

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Public Meeting

December 13, 2006

PRESENT	ABSENT
Paul Trujillo, Chairman	
Ron Gentry, Vice-Chairman	
Mary J. Andersen, Member	
Georgia Otero-Kirkham, Member	
Lynette Pinkston, Member	
Francisco Apodaca, County Manager	
Cynthia R. Wimberly, County Attorney	
Sally Perea, Chief Deputy County Clerk	Tina Gallegos, County Clerk
Press and Public	

1. The meeting was called to order by Chairman Paul Trujillo at 5:04 PM.
- 2. Chairman Paul Trujillo asked Samuel Aragon to lead the Pledge of Allegiance.**
- 3. Approval of Agenda**
Commissioner Kirkham moved for approval of the agenda. Seconded by Commissioner Pinkston. Motion carried unanimously.
- 4. Public Requests**
Rita Padilla recognized the members of the Don Jose Dolores Baldonado Cultural Center committee. Ms. Padilla introduced Roberto Baldonado,Chair, Susan Cordova, Vice-Chair, Connie Cordova, Treasurer, Advisory Committee, Raul Cordova, Arturo Baldonado, Sylvia Brown, Wilfred and Donna Baca, and Alex Jaramillo and herself. Ms. Padilla said these folks have worked really hard to get the cultural center in Jarales where it is today. Ms. Padilla also recognized Commissioner Paul Trujillo and Vangie Gabladon for all of their help and support on this project. Ms. Padilla read a formal thank you and presented a plaque to Commissioner Trujillo.
- Roberto Baldonado acknowledged Commissioner Trujillo and the rest of the Commissioners and their staff for their help and support.
- Chairman Trujillo said he would like to thank the members of the committee for their show of confidence in him. He enjoyed working with everyone as well as the rest of the Board members. He had become real good friends with them and thanked them for his 12 years of service. Chairman Trujillo also recognized former Commissioners Gary Daves, Al Padilla, Alicia Aguilar, as well as the present Commissioners. They were in support of this project in bringing it forward.
- 5. Discussion (Non-Action) Items**
- Sally Perea, Chief Deputy Clerk administered the oath to those giving testimony at tonight’s hearing.
- 6. Public Hearing Items:**
- a. Request of Application for Transfer of Ownership of Liquor License #2784, Applicant is Encargo Limited, LLC; proposed location is 1000 Golf Course Rd., Belen, NM dba Tierra Del Sol & Country Club – Sally Perea/T.Scott Edeal (Exhibit A)**
Ms. Perea presented the above item for transfer of ownership of liquor license #2784. Ms. Perea said that Mr. Edeal was present if the Commission had any questions.
- b. Request of Application for Transfer of Location Only of Liquor License #8218, Applicant is Loyal Order of Moose La Merced Lodge 2550. Proposed location is 306 Rio Communities Blvd, Belen, NM 87002 dba Loyal Order of Moose, La Merced Lodge #2550 – Sally Perea/Gary Hall (Exhibit B)**
Ms. Perea presented the above item for transfer of location only for liquor license #8218. Ms. Perea said Mr. Hall was not present at tonight’s meeting.
- c. Ordinance 2006-__, Authorizing the Issuance of 911 Surcharge Revenue Bonds; JPA Village of Los Lunas & Valencia County – Bonnie Pasley (Exhibit C)**
Ms. Pasley said she was before the Commission a month ago to publish notice and intent to adopt the ordinance authorizing the issuance of 911 surcharge revenue bonds as a joint powers agreement with the Village of Los Lunas, City of Belen, and the City of Boque Farms. Ms. Pasley said this agreement ratifies the joint powers agreement, ratifies the authorization of the bond by the Village of Los Lunas and pledges the interest in certain surcharge revenues that come from the state to repay for those bonds.

d. Request to Amend the Zone Maps from C1 to C2, Land situated within Sec. 21 T5N R2E, NMPM in Valencia County, Tr. 8B3 & 8B4, Cabinet G, Page 272, containing 1.01 & .74 acres, located off of Hwy 304 – James Aranda/Ron Gentry (Exhibit D)

Mr. Aranda said Mr. Gentry has submitted application to amend the zone maps from C1 to C2 to facilitate the placement of storage units on the property in question. The proposed use is consistent with other existing uses in the area. There is a 2.5 acre parcel containing storage units on the property south of the parcel in question. Mr. Aranda said at the Planning and Zoning Commission meeting the Commission voted 3-0 to approve the above request zone change along with the presented site plan and setbacks.

Commissioner Gentry said he would not be considering or voting on this issue.

e. Request for a Final Plat review for Manzano Vista Subdivision, Blk 1, Tr 10A of Mesa View Addition, corner of Meadow Lake Road and Amy Road – James Aranda/Tony Chavez/David Tibbetts (Exhibit E)

Mr. Aranda requested for a final plat review for Manzano Vista Subdivision. At the Planning and Zoning Commission meeting the vote was 5-0 to approve the preliminary plat. Final action was taken by this Commission on September 15th and a motion was passed to conditionally approve the plat application. Mr. Aranda said all of the conditions set out in the applicant's preliminary plat approval have been met.

Bill Lebrecht from Meadow Lake asked if this was the item that the Commission was pertaining to roads? Mr. Aranda deferred to Commissioner Pinkston. Commissioner Pinkston said we are not requiring them to pave their road but we are requiring them to put up a barrier so that people can't use back yards as entry or exit onto to Meadow Lake road for safety reasons.

f. Request for a Final Plat review for La Vida Suerte Subdivision, All of Parcel A-1-A of McCullough and Knight Tracts, as such parcel is shown on maps 79 & 83 of the surveys within the MRGCD, situate within Sections 2 & 11, T6N R2E NMPM, Valencia County, Filed on May 12, 2005 in Cabinet J – Page 582 – James Aranda/Kenny Trujillo (Exhibit F)

Mr. Aranda presented the above request for a final plat review for La Vida Suerte Subdivision. At the February 8, 2006 public hearing meeting this Commission changed the land use designation of the land in question from Agricultural Preservation (AP) to Planned Development (PD). The La Vida Suerte proposal calls for a mix of land uses and residential densities ranging from 1 ½ acre parcel to 3 acre parcels. It also provides for open space areas that would remain in agricultural use. Planning and Zoning Commission heard this request at their meeting and voted 4-0 in favor of the plat approval. Final action was taken by this Commission on November 17th and was passed for approval of the plat application. Mr. Aranda said as of late last week P & Z had received the final plat submittal and have entered into discussions with the applicant in terms of financial assurances. Kenny Trujillo was present for questions.

Ms. Wimberly said we received a loan commitment for the financial assurances on the irrevocable letter of credit from the applicant. Ms. Wimberly presented the Commission with a copy. **(Exhibit G)**

g. Request to Amend the Master Plan of Rio Communities Tr H to facilitate development of Tr H for Town Homes & Single Family detached Homes, Tr H, Lands of Elizabeth Gabaldon within project Sec 21 & 22, T5N R2E NMPM located off of Golf Course Road in Rio Communities, Belen, NM – James Aranda/Jazz Builders/Sean Gabaldon, Agent (Exhibit H)

Mr. Aranda presented the above request to amend the master plan of Rio Communities to facilitate development. On October 19, 2006, Jazz Builders and agent Sean Gabaldon applied for an amendment to the Rio Communities Master Plan to allow for the development of 44 town home units and 40 single family detached housing units on a 11.99 acre property referred to as Tract H. Mr. Aranda said the property in question is zoned Planned Development. The property itself has no land use designation under the Rio Communities Master Plan. Planning and Zoning Commission heard this request at their monthly meeting and voted 3-0 to approve this request.

Dave St. John said he lives across Golf Course Road from the development in question. His concern is the density of the proposed development. Mr. St. John said 84 homes on 12 acres proposes a density that is more than five times of what we incurred across the street. Mr. St. John said his neighborhood is anywhere from 20 to 30 years old, we invested in the golf course community with an expectation that similar level of development continue through the neighborhood. The impact of an additional 100 or more automobiles entering and leaving Golf Course Road in less than a one block area each day would constitute a big change in our neighborhood. Mr. St. John said another concern is water and the heavy impact on sewage, fire safety, and law enforcement for the neighborhood.

Lawrence Lindberg, 601 Willowbrook Lane said he echoes those same concerns as Mr. St. John. Mr. Lindberg said hopefully they have a nice green area to this development and some type of homeowner's fee to keep that area green. His concern is the schools.

Beverly Turly said her concern is the number of people moving in with families and has there been any consideration from this development been given to the schools. Also concerns are the traffic on the roads and the density factor.

Casey Luna, resident of Rio Communities, said his concerns with the proposal is when everything is done and over with, if there are any problems, everyone leaves but we live here and we have to deal with the problems. Mr. Luna said he is all for progress but his concern is it needs to be a well thought out progress. Mr. Luna said the comment he heard from someone was we have to satisfy our investors but we also have to satisfy the people that are left after the fact, after the job has been completed.

Sean Gabaldon, owner of the property said the property is surrounded with a high density as far as town homes and residential. Mr. Gabaldon said Jazz Builders approached him for the development and they are in the preliminary stages and we do want to work with the exact aesthetics and density and work with the community.

Bruce Berman, Jazz Builders said he was here with his partner Tim Feldman. They have been working with Mr. Gabaldon to purchase this property. Mr. Berman said they are requesting that the designation of this property be zoned for town homes and single family detached homes. They have prepared a conceptual site plan to accompany this request. The concept of the site plan was to center the development around an area of green open space providing for the opportunities for the residences of the subdivision.

Commissioner Gentry informed the Commission that there were a group of people in the industrial park that took the County to court and filed a complaint of a conflict of interest of him voting on issues because he was in the adjacent notification area of the industrial park and reversed the zoning to heavy industry. Judge McDonald ruled in their favor and it is now going to the court of appeals. Commissioner Gentry said he is an elected official that represents his constituents and there was 240 notified and he was one of them and they through the entire zoning project out and they reversed our decision because he voted on the issue. Commissioner Gentry said he wants to make the public aware at this time because this Commission has to stand the judicial test the same as a judge would and all of his dealings. Commissioner Gentry said he believes as an elected official this is different from a judicial official. Commissioner Gentry said he will disclose this potential perception of a perceived conflict of interest. that prohibits him from voting for his constituents within his area because of the notification situation. Commissioner Gentry said he will go ahead and hear this information, take this information and consider it. If any interested parties are present that object, please inform this Commission at this time, he personally believes as an elected official it is his duty to represent his constituents. Commissioner Gentry said if he has to recuse himself from every vote then he will.

Commissioner Kirkham said she has the same problem as Commissioner Gentry because of her title company. Mr. Gabaldon has been working with someone in her office. If Commissioner Gentry and herself have to recuse themselves from every issue, then they won't have the opportunity to vote. Apparently, Jazz Builders signed a title commitment with her office. She is president of Stewart Title Company and if she has to recuse herself then she will.

Bill Lebrecht spoke on the concerns of the roads for this development.

h. Request to Amend the Zone Maps from PD to C-2 for the purpose of placing storage units on the property, Blk C of Unit 1, Tr 8 El Cerro Mission, Containing 1.4 acres, on the corner of El Cerro Mission Blvd & Rose Court, Los Lunas, NM – James Aranda/Phillip Sena (Exhibit I)

Mr. Aranda requested to amend the zone map from PD to C-2 for the purpose of placing storage units on the property. Planning and Zoning voted 3-0 to approve the change at their November 15th monthly meeting. Mr. Aranda said the applicant stated that only storage units would be located on the site and there would be no water or sewer needed for the project. The site plan will have no more than 186 storage units. Mr. Sena was available for questions.

i. Request to Amend the Zone Maps from RR2 to RR1 for the purpose of a land split to build a home T6N R2E, Sec 1 Tract 58-A, Containing 3 acres, aka 308 El Cerro Loop, Los Lunas, NM – James Aranda/Gregorio Ronquillo (Exhibit J)

Mr. Aranda requested to amend the zone map from RR2 to RR1 for the purpose of a land split to build a home. Mr. Ronquillo submitted an application on October 10, 2006 to amend the zone maps from RR2 to RR1. The property is located at 308 El Cerro Loop and is 2.5 acres in size. There is currently a dwelling on the northern-most quadrant of the property. A wire fence bisects the property into two. The southern portion of the property contains a mobile home pad that is approximately 14' by 80'. This portion of the property in question also contains a septic tank, a well, and an electrical pole. This condition supports Mr. Ronquillo's request. Planning and Zoning Commission heard this request at their November 15, 2006 monthly meeting and voted 3-0 for approval. Mr. Ronquillo was available for questions.

j. Consider for approval the use of the Surname "Leibel" for a road name in the Jaramillo Subdivision, Legal Description, A certain parcel of land situated in Sec 10 & 9, T6N R2E NMPM Map 82 Jaramillo Estates Subdivision – James Aranda/Edeal Investments/Jeremy Shawver Agent (Exhibit K)

Mr. Aranda requested that the Commission consider for approval the use of the surname "Leibel" for a road name in the Jaramillo Subdivision. Mr. Aranda said that Resolution No. 2000-22 require that any first name or surname request must be presented to the entire Board of Commission and receive a unanimous approval. Edeal Investments is comprised of Scott Edeal and his four children.

Leibel is Scott's mother and grandmother's maiden name. The Jaramillo Subdivision was approved and recorded in 1997 and the street in question is currently unnamed. The subdivision in question has not yet been built and is currently agricultural use is a corn field.

k. Appeal of a decision made by the Planning & Zoning Commission on a request for variance to the Zoning Ordinance as identified in Section 11.8 Mobile Home Standards Section 24 & 25 Blk D Unit 2, Lot 1, Valle Valencia Ranchitos, aka Avenida Valencia, Los Lunas – James Aranda/Ruth Perea

Ms. Wimberly stated she had received a letter from Ruth Perea's attorney requesting that the Perea matter be continued to the next County Commission meeting. Chairman Trujillo tabled this matter with no objection.

7. The next Regular Business Meeting of the Valencia County Board of County Commission will be held on December 15, 2006 at 9:00 AM in the County Commission Room at the Valencia County Courthouse.

8. Adjournment

Commission adjourned at 6:32 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the December 13, 2006 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
PEDRO G. RAEL, CHAIRMAN**

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

**ss/
DAVID R. MEDINA, MEMBER**

**ss/
RON GENTRY, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

SALLY PEREA, COUNTY CLERK

DATE: January 17, 2007