver request for a subdivision
9 proposal known as Wrigley Estates Replat No. 1. The applicant is
10 requesting a waiver from providing the required width and improvements
11 to provide minimum access to the Subdivision from Wildwind Road, the
12 nearest paved roadway and the required width and full improvements to
13 the internal private roadways which shall comply with the Doña Ana
14 County Design Standards. The subject subdivision is located off of Willow
15 Creek Lane, south of Wildwind Road and west of Southwind Road.
16 Submitted by Western Lands Surveying on behalf of Nellie and Ramon
17 Vigil, property owners.

18 Staff, before you go into your presentation I would like to say to the
19 applicants that in cases like this tonight where we have five members as a
20 Commission, as opposed to seven, keep in mind that we operate under
21 the Modified Roberts Rules of Order, which still requires four positive
22 votes for the passage of any motion before this Commission. Therefore,
23 you, in this particular case, any more than one nay vote would negate the
24 motion. Therefore, I do offer you the opportunity to postpone your case
25 for one month with no additional charges or penalties aside from where
26 had to repost. I believe we have to repost in the paper?

27
28 Ochoa: Mr. Chairman, I believe we have to repost and, as to actual mail outs and
29 so forth, I believe if we actually postpone it to a date specific I don't think
30 we would have to do that, sir.

31
32 Villescas: Okay. Anyway, staff, would you like to confer with the applicant and see if
33 they would like to do that or if they would like to hear the case?

34
35 Ochoa: Chairman, Villescas, the applicant has chosen to postpone to the next
36 meeting so we can try to have a full Board for their request.

37
38 Villescas: Understood. Bonnie or any other member of the staff do you have the
39 exact date of the next meeting?

40
41 Ochoa: The next possible first Thursday in June would be June 6th, sir, at 6:00
42 pm.

43
44 Villescas: Kind of the opposite of this one.

45
46 Ochoa: Correct.

1
2 Villescas: June 6th. Same time, same place, we are postponing case number ETZS-
3 12-023W at the request of the applicant due to the absence of two
4 Commissioners in which case there is no discussion and there is no vote.
5 This will be postponed, once again, to June 6th, 2013 at 6:00 p.m. I
6 apologize to those of you that came here to participate in this and I thank
7 you for coming and I hope you'll come again on June 6th. These are
8 important matters and they're very important to the applicants and it's just
9 simply not fair to cut the odds down or to change their ability to
10 successfully gain their waiver request. So it's one of those things that
11 sometimes happens and it can't be helped. Do I have any other staff
12 comments?
13
14 Ochoa: No, sir. We should be ready for that June 6th meeting. A question for the
15 Commission tonight is: would you like staff to resend out packets to you
16 all to reread; or would an email suffice resending those out to you all; or
17 what exactly would you prefer?
18
19 Villescas: For myself, personally, if the entire agenda does not change I would be
20 happy with just keeping the present packet. If there are going to be more
21 items added to the agenda then, of course, I would appreciate a new
22 packet. Commission?
23
24 Hearn: Mr. Chairman? If we continue to keep open the public from the earlier to
25 make comment could we receive ahead of time any comments that come
26 in?
27
28 Villescas: Sure.
29
30 Hearn: We've got a couple new ones here tonight. Let's keep that open.
31
32 Villescas: Yeah, I noticed that, too, here to our right. In fact, I see three.
33
34 Hearn: Yeah.
35
36 Villescas: Yeah, we could add these to the packet and that will give us time to do
37 that. And do you know if we're going to have any other items added to the
38 agenda for next month at this point?
39
40 Ochoa: Chairman Villescas, as of now we don't have any current cases that seem
41 to be ready for the next meeting in June. What staff will do, since we do
42 have the three comments from the adjacent neighbors to the proposed
43 waiver request, if we do get any additional comments from the neighbors
44 we'll go ahead and hand-deliver those to you all so you could have them
45 prior to the meeting, typically a week before the meeting and I'll get your
46 packets and you will be getting those, sir.

1
2 Villescas: Okay, and to the public, too, again I apologize. If you cannot make the
3 June 6th meeting, believe we take these written comments just as
4 seriously as we do as if you were here. In some cases actually they're
5 even of more value. But, please, if you cannot participate on June 5th and
6 you had the plans on participating tonight, please, by all means find a way
7 to either email staff, the Commission, drop off a letter, write a letter,
8 whatever you need to do but we sure would like to hear from you. We're
9 here to serve the public, including the applicant and that's why we have
10 this postponement because it's certainly not, in my opinion, fair to the
11 applicant to have such slim odds, for lack of a better term. Any other
12 member of the Commission have any comments? If not, then we will close
13 it off and we will reschedule to June 6th.
14
15 Ochoa: Chairman Villescas?
16
17 Villescas: Yes, sir.
18
19 Ochoa: Point of order here, sir. We would need a vote on postponing the
20 proposed waiver request to the date specific meeting.
21
22 Villescas: Okay. Because it's date specific?
23
24 Ochoa: Yes.
25
26 Villescas: Okay, do I have a motion to postpone case number ETZS-12-023W to
27 date specific, June 6, 2013?
28
29 Acosta: So moved.
30
31 Townsend: Second.
32
33 Villescas: I have a first and a second. Do we have any discussion? If there's no
34 discussion, Ms. Acosta, would you take the roll?
35
36 Acosta: Commissioner Hearn?
37
38 Hearn: Aye.
39
40 Acosta: Commissioner Hoffman?
41
42 Hoffman: Aye.
43
44 Acosta: Commissioner Townsend?
45 Townsend: Aye.
46

1 Acosta: Commissioner Acosta votes aye. Chairman Villescas?
2
3 Villescas: I vote aye. So this is postponed to date specific and you can meet with
4 staff. We don't have much more to go, actually. That was the heart of our
5 meeting tonight. We don't have much more to go, actually. That was the
6 heart of our meeting tonight. We have just a couple of other minor issues
7 to go over and staff will fill you in on anything that you might need to know
8 or prepare for. Once again, to the public, I apologize but certainly, if you
9 can make it please get your opinion or what you would like to say to us on
10 paper and we will take that definitely into serious account.

11 **VI. STAFF INPUT**

12 1. Monthly Subdivision Report

13
14
15
16 Villescas: Item number IV, Staff Input, the Monthly Subdivision Report. Staff?

17
18 Ochoa: Mr. Chairman, staff... I apologize. I am not aware if you actually received
19 the Monthly Subdivision Report.

20
21 Hearn: It was in the packet, I think.

22
23 Ochoa: You had it in the packet? Okay. I apologize but I am not prepared to
24 actually give you an exact report on that but it is before. I apologize for
25 the lack of preparedness on that. Our Associate Planner, Todd Taylor,
26 who you might remember from the last meeting was actually the
27 gentleman who took care of this case but he is, unfortunately, no longer
28 with us, with the City of Las Cruces. So he's gone on to greener pastures
29 and, unfortunately, I kind of took this over a week ago. So I'm just trying
30 to familiarize myself with everything. If anybody has any specific
31 questions, though, on a particular subdivision I will definitely to my best to
32 get back to you via email or a phone call if you do have any questions on
33 that report.

34
35 Villescas: Staff, let me ask you: can you incorporate this month's Subdivision Report
36 into next month's and present, in essence, two months reports next time?

37
38 Ochoa: Mr. Chairman, that is definitely possible. Yes, sir.

39
40 Villescas: Is that okay with the Commissioners? Do I have any comments? I think
41 that's best, especially since these are internal reports. Hopefully they're
42 good reports. They have been on the positive swing over the last six to
43 eight months, which was encouraging. Is there any other staff input... Oh,
44 and by the way; again, on a personal level I totally understand. I don't
45 think there's anybody up here that hasn't been dumped on at the last

1 minute for a task like this so we all can emphasize. But if you have both
2 months ready for us next month, that would be appreciated.
3
4 Ochoa: Yes, sir. We will.
5
6 Villegas: Any other staff input?
7
8 Ochoa: No, sir, that is it.
9
10 Villegas: Bonnie?
11
12 Ochoa: I guess I already stated it but Todd Taylor is no longer with us. He was
13 our Associate Planner and was in charge of the ETZ. We will be hiring,
14 hopefully, soon an additional Planner that's charged with taking over that
15 ETZ section of the Code. But just to introduce you, you might recognize
16 him from walking here if you walked around here in the past this is our
17 new Legal "guy," if you will. This is Robert and he will be at the meetings
18 when Rusty's not here or another Senior Attorney for any clarifications for
19 any type of legal questions you might have.
20
21 Villegas: Okay. Robert, are you new to the County or...
22
23 Cabello: City.
24
25 Villegas: ... new to the City. I'm sorry, and you came from?
26
27 Cabello: The D. A.'s Office.
28
29 Villegas: Oh. Well, you didn't travel too far.
30
31 Cabello: The D. A.'s Office upstairs.
32
33 Villegas: Okay.
34
35 Acosta: Robert, what is your last name? I'm sorry.
36
37 Cabello: Cabello, C-a-b as in beta-e as in echo-l-l-o.
38
39 Villegas: Staff, has the procurement or hiring process begun yet at all?
40
41 Ochoa: Mr. Chairman, yes, we have advertised for that Associate Planner position
42 and are just waiting on that process to continue through the Human
43 Resources Department, sir.
44
45 Villegas: Okay. Well, let's just see how quickly it goes, if it goes as fast as New
46 Mexico State and its new president. That's a record breaker. I think it

1 started in February and they're announcing on Monday. They're in
2 session right now, as I understand it, with the Regents.

3
4 Ochoa: Staff hopes it will not be that long, sir. *(all laughing)*

5
6 Villescascas: Hey, believe me; that's quick for the University. We've had presidents
7 whose tenures have been shorter than the process.

8
9 **VII. PUBLIC INPUT**

10
11 Villescascas: Public Input: do we have any input from the public? It looks like the
12 postponement of that case really emptied out the Chamber but we'll take
13 any public input at this time. Please come on up, sir, and Commissioner
14 Acosta will swear you in.

15
16 Acosta: Can you raise your right hand for me, sir, please?

17
18 Molina: Sure.

19
20 Acosta: Do you swear and affirm the testimony you are about to give is truth and
21 nothing but the truth under penalty of law?

22
23 Molina: Yes.

24
25 Acosta: Thank you. Can you also state your name and address for the record?

26
27 Molina: Sure. My name's Rene Molina. I'm with Doña Ana County Engineering
28 Services. My address will be this building, 845 North Motel Boulevard.

29
30 Acosta: Thank you, sir.

31
32 Villescascas: Yes, please go ahead.

33
34 Molina: The intent of me coming here, standing before you, is to assure you that
35 Doña Ana County Engineering will make every attempt possible to be
36 present at every meeting.

37
38 Villescascas: I can't tell you how much we appreciate that.

39
40 Acosta: Thank you.

41
42 Villescascas: Thank you very much...

43
44 Molina: No problem.

45 Villescascas: ... and if it's not you, a member of your staff, 'cause I understand how
46 tough it is.

1 Molina: Yes.
2
3 Villescas: We all understand how tough it is to make all these meetings. But there's
4 so many times that if someone were just here to answer simple questions
5 it would really, really assist us and I can't tell you how, you know, none of
6 us up here are experts in the areas that you guys are in and we depend
7 on your comments and input so heavily on these things; and we hate to
8 make a wrong decision either on behalf of the City, the County or the
9 applicant or the public simply because we don't know. That's not a good
10 reason so we really, really appreciate you being here.
11 Mr. Hearn, if you'd like to make a comment. He is going to head up
12 a work session. Hopefully, we'll get more on board, just like you. Mr.
13 Hearn?
14
15 Hearn: Well, Mr. Molina, thank you very much for coming and for what you said
16 tonight. Back two, three years ago I was on the County Planning and
17 Zoning Commission and we kind of took you guys to task for not having
18 more meaningful comments in the packets we were getting about the
19 cases and it turned out you weren't getting the information about things
20 that were going on. There was some kind of breakdown, maybe, between
21 the Planning Department and you all. Are you now getting the information
22 about these requests so you can look at them and make comments?
23
24 Molina: We're getting the agendas. What we'd like to get is the packet that you all
25 get that way we get all the information and we can prepare ourselves...
26
27 Hearn: Yeah.
28
29 Villescas: That would be good.
30
31 Molina: ... and I think that that could be worked out very easily. It was worked out
32 in P & Z, our County P & Z, so I don't think it would be a problem from the
33 ETZC or A. I don't think there would be a problem, sir.
34
35 Villescas: I can't see a problem there either.
36
37 Hearn: It's kind of unfair for us to beat you up for not doing the job if you don't
38 have the information.
39
40 Molina: That's right.
41
42 Villescas: And again, being in your shoes, we've all been dumped on before and
43 when we're going, "What the heck are you talking about? I didn't know
44 anything about it," and that's the purpose of the work session that Mr.
45 Hearn is going to head up is to make sure that we're all on the same
46 group and that we're getting the stuff and we're not unfairly criticizing one

1 group or the other because they don't have what they need. But again,
2 thank you very much on all of our behalves.
3
4 Molina: You're very welcome.
5
6 Villescas: And also, how long have you been with the County?
7
8 Molina: Actually, I'll celebrate. Cinco de Mayo will be ten years.
9
10 Villescas: Really?
11
12 Molina: Yes.
13
14 Villescas: Okay. So you go back to the Philippou years and such.
15
16 Molina: Yes.
17
18 Villescas: So you remember how Peake and...
19
20 Molina: I remember quite a bit.
21
22 Villescas: Yeah, so it's been quiet for a couple of years but as I was referring to on
23 the Monthly Subdivision Reports and from what we've seen before us
24 we're getting out of our rut and we're getting back up...
25
26 Molina: It's picking back up.
27
28 Villescas: ... and this'd be a perfect time to get whatever we need fixed, fixed.
29
30 Molina: Right.
31
32 Villescas: Great. Thank you very much.
33
34 Molina: You're very welcome. It's a pleasure to be here.
35
36 Villescas: Any other members of the public want to make a comment?

37
38 **VIII. COMMISSION INPUT**

39
40 Villescas: If not, do we have any Commission Input? Commissioner Hearn, you
41 mentioned to me that you had not heard anything else yet on possible
42 dates or a get together for this work session?
43
44 Hearn: Yes, as I recall the last thing I've seen was Ms. Rogers said she would
45 take the next step and get us going and I haven't seen anything since
46 then.

1
2 Villescas: Would you do me a favor and drop her a, just a, you know, reminder in an
3 email: where we are in this process and is there any way we can get this
4 scheduled prior to our next City meeting?
5
6 Hearn: Sure.
7
8 Villescas: Thank you.
9
10 Ochoa: Mr. Chairman, just to assure you. Staff will let Ms. Rogers know as well
11 about your urgent request. I believe she has been working on a couple of
12 things for you all. I don't know if that specifically was one of them but I will
13 bring it back up to her and see where we're at with that, sir.
14
15 Hearn: Thanks.
16
17 Villescas: Okay, thank you. I know that's it's difficult to get a group of three people
18 together, much less a group as large as what we need for this meeting.
19
20 Hearn: Yeah, like seven.
21
22 Villescas: Yeah. So we need a person from each division plus we need members of
23 the ETZC there as well. I wouldn't even mind having members of the
24 ETZA there as well but, again, that's Commissioner Hearn's call.
25

26 **IX. ADJOURNMENT (6:28 pm)**
27

28 Villescas: Any other input from the Commission? If not, do I have a motion for
29 adjournment?
30
31 Townsend: So moved.
32
33 Villescas: Do I have a second?
34
35 Acosta: Second.
36
37 Villescas: Any discussion? All in favor?
38
39 All: Aye.
40
41 Villescas: All opposed? We are adjourned.
42
43

44 _____
45 Chairperson