

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Public Hearing Meeting

March 14, 2007

| PRESENT | ABSENT |
|--------------------------------------|--------|
| Pedro G Rael, Chairman | |
| Georgia Otero-Kirkham, Vice-Chairman | |
| David R Medina, Member | |
| Ron Gentry, Member | |
| Lynette Pinkston, Member | |
| Francisco Apodaca, County Manager | |
| Cynthia R. Wimberly, County Attorney | |
| Sally Perea, County Clerk | |
| Press and Public | |

1. The meeting was called to order by Chairman Pedro Rael at 5:00 PM.

2. Chairman Rael led the Pledge of Allegiance.

3. Approval of Agenda

Chairman Rael asked staff if there were any changes to the agenda. Mr. Apodaca stated on item 5(c) Presentation of the Abatement Process, Tony Savilla, if this item could be tabled until April 11th as Mr. Savilla would like to do a power point on this process. Ms. Wimberly stated that on item 6 (b) Amend Zone Maps from RR2 to RR1, that the notices that were sent out had a typographical error with regard to the date March 21 instead of March 14. This is up to the commissioners discretion to table until the next meeting. Chairman Rael requested adding an executive session at the end of the public hearing. Commissioners conferred with counsel on adding executive session to this meeting. Ms. Wimberly gave her legal view on the subject matter.

Commissioner Gentry moved to table 5(c) until the public hearing meeting of April 11th. Seconded by Commissioner Pinkston. Motion carried unanimously.

Commissioner Gentry moved to table 6(b) until the public hearing meeting of April 11th. Seconded by Commissioner Pinkston. Motion carried unanimously.

Commissioner Kirkham moved for approval of the agenda as amended. Seconded by Commissioner Medina. Motion carried unanimously.

4. Public Requests

Joe Rizzo, Rio Communities, spoke on heavy industry in Valencia County. Mr. Rizzo’s concern is to request this Commission to move to the next step in industrial zoning. To have workshops, public input, so this can be a basis for a new zoning ordinance.

William Dean, Los Chavez, spoke on I-3 zoning. To live next door to this type of zoning is a danger and a big concern for him. Mr. Dean wants the commission to give this some real thought to have this type of zoning near rural property.

Samuel Aragon, Meadow Lake Residents Association, spoke on the trash issue in the Meadow Lake area, especially the abandoned mobile homes. Mr. Aragon gave Cyndi Sluder praise for all of her efforts in the ongoing trash issue.

Rosemary Lebrecht, Meadow Lake Residents Association, gave an update on the ongoing drug, gangs, and trash problem in that area. Ms. Lebrecht pleaded for a solution on the ever increasing problem. Ms. Lebrecht said we need sheriff’s deputies that are trained and more of them.

Earl Gleason, Mesa Road asked why he had not gotten a response back from a commissioner on a letter that he had given them. Mr. Gleason spoke on a gravel operation that he felt was illegal. Mr. Gleason spoke on the county road department which he felt was not doing their job in a manner which should be for the betterment of the county.

Chairman Rael stated he had a public comment. At the last meeting, he spoke on the hospital issue and after reading the local newspaper felt some criticism by a fellow commissioner saying that they didn’t know here he got the size of the proposed hospital bed figure from. Chairman Rael said he got the information from the Valencia County Hospital Planning Board report, page 7. The other item he was criticized on was the amount of money to be spent on the hospital, he had stated \$50 million, that number came from New Mexico Finance Authority publication. Chairman Rael stated he was addressing one of his fellow commissioners and asked Commissioner Pinkston if she wanted to respond.

Commissioner Pinkston declined to comment.

5. Discussion (Non-Action) Items

a) Acknowledgment of Appreciation for Valencia County Volunteer Fire Departments – County Commission

Charles Eaton, Fire Chief for Valencia County stated the process tonight is to thank the fire fighters for an exceptional job that they did on the 23rd of February, the Belen Fire. This was a fairly large incident and most troublesome because it dealt with protection of property and lives. Mr. Eaton asked the firefighters that were present to come up to be recognized, unfortunately all could not make it as one of the fire districts were called out to duty. Mr. Eaton said the Belen Fire consumed about 480 acres of the Bosque on the north side of the river, near Jarales. These fine men and women do this on a daily basis risking their lives on a moments notice. The Commission and public gave these men and women a standing ovation for a job well done. Mr. Eaton recognized the district fire chiefs, Casey Davis, Meadow Lake, Jimmy Cooke, Manzano Vista, Assistant Chief Cathy Dickey from Tome-Adelino. The firefighters that were present are as follows: Charles Eaton, Casey Davis, Cathy Dickey, Shana Duran, Jimmy Cooke, Rob Barr, Tony Villalobos, Elizabeth Villalobos, Laura Avila, Ron Avila, Kim Hollingshead, Jeremy Dear, Cody Dear, Richard Kimball, John Dear, Susie Walton, Lisa Curtis and Anthony Aragon.

Commissioners each gave their praise to these firefighters for an outstanding job that they did. Each one of the firefighters are to be commended. Mr. Apodaca stated that he had received a call from Dan Ware, State Forestry Division Director, saying that he had never seen volunteer firefighters respond in such a professional manner that these men and women did. He thanked them for their efforts and he would like to have them respond anywhere in the state.

b) Presentation – Rio Grande Industrial Park Power Plant – Ken Maestas

Ken Maestas, deferred the presentation to his colleague Mike Greene, Project Manager with PNM, Public Services Company, New Mexico on the Valencia Energy Facility. Mr. Greene updated the Commission on the activity related to the power facility at the Rio Grande Industrial Park. Mr. Greene gave an overview of why now, why here, and why a natural gas plant in this location. Mr. Greene started with why now and this is because PNM residential customers have increased, this pertains to the average usage, peak usage and the demand on how Valencia County has grown. Mr. Green said why here, this is a permitted site that includes the air and zoning already permitted and the site is located near critical infrastructure for transmission. So why a natural gas peaking plant, it fits the need for a resource that can respond quickly during peak hours. Natural gas is the cleanest burning fossil fuel Mr. Greene said the proposed project would start early summer 2007 and the plant anticipated to be in service by the summer of 2008. The expected consumptive use is less than 10-acre feet per year and the project's water use will not impair existing water rights or the area's water supply. On the question of air, the state of the art equipment and pollution control features will limit air emissions to meet state and federal requirements. No odors will be emitted from the plant. Mr. Greene discussed the common outdoor and indoor sounds from the facility. Mr. Greene explained the economic impact the plant would have on Valencia County in bringing approximately \$8 million in total tax benefits during the first 10 years.

c) Presentation – Abatement Process – Tony Savilla

Tabled

County Clerk, Sally Perea administered the oath to those wishing to give testimony at tonight's hearing.

6. Public Hearing Items

a) Request to Name Private Road "Santa Viviana Lane" – James Aranda/Raoul Cordova (Exhibit A)

Mr. Aranda presented the above request to name a private road "Santa Viviana Lane". The applicant, Mr. Cordova has submitted a petition to the Valencia County Rural Addressor and is requesting that this Commission consider this approval of the use of the above considered name. Viviana was the first name of the applicant's mother. The property is a private road easement located north of the Jarales Senior Center. Mr. and Mrs. Cordova were present for any questions. Commissioners will make their ruling on this item at the next business meeting.

Members of the public asked to be heard concerning the item on the power plant. Commissioners explained to the public that the item was informational only and will not be voted on at the next business meeting.

Joe Rizzo stated that he and William Dean have met with PNM engineers to review their proposed power plant construction in Rio Communities. We agree with them on the need for additional power generated locally to protect the liability of service in that area. It is also clear that only a gas powered peaking plant can provide such service in the needed time scale. They have discussed the design of the power plant and find this unacceptable. They disagree that the Rio Communities site is unacceptable site for this plant. We are allowing lawyers and courts to force us into a second rate solution that is a disadvantage to both PNM and the community.

William Dean, Los Chavez said they have had quite a few discussions with Cameron Ephart. This fits into an I-2 industrial park, also Mr. Greene did an excellent proposal, his suggestion is that the

people of Valencia County request that there be a limit put on expansion or any change for the future. It is easy to know the size of the power plant but this would create problems later. Mr. Dean stated his concerns with a third party operating the power plant.

Gloria Sanchez, Belen, said she has been coming to meetings with Cobiza, People's Energy and now this power plant. She is totally against this type of power plant and she does not have a vested interest in this. Her concern is the valley, and this type of plant would service Valencia County and Albuquerque. Her concern is this 18 acre plus parcel of land and which they have the option to expand. What does this mean for our community?. This is a million dollar company, they will be selling energy using our resources. Ms. Sanchez said she is against this power plant.

b) Amend Zone maps from RR2 to RR1 to allow for Subdividing the 2.58 acre subject property into 2 parcels T6N R2E, Sec. 18 Tr. 19-A

The above request has been moved to the public hearing meeting on April 11th.

Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Kirkham moved to enter into executive session. Seconded by Commissioner Gentry. Roll call vote. Commissioner Pinkston voted no. Commissioner Medina voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Motion carried 4-1.

Commissioner Kirkham moved to enter into regular session. Seconded by Commissioner Pinkston. Motion carried unanimously.

Chairman Rael stated that during executive session matters regarding personnel that are totally confidential and privileged were discussed and no final action was taken.

Chairman Rael stated with no objection, these were the matters that were discussed in executive session. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Medina voted yes. Commissioner Gentry voted yes. Chairman Rael voted yes. Motion carried 5-0.

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 21, 2007 at 9:00 AM in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Kirkham moved to adjourn. Seconded by Commissioner Gentry. Motion carried unanimously. Time 7:55 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 14, 2007 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. RAEI, CHAIRMAN**

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: April 4, 2007