

SPECIAL MEETING/WORK SESSION

City of Anthony Board of Trustee and Planning & Zoning Commission Board
Municipal Building/824 Anthony Drive
Anthony, NM 88021
Tuesday, March 19, 2013
9:00 A.M.

Minutes

1. CALL TO ORDER by Mayor Castañeda at 9:03a.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL Present – Trustee Diana Morales
Trustee Betty Gonzalez
Trustee Pilar Madrid
Trustee James Scott

Chairman Fernando Herrera
Commissioner Arturo Madrid
Commissioner Janny Brumlow
Commissioner Erik Gomez

Absent- Commissioner Ramon Gonzalez
Other City Staff Present - Christy Sifuentes, Deputy City Clerk
Eleazar Roman, Codes Enforcement

Others in Attendance - Jose Terrones – A WSD
Gil Mendez - Tierra Del Sol Housing
Paul Howard –
Roger Headrick

4. APPROVAL OF ANGENDA ORDER – Motion to approve agenda order was made by Trustee Scott; motion was 2nd by Trustee Murillo. Unanimous vote; Motion approved.

5. PUBLIC MEETING

Discussion Item

A. Discussion/comments/input on the proposed Ordinance Enacting Subdivision Regulations for the City of Anthony, New Mexico.

Mayor Castañeda: "This has been in the works for a year, P&Z has spent a lot of time on this, and the attorney has spent a lot of time reviewing this document as well. The BOT still has a lot of questions in regards to this document. This document was originally a document from the county. The Planning and Zoning commission, Mr. Paul Howard and Henry Palomares took bits and pieces and watered it down to meet the our needs. Some of the BOT members still have questions and that is why we are here, to ask and get those questions answered."

Trustee Gonzalez: "I am glad to see everyone here, when we started this, we had planned to all meet together to discuss this, we could have done this together and it would have saved time. The Planning and Zoning commission had plenty of time to go through it themselves; it would have been easier had we done it all together. We had great input from Paul Howard and Jose Terrones. I am glad we are all finally together to go over this. I also would like to say that I think we should form some sort of community group consisting of people who are interested in being on a committee to discuss planning and zoning issues"

Trustee Scott: "The last P&Z meeting that I went to Comm. Brumlow stated that she wanted to rezone the Dos Lagos Golf Course."

Comm. Brumlow: "No, I said that we had someone that came in and showed interest in that property for development."

Trustee Scott: "Do you realize that will cause us a lot of headache, this meeting is to approve or pass the subdivision ordinance, not to discuss planning and zoning."

Chairman Herrera: "P&Z has talked about looking into some of the zoning; the village district is in total disarray. We would like to start with that and make changes and go from there, we would like to review things and then make suggestions to the BOT for change. We have a vast amount of talent and knowledge in this room with Mr. Paul Howard and Commissioner Gomez"

Mayor Castañeda: "Taking on the whole City is a task that is too big. We need to start with the basics first, and this is the first step. This is a part of the foundation, and Tierra Del Sol is waiting on this. We are at a standstill until we get this passed"

Comm. Gomez: "We at planning and zoning have seen many cases where this document would have answered so many questions had this already been approved and in affect."

Trustee Gonzalez: "When Anthony was thinking of incorporating, the residents really wanted to see enforcement, because the county had not been able to do so. The residents really wanted to be able to enforce our own regulations to set as a guide for the City. I think we should keep those wishes and concerns at heart when going through this document."

Mr. Paul Howard: "I brought a copy of a document, a check list that helps since we don't have an in house attorney or engineer. This this explains that our fees are in-line with our scope of work."

Trustee Gonzalez: "Is there anything about density in this document, I didn't see that?"

Mr. Paul Howard: "That is totally different from the subdivision ordinance, as Mr. Scott said, that would open up a whole different issue"

Mayor Castañeda: "That is a planning and zoning issue."

Trustee Gonzalez: "Would planning and zoning consider density when hearing a case?"

Comm. Gomez: "We filter through this general idea to specific idea so they have to go through regulations that are in place right now, and then when this is approved they go through the subdivisions regulations."

Chairman Herrera: "These things have been set, we are just trying to set fees and such, we want to set these subdivision plans and enforce that the residents abide by them."

Trustee Madrid: "If we approve it like it is now, what if someone wants to build 40 homes, what about the easement, you end up with alleys, they get dirty and full of trash and debris."

Paul Howard: "The easement is determined by the Public Service Board, you probably don't want to monkey with that."

Trustee Madrid: "So we will have alleys?"

Comm. Gomez: "The easements are usually at the front of the properties now. It allows for easier access for the utility companies."

Mayor Castañeda: "Allies and easements are two different things."

Trustee Gonzalez (directed to Jose Terrones) "Is the easement in front of the homes on the street?"

Mr. Jose Terrones:
Yes, we are trying to get them all in the front of the properties. It is a nightmare to have the water lines in the alley."

Trustee Madrid: "The way things exist now, some properties have alleys and some properties don't. Will it remain the same?"

Mayor Castañeda: "There is a designated area to be used for alleys. We may need to enforce residents to open them up."

Trustee Murillo: "So we will enforce that in case of an emergency?"

Trustee Madrid: "When we were building our home, the County said we could put our fence all the way to the back of the property but we could not build anything within 5 feet of the fence."

Chairman Herrera: "Alleys are intended to be a public way for service vehicles."

Trustee Madrid: "We have light posts in the middle of the alley way, a car couldn't get through there anyway. It's safer to have the fence all the way to the back of the property line so people cannot have access to your property from the back."

Chairman Herrera: "I would like to say again that we spent hours and hours going over this document, we took into account public voices, deleted some things, added some. We put a lot of work into this. We thought this was the best. Like Mr. Paul Howard has said, nothing is in stone, we can always change things if need be. I suggest that we pass this."

Trustee Scott: Is P&Z happy with this document the way it is now written?"

Chairman Herrera: "Yes, I am"

Trustee Scott: "Comm. Gomez?"

Comm. Gomez: "Yes"

Comm. Brumlow: "Yes"

Comm. Madrid: "Yes"

Trustee Scott: "You did what we've asked you to do, and you reviewed this. We depend on you to give us solid advice."

Chairman Herrera: "Yes, we did our best and we are here to answer your questions."

Mr. Paul Howard: "This is a starter document. We use this as a starting point. There are waivers for odd situations and we can use waivers if need be."

Mayor Castañeda: "Yes, this is a starter as we move along and grow, we can change what we need to. If we see a need to change it, we can."

Trustee Gonzalez: "Our goal is to make the best document we can start with. Concerning the drainage issues, you all know that we have drainage issues. Drainage was a main target when we incorporated. We didn't want to make improvements on our streets until we fixed our drainage issues and we don't have the money to do major drainage projects. We put ponds, the ponds are not fenced, and they collect trash. Who will be in charge of taking care of them? Is there a way to make the people who subdivide these lots responsible for the care of them?"

Mr. Paul Howard: "Unfortunately, the City is responsible to take care of it. If it is well designed, it will make the care and maintenance easier."

Trustee Gonzalez: "We tried to incorporate green space, I think a subdivision might put a rinky dinky space to be the green space, we have to have better developed green spaces."

Mr. Paul Howard: "If you see at the bottom of the check list that I provided, the last item addresses this green space issue."

Mayor Castañeda: "We have a \$10,000 health grant to be used toward that pond."

Trustee Murillo: "So Mayor, that pond that Trustee Gonzalez was talking about, the City will eventually care for it?"

Mayor Castañeda: "Yes, we will eventually take it over and care of all those ponds for Tierra Del Sol."

Chairman Herrera: "All these issues have been addressed; I strongly advise that you (the BOT) approve this."

Trustee Murillo: "I think that we just wanted some clarity of some questions."

Trustee Madrid: "Next time, include us so we can do it all together."

Trustee Gonzalez: "This is good discussion here, also, numbering issues are a big issue, and it is a really big deal. We need to address the numbering of the houses in the new subdivisions. I don't think I saw anything in regards to this in here."

Comm. Brumlow: "Yes, Page 17 addresses the numbering."

Mayor Castañeda: "The City can take the lead and handle the numbering now."

Trustee Murillo: "There have been a lot of numbering changes over the years and the residents were never notified of them."

Chairman Herrera: "I know that the County of Doña Ana has all the documentation on the numbering system, the BOT can pressure the County for information on this."

Mr. Paul Howard: "The GIS system is on top of this and they can help you out with this."

Trustee Scott: "The County requires a MOU for every single change. The whole numbering system is a mess. We need to update city maps and address this numbering issue."

Trustee Madrid: "The County did a rural address change, but they did not do the change in the computer system. I have called and they say it's the job of the city."

Trustee Gonzalez: "We really need to consider this numbering stuff."

Trustee Gonzalez: "As to a storm drainage plan, can we request that a sub divider be responsible for fencing in the entire subdivision? If we leave it up to the individuals, it looks so horrible because then use whatever they want and it is all mismatched. Can't we put it in there that the developer be responsible for this?"

Trustee Scott: "In a document between Tierra Del Sol and it's their potential home owners, it states (near the closing of the document that) it is the responsibility of the home owner. I don't think that our document addresses this fence issue."

Trustee Murillo: "The County has allowed the people to build homes and has not required them to fence them in."

Trustee Scott: "How do you make someone fence in their property?"

Trustee Gonzalez: "If the developer is responsible for this, it would look much better and uniform. The residents of Anthony wants us to clean up this town, we need to address this."

Chairman Herrera: "It does address this on page 24 of this document."

Trustee Gonzalez: "Another concern, directing storm water to the street. No curbs, people will just drive up on the sidewalks. We have to have curbs and gutters."

Trustee Gonzalez: "I attended a meeting in Las Cruces in regards to a subdivision of 180 homes whose main entry way would be through Acosta, I don't like that."

Mr. Paul Howard: "The problem is that we cannot use DOT funds to improve our streets."

Trustee Murillo: "I am on the MPO board and they have suggested that we look into this to get available funds."

Mayor Castañeda: "Any subdivision that dumps traffic on to a major road, the developer has to help make improvements to the roads that will be used."

Mr. Paul Howard: "The developer has to have a traffic improvement plan."

Mr. Jose Terrones: "There is a traffic control plan in this document and it gives us power to amend. This is a good starting document."

Trustee Murillo: "I have a question, what if someone lives in a mobile home in an area that is no longer zoned for mobile homes and it burns down and they are not able to replace it with a sight build home?"

Chairman Herrera: "We do have a hardship clause for things of this nature."

Trustee Gonzalez: "I have heard some concerns about this 1 ¾% and I thought this was really reasonable, other cities have pretty stiff fees."

Chairman Herrera: "It was suggested to us that we lower it to 1 ¼%, but we decided that we thought that 1 ¾ was reasonable."

Trustee Gonzalez: "Serial summary platting, can you only replat after 3 years?"

Comm. Gomez: "The sub divider has to plat it as he wants it because after that we won't be able to for three (3) years."

Paul Howard: "We have applications that show all of the requirements."

Trustee Gonzalez: "Page 33, Section 1. How possible is it that someone not get recorded or approved?"

Mr. Paul Howard: "If they don't get all the required things together than they may not get approved."

Trustee Scott: "I don't think that the BOT should go to meetings and influence the P&Z in any way. I think that we should allow them to make decisions, we will then vote when it comes in front of us."

Trustee Scott [directed to Mr. Paul Howard]: "Does DAC P&Z attend BOT meetings?"

Mr. Paul Howard: "No, they do not want to know until they are ready to vote."

Mayor Castañeda: "We have P&Z and they are a part of the community, they talk to neighbors and they take those things into consideration. I did not schedule a joint meeting because I wanted them to do their work. We have open meetings, we can call the City and we can post a quorum so you can attend. The planning and zoning did their work, they worked hard on this and it is now up to you to vote and pass this. It was my vision to have this passed the first time we brought this to you."

Chairman Herrera: "I ask again that after all this work, that you will pass this document."

Consideration & Action

B. Consideration and action to approve and adopt an Ordinance Enacting Subdivision Regulations for the City of Anthony, New Mexico. Presented by Mayor Castañeda.

-Trustee Scott made a motion to take to consideration and action to approve and adopt an Ordinance Enacting Subdivision Regulations for the City of Anthony, New Mexico. Motion was 2nd by Trustee Gonzalez. Roll Call vote, unanimous. Motion approved.

-Commissioner Gomez made a motion to take to consideration and action to approve and adopt an Ordinance Enacting Subdivision Regulations for the City of Anthony, New Mexico. Motion was 2nd by Commissioner Brumlow. Roll Call vote, unanimous. Motion approved.

6. ADJOURNMENT – Motion was made by Trustee Scott to adjourn the Special Meeting/Work Session (BOT), 2nd by Trustee Madrid. All in favor, motion passes.

Motion was made by Commissioner Brumlow to adjourn the Special Meeting/Work Session (P&Z), 2nd by Commissioner Madrid. All in favor, motion passes. Meeting adjourned at 10:58a.m.

APPROVED:


Fernando Herrera, Chair

ATTEST:

Christy Sifuentes, Deputy City Clerk

{SEAL}

*Prepared by Christy Sifuentes, Deputy City Clerk
Approved at Regular meeting held on April 25, 2013*