

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

March 9, 2005

PRESENT	ABSENT
Mary J. Andersen, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
Paul Edward Trujillo, Member	
Ron Gentry, Member	
Lynette Stublefield, Member	
Michael R. Trujillo County Manager	
Wimberly Law Firm, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Andersen called the meeting to order at 5:00 PM.

Chairman Andersen asked James Sanchez to lead the Pledge of Allegiance.

Approval of Agenda

Public Requests

Clara Rehr from San Clemente described trash debris that is on AT & T road and asked if the County could take care of this.

Discussion (Non-Action) Items:

Discussion on Mesa Oil Company Industrial Park Use – Commissioner Trujillo

Commissioner Trujillo stated at the request of his constituents he agreed to present this item. This item is regarding the proposed usage at the Rio Grande Industrial Park by Mesa Oil which involves an incinerator used for extracting oil from used filters. Commissioner Trujillo said it was to his understanding it was to be used for transferring used oil filters out of state. The proposed incineration seemed to bring up a question in light of the zoning that existed at the time Mesa Oil located in that area and presents a conflict with residential uses for that area.

Larry Alba said in July, 2004 Mesa Oil obtained an air quality permit to burn oil filters to extract and ship out the raw metal. This produces tons of air pollution per year coming out of that facility. Mr. Alba said he studied the air quality permit and discovered Mesa Oil had not notified the County and Municipalities prior to obtaining the permit.

Commissioner Trujillo said Mr. Alba had initially presented an agenda request form and he stated in that the Industrial Park should be zoned an I-2 and the I-1 is adjacent to the residential area. Commissioner Trujillo said Mr. Alba would like to see a process occur by which we designated that portion as I-2. And it has always been his contention that the Park was I-2 to begin with and never changed to I-3. There is reason for argument around that as to whether that is an I-3 Park or an I-2. Tape (1) 380

Larry Meers, President of Mesa Oil said this company started in 1981 in Albuquerque and in 1993 it was constructed at the location in the Rio Grande Industrial Park. We got approval for the use of the facility from Planning and Zoning. Mr. Meers said they got authorization from Valencia County Fire Department, EPA and New Mexico Environmental Department to proceed with purchasing the property and constructing the site. We installed a gray unit in 1998 (which Mr. Alba referred to as the incinerator), we submitted a notice of intent to New Mexico Air Quality and have operated this unit since that time frame. Issues did come up that required Mesa Oil to comply with people satisfaction, this is where the most recent permit application came in. Mr. Meers said they have been operating for over 10 years and the unit has been in place since 1998. We want to be a good industry for Valencia County.

Commissioner Gentry said to Mr. Meers that in 1994 his organization took out all the appropriate permits through the County. Mr. Meers responded that they had. Commissioner Gentry asked Mr. Meers from the time the County approved the business operation, have they gotten permits and been inspected by the County? Do they have a process of permitting as your business increases? Mr. Meers said the business has increased 50% from 1994. Commissioner Gentry asked is this the site plan that was originally applied for and got a permit for in 1994 and is this plant that is in use today? Does this plant get permits as this plant grows?Mr. Meers said yes to the first two questions and the second he did not know and would find out and get back to the Commission.

Commissioner Trujillo said the majority of the materials that this plant is processing would come out of a metropolitan area like Albuquerque. When this company was looking for a location, why not look for a geographical location to the major clients, why wasn't this plant located in Bernalillo

County? Mr. Meers said as the president of the company they needed the railway system and the Belen area was the most feasible because it is geographically located. Tape (1) 790

Action Items:

Public Hearings

Ordinance 2005__Relating to Personnel, Amending Personnel Policy Manual - Mike Trujillo

Ordinance 2005__Relating to Franchises, Granting Comcast of New Mexico, Inc. – Mike Trujillo

County Clerk, Tina Gallegos administered the oath to the public who wished to speak on these items.

Mr. Trujillo said the ordinance relating to personnel deals with some clean up language that the prior Commission adopted but with the current Commission at their organizational meeting in January adopted a revised organizational chart pursuant to that chart we are proposing the clean up language and will ask for public input. At our next Business Meeting we will adopt this ordinance.

Exhibit A

Mr. Schultz, Manager of Government Affairs for Comcast Cable of New Mexico said originally the franchise in Valencia County was with Jones Intercable and then USA Cable and Comcast bought out these cable companies and the franchise was put into one agreement. The difference between the agreements is the first one is fifteen years and the previous one was twenty-five years. The franchise fee is 5% for the full fifteen years paid quarterly. Mr. Schultz said counties are not allowed to collect by statute on franchise fees from utilities but what we have done with cable throughout the state of New Mexico is take ourselves out of the utility statute and now described as cable communications. This new ordinance will bring us up to date on all FCC rulings and regulations and has the flexibility that when changed this document will change with it. Customer service standards are included and were not in the previous agreement, police powers are maintained but now are more itemized and up to date. There was insurance requirements but no amounts. In this agreement they are identified. There was no service to county buildings or to schools and in this agreement there is now. The service will be free to the schools and any county building the county now owns. Tape (1) 890 **Exhibit B**

Request to Amend Zone Maps from

C1 to C2 – Retail Shopping Center & Light Manufacturing, TR 72B2A & TR 72B1 – Ruben Chavez and Richard Becker

Mr. Chavez request to amend the zone map from C1 to C2 for a retail shopping center and light manufacturing. These are permitted uses in C2. Mr. Chavez said that Mr. Becker owns the property located at 22 & 24 El Cerro Road in Los Lunas. Currently there are two existing buildings constructed in a manner to accommodate leases to different businesses. He has recently had tenants that are interested in leasing some of these office spaces and has been unable to that because they require a C2 zone change. On February 16, 2005 the Planning and Zoning Commission held a public hearing and heard testimony from both the applicants and the public. The P & Z Commission voted to recommend approval of the zone change by a 3-1 vote. **Exhibit C**

Richard Becker, partner in Bobson's Partnership with his brother Donald and his dad Robert and as Mr. Chavez stated this is a zone change from C1 to C2. Mr. Becker said he had a letter from Anthony Garcia who owns property near him in support of the zone change. Mr. Becker said they had devised an agreement for land restrictive covenants and have discussed this with Mr. Grandin who had opposed the zone change. Mr. Grandin owns the adjacent piece of property. We have come to a place where we are all in agreement with the uses on this property. Mr. Becker discussed the road situation and understands there is a road workshop this weekend and would like to know what the highway department's perspective on this heavily traveled road is.

Commissioner Kirkham had a question on the agreement and after discussion identified the answer.

Commissioner Trujillo said on the agreement with Mr. Grandin, is he in full agreement with this document?

Robert Grandin said he was at the point to where he felt he had to negotiate something for the neighborhood in which he lives and this is where he is at. Mr. Grandin said this agreement right now is the only way to go at this point, he did not want it to go C2 but it appears this will happen. We sat down as a neighborhood and came to an agreement. Mr. Grandin said he did have other issues and is dealing with the County Manager because they are separate from this item.

Chairman Andersen commended both Mr. Becker and Mr. Grandin for working out an agreement that both could live with. Tape (1) 1900

C1 to C2 – Retail Shopping Center & Light Manufacturing Storage Units, TR 1 & 2, Bobson's Unit D – Ruben Chavez and Richard Becker

Mr. Chavez stated this request is to amend the zone map from C1 to C2 for a retail shopping center & light manufacturing storage units. The description of the property is also known as 17 & 19 El Cerro Road. Mr. Becker owns the properties located at 17 & 19 El Cerro Road. Currently there is an existing building with a motorcycle shop on 19 El Cerro Road. On 17 El Cerro Road the property adjacent to 19 El Cerro Road is a vacant piece of property and he would like to build some storage units on that property. On February 16, 2005 Planning & Zoning Commissioner held a public

hearing and heard testimony from both applicants and the public. This Commission recommended approval of this proposal on a 3-1 vote. **Exhibit D**

Richard Becker discussed a property map with the Commission as to the location of the property and the type of storage units that are being considered.

Commissioner Gentry said on the NM Transportation letter that was sent to them, it says that the TIA would be applied for after the zone change. So the traffic impact analysis would be done on both of these properties and this was asked to Mr. Becker. Mr. Becker stated that it would as this was the process. Tape (2) 133

Jackie Hatter said she lives at 17 Blue Bonnet and her house is on the side of the ditch from the 17 & 19 El Cerro piece of property. She would like to know what Mr. Becker is going to put in 17 & 19 El Cerro that is going to back up to her property. Last time when they thought it was zoned C2 they stored big rigs, when they found out it was C1, they moved them out. She just wants to know what type of storage will be next to her and her concern is the traffic. Tape (2) 330

Master Plan of Manzerro Plaza, purpose of placing an Apartment Complex on Unit 2, Bill Campbell

Mr. Chavez requested to amend the master plan of Manzerro Plaza Unit #2. Its location is at the northwest corner of the Manzano Expressway and El Cerro Mission Rd. Mr. Chavez said Van Camp Investors is seeking to place an apartment complex on Unit 2 of the Manzerro Plaza Master Plan. Units 2,4, and 5 were previously rezoned to planned development which is designed to permit a variety of mixed uses. On February 16, 2005 the Planning and Zoning Commission heard this request for an amendment to the Master Plan. This Commission heard testimony both for and against the request. The P & Z Commission recommended approval by a vote of 4 to 0. **Exhibit E**

Bill Campbell said he lives at 06 North Park Lane in Peralta and is here representing Van Camp Investors who is the limited partnership that has owned the property at El Cerro Mission since 1966. Mr. Campbell said the request is to amend the master plan and to define the quality of what this project is going to be. Mr. Campbell said under this planned commercial development it allows for the mixed use of higher density residential, commercial and light industrial. Mr. Campbell discussed at length the process for the Manzerro Plaza and assured them this will be a quality project. Tape (2) 920

Pat Fouch, 21 San Fernando Avenue stated what Mr. Campbell is proposing is right out her back door. They have enough crime, trash all over, accidents at the light that is there, and does not want this complex to be built there and is against the proposal.

Martin Hooker, 3 Vista Court, said his property is up the road from where this complex is. If you travel that road that intersection will be worse than it is with more development out there will not be good and is a main concern for him. Mr. Hooker said he was against this complex unless either Van Camp or the company can improve the condition of that road for everyone out there, not just that intersection.

Tim Pruitt, 5 Vista Court, said he would like to see the Commission go observe that road, just one day to see how heavily traveled that road is and how dangerous, by adding a rental unit, and he does think \$500 rentals are for the low income, that we are asking for more problems. There were 80 to 100 letters sent to the Commission on this project and does not recommend it.

Leslie Rhoades, 30 San Fernando would like for the Commission to see the police enforced, he got robbed at his place and it took 2 1/2 hours for the police to get out there and he does not recommend this project. The potholes are so big you can drive a vehicle into it.

Patricia Hoxsie said she lives a half mile from where the complex will be going in and her concerns are the intersections that are over loaded and the one that has not been mentioned is the one at El Cerro Mission Road and El Cerro Loop. This intersection is very dangerous and this Commission needs to consider these roads are not designed for the amount of traffic that is already there and will be adding more problems by putting in these apartments.

George Dewey said what he sees occurring is the Albuquerqueization of Valencia County. Valencia County is not a very good demonstration of sufficient open space when it comes to architectural planning as it is. The downtown area has no growing space and people have built on top of people. This breeds crime and putting young families into debt and does not recommend approving this project. Tape (2) 1239

Roddie Mitchell said he has lived out at El Cerro Mission since 1978 and has seen it grow and is concerned when people run the area down. Mr. Mitchell said he felt that what Mr. Campbell is doing is a positive thing for the area because we need industry brought in and recommends this project.

Zone Error exist in the 1999 Zoning Map – Applicant request I-3 designation – James Sanchez, Esq. TR 4N R3E Sec 30, Land being a part of 19,29, & 30, within The Casa Colorado Grant (On behalf of Toby Romero)

James Sanchez representing Toby Romero who owns the 238 acres which is near what they refer to as the Harvey Yates hammer in Tierra Grande. This property has never been part of Horizon and

never been part of Tierra Grande Estates. It has never been part of the master plan that Horizon had at one time. This property was owned by the railway and the County changed it to rural residential while the railway still owned it. Mr. Sanchez said their position is that this was a mistake because there was never a request by the railway or anyone else to change the zoning. It should have been special use industrial which is the zoning designation for railway properties. It was sold to Mr. Romero with a quitclaim deed from the railway and they reserved the mineral estate for future developments and specified what kind of development they would want to have. They leased to a company called Santa Fe Energy. Mr. Sanchez said they believe a mistake was made and this Commission has the authority to correct the mistake no matter how old the error is. Give this property the same status it would have had if the railway still owned it and would probably be zoned as an I-3. Tape (2) 1400 **Exhibit F**

Joe Rizzo from Rio Communities said Bill Dean and he were members of the County's Industrial Review Committee and are interested in assisting the process of improving the County's Industrial zoning. They requested that Toby Romero show them the property so that they could advise this Commission on its potential for industrial purposes. They found that the property adjoins the BNSF and drainage would have to be provided for any development. This property is unsuitable for I-3 heavy industry as it is too small and too close to residential property. It is suitable for I-2 medium industry as defined in the zoning and well within the less well defined I-2 zoning as is presently in force. Their recommendation is to change it to an I-2 medium zoning would fit into a rational plan for industrial development. Tape (2) 1900

William Dean from Los Chavez said this Commission is being asked to decide on an issue of whether a mistake was made on zone maps on a yes or no legal basis. It is his observation that Mr. Romero's property is in the correct place adjacent to and north of the railroad main line and would be a good kernel for the development of I-2 medium industry. Designating it as such would encourage adjacent property owners to come together to propose and define an I-2 industrial zone and I-1 light industrial zones as proposed as a buffer. He suggests that approving an I-2 medium industrial zoning for this property is the best response to this Commission.

Bernadette See said she used to live in Belen but has since moved to Albuquerque and still owns a piece of property in Tierra Grande. Ms. See said she called the Tierra Grande Improvement Association and told her that her piece of land was right next to Mr. Romero's and they told her she needed to attend this meeting and protest it. She said her interest now is in selling her property because her husband has passed away and she does not want it anymore. She was told as to selling it with the zone as I-2 might make it more feasible to sell and give it more value. She does not want to have anything done that would undermine the value of her property because she needs to sell it. Tape (3) 100

Richard Barish, Attorney on behalf of Tierra Grande Improvement Association said they oppose this application and oppose changing the zoning designation on this parcel to industrial. Under the correction process of Section 4.6.2 of the County Ordinance provides for errors on clerical mistakes and provides in only two circumstances. Those circumstances are a clerical error and a mapping error. These are the only two in which corrections provided for under that process. Mr. Barish said he was here to urge that if that property is rezoned that it be rezoned through the full process or changing of zoning and with full opportunity will public input.

George Dewey said the problem with this project is the impact with the air and water, the environment to the neighboring Socorro County and also borders on the Abel Wash. This Wash is the last unpolluted sources of water we have in the state and to put an industrial area up the hill from it would not be feasible.

County Manager's Report

Mr. Trujillo said that Commissioner Gentry had asked that we get the voting machines out on the open market. They have been advertised and one New Mexico company would like to take them all if given the opportunity. Also we are striving at the Highland Meadow Fire Department to keep our certificate with the State Fire Marshal's Office and need to reapply to keep that certification. And we were served with a grand jury subpoena for production of inspection of materials in the suit by Marcy Britton. Tape (3) 600

The next Business Meeting of the Valencia County Board of County Commission will be held on March 18, 2005 at (:00 AM in the Los Lunas Consolidated Board Room.

Adjournment

Commission adjourned at 7:00 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, March 9, 2005 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.
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VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
MARY J. ANDERSEN, CHAIR**

**ss/
GEORGIA OTERO-KIRKHAM, VICE-CHAIR**

**ss/
PAUL EDWARD TRUJILLO, MEMBER**

**ss/
RON GENTRY, MEMBER**

**ss/
LYNETTE STUBLEFIELD, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: April 1, 2005