

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

July 11, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
	Georgia Otero-Kirkham, Vice-Chairman
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, 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 3:30 PM.

2. Chairman Rael led the Pledge of Allegiance.

3. Approval of Agenda

Commissioner Medina moved for approval of the agenda. Seconded by Commissioner Pinkston. Motion carried unanimously.

4. Public Requests – At the discretion of the Chair.

(For Information Only – limited to two minutes per person on subjects not on this published agenda.)

Larry Alba said he has a complaint that wasn’t new, he has been complaining about this issue for about 5 ½ years. It involves the fact that in 1999 the county had an employee in the Planning and Zoning Department in regards to industrial zoning. Mr. Alba said he has asked to be put on the agenda to discuss this issue and so far hadn’t gotten anywhere. Chairman Rael advised Mr. Alba to get with a commissioner to put it on the agenda. Mr. Alba said he would get with Commissioner Gentry as the industrial park is in his district.

Samuel Aragon, Meadow Lake, commended and congratulated County Manager, Eric Zamora for his involvement with the Meadow Lake Association. Mr. Aragon presented Mr. Zamora with a plaque in his honor.

Eric Zamora said thank you and accepts this plaque on behalf of the commission because they have given him the direction. Mr. Zamora said this also could not be possible if it were not for staff, he thanked them and appreciates what they do.

Dorothy Rollie stated her concern is to get a street sign put back on Rio Abajo road. In 2006 it was knocked down by a county snow removal truck, who said they would put it back and have not. She realizes that this is in Commissioner Kirkham’s District and she is absent tonight, but she had spoke with her via cell phone and said she would speak with staff. Mr. Zamora said it was his understanding this was taken care of. He will look into it this week.

Earl Gleason spoke on road issues and his concern on how bad the school routes are and seems that the road department graders don’t ever move.

Commissioner Medina recognized Chris Martinez, who was in the audience, he is the newest school board member appointee for the Los Lunas School District. Everyone welcomed Mr. Martinez on board.

5. Discussion (Non-Action) Items

a) Presentation of space for Public Health Services in Valencia County Community Centers in El Cerro and Meadow Lake – Laura Reeves/Helen Jaramillo, NMDH (Exhibit A)

Judy Baca, Health Promotion Specialist for the Public Health Division, introduced Diana Mine, a registered nurse with the Families First Program, Laura Reeves, nutritionist with the WIC Program, and Helen Jaramillo, Public Health Division. Ms. Baca said their request tonight is to ask the commission to provide space in El Cerro and Meadow Lake. They would like to be able to use the Meadow Lake Senior Center on the first Thursday of each month for WIC, Family Planning, Families First, and immunizations and then the fourth Thursday of each month for WIC services only. At the El Cerro facility they currently share space twice a month with the Literacy Council, the space is adequate but the concern is having multiple programs running at the same time and reducing available space. Commissioner Pinkston discussed the health services concerns. Commissioner Gentry suggested that they ask the Belen Public Health Office to use space there, as these programs would be an asset to that area. Chairman Rael asked Mr. Zamora to look into this issue and Mr. Zamora stated that the county would need to enter into an MOU with the agency and work out the details for commissioners approval.

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

6. Public Hearing Items

a) Ordinance 2007-____, Amending in part the Valencia County Road Ordinance; Inserting a new article on abandoning maintenance of County Roads- Eric Zamora (Exhibit B)

Mr. Zamora stated this proposed amendment to the county road ordinance is to allow for vacating maintenance responsibility for the many miles of road that the county currently shows on the inventory. Valencia County maintains or reports on an annual basis 1200 miles of road to the State of New Mexico. Mr. Zamora said many of those miles that are reported are no inhabitants, no dwellings and no access required. What this ordinance does is remove those unused roadways on the maintenance inventory and establishes a swap that has inhabited areas that provide services to school buses, mail routes and general access to residential areas.

Chairman Rael asked what this ordinance required on the used or unused roads. Are there any requirements that notice be given to people that don't own property, that need to use that road in the future, even though that property is not adjacent to the road or against it?

Mr. Zamora said under section 6 of the ordinance it references, review of the road by the road viewers appointed by this commission. The road viewers bring back their findings on that road to the commission and the process is followed, notice to the public and notice to the abutting property owners.

Earl Gleason spoke against the ordinance. Mr. Gleason said he has been on this petition for eight months and if this commission is targeting Tierra Grande area, they need to be concerned about the bus routes because these roads have been neglected for six years. Mr. Gleason suggested the county leave the ordinance alone because there is no money for roads and there is no money for cops.

Jim Lane questioned Mr. Zamora's statement about how people on those road should be contacted, and it states in the ordinance on how to contact abutting property owners and not by newspaper. He feels this is pretty important and requirement should be that everyone be notified. Mr. Lane asked if these roads were already dedicated, the 1200 miles that the county is responsible for.

Mr. Zamora stated the county reports 1200 miles of road under the county maintenance responsibility. There are means by which we accept maintenance on a roadway. In answer to the notification process, the intent is to notify property owners along the roadway by letter and general notification through publication in a newspaper.

Vonda Temple asked questions relating to the ordinance on new roads for maintenance.

Bill Lebrecht asked if all the roads in Valencia County that are mud and sloppy are part of the maintenance process.

Michael Lundmark said roads have been a difficult issue for the county commission to fund properly and he applauds the initiative and the effort to bring something new in place, it increases the efficiency of the road department. There are always people out there that want something for nothing but he has a fear that when a road is brought to county standards and we start accepting them for maintenance puts a burden on the county road department. But some of these roads are way out there and it costs more to maintain them. Some of these roads have never been brought to standard by the subdividers.

Dorothy Rollie said she lives in Bill Campbell's subdivision and they maintain their own road. They have had the county maintain the road one time. Her question is if they are paying taxes and the county is not using all of the money for the 1200 miles, why can't we get Campbell Road, Rio Abajo Road, Papaya and Bell Court dedicated.

b) Appealing a decision to Grant a Variance to property owner Michael Stasi for rear and side yard setback to place a 40' x 40' garage structure 10' from the side and rear property lines, T6N R2E, Sec. 19, Tr.27B1, Map 86, Book 360, Page 21297, containing 1.02 acres; AKA 74 Seabell Rd, Belen, NM – James Aranda/Juan & Nancy Griego (Exhibit C)

Mr. Aranda presented the above item. The applicant is appealing a decision by the Planning and Zoning Commission on May 16, 2007 to grant a variance to property owner Michal Stasi for rear yard and side yard setbacks to place a 40' x 40' garage structure 10' from the side and rear property lines. The variance request was submitted for departmental review and Code Enforcement expressed concern that the request fails to meet the requirements of Section 4.4 of the Zoning Ordinance. Planning and Zoning upon their meeting voted 5-0 to approve the variance on setbacks with the condition that the minimum allowable setback on both the east and south property lines shall be 10'. The applicant was sent written notice and the appellant appealed the decision. Planning and Zoning put a hold on Mr. Stasi's building permit application in lieu of Mr. Griego's appeal.

Joann Vandergeest stated that she and her mother have lived in the area for 45 years. When they moved there, it was a farming community and everyone got along. Now they have new people move in who should have planned correctly when they first built the home. Now they want a variance to put

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up the 40' garage. Ms. Vandergeest said she understands they will put paint products in this garage and this is a concern for her and they could now have health issues. She is against this request.

Nancy Griego said they have quite a few neighbors that want the setback enforced. A lot of the neighbors could not attend tonight, so she is supporting those who could not be here. Ms. Griego said while she is sympathetic with Mr. Stasi, there are rules in the ordinance that should be abided by. Ms. Griego discussed different ways that Mr. Stasi could have more room, and believes this is poor planning on Mr. Stasi's part.

Paul Chavez said he is against the request because he is going to have chemicals in the garage and people on the property line are going to be affected.

Michael Lundmark said he was one of the citizens that had input with the zoning ordinance. The rules on the setbacks should apply, the size of the lot does not meet the standards or the criteria for Mr. Stasi's specific needs. This is going to be a beautiful building but the rules should apply.

Michael Stasi provided pictures to answers that some of the neighbors have. Mr. Stasi said he is not going to store paint or chemicals in the garage, it is only to store a fifth wheel and that is his reason to build the garage. He has complied with his neighbors wishes and this is why he wants to build a shop for it so he can maneuver around to pull his trucks and trailers around. This garage will not be an eyesore, it will have the same style, stucco and tile roof, that the home does.

c) Final Plat approval for Sierra Madre Subdivision, Unit 1; The proposed development is a Type 2 Subdivision consisting of 120 residential lots located near the northeast corner of North Rio Del Oro Loop and Manzano Expressway. Tr. 8 of Sierra Vista a plat of the Westerly portion of Rio Del Oro; Unit 19, within the Tome Grant, projected Sections 7,8,17 & 18, T6N R3E, NMPM, containing 34.4322 acres, Valencia, NM – James Aranda/Stephen L. Crawford (Agenda) (Exhibit D)

Mr. Aranda presented the above item. The applicant is requesting final plat approval for the Sierra Madre Unit 1 Subdivision. The proposed development is a Type 2 subdivision consisting of 120 residential lots located near the northeast corner of North Rio Del Oro Loop and Manzano Expressway. The subdivider for Sierra Madre Unit 1 is Curb, Inc. It was originally approved in 2004 and a one year extension was granted. The applicant has since revised the disclosure statement and restrictive covenants for the proposed development and are in the process of executing a loan reserve for 125% of the project value and they are working on a development agreement with the county to ensure that the approved improvements are constructed.

Mr. Crawford, agent for Curb, Inc., who is the subdivider for the Sierra Madre property stated this project has been going on for sometime. The context of this project is that this is the first phase of an 800 acre master plan that was approved by a prior commission in 1997, and was amended a couple of years ago to make an update to the master plan. Mr. Crawford said right now there is just raw land out there, the subdivider in exchange for this commission granting this final plat is going to significantly spend money to bring the things that are not there right now. There is a major water line abutting the property, there is no sewer anywhere nearby so this project is going to be installing a sewer lift station at about a mile and a half of discharge line at the cost of around \$750,000. The electricity is on Manzano Expressway and this is sufficient power, the gas for the area is currently around the Desert View Intermediate School. The conditions of the approval were to make sure there is sewer, water, electricity, gas and paving to these lots and to build a left turn pocket on Manzano Expressway so that the traffic coming and going from this project has a place to turn around and park. Street lights were not addressed two years ago, this commission did address them and it does show a street light design.

d) Preliminary Plat application for La Mercedes Subdivision, proposed Type 2 Subdivision consisting of 202 residential lots, 55 acres, T6N R3E, A part of Sec. 18 & 19; a plat of the Westerly portion of Rio Del Oro, Unit 46, within the Tome Grant containing 55.274 acres – James Aranda/Theresa Scott (VIA) (Exhibit E)

Mr. Aranda presented the above item. The proposed La Mercedes Subdivision is residential development consisting of 202 lots containing 55.274 acres. The plans are to sell the lots in blocks of 2.5 or more to home builders as needed. The applicant is anticipating total build out in approximately four years. Mr. Aranda stated the Office of the State Engineer, the County Rural Addressor and the Sheriff's Department all submitted adverse opinions regarding this request. The applicant has since revised the application to address these agencies concerns. The P & Z Dept. resubmitted the application to the aforementioned agencies and is awaiting their revised opinions. The Planning and Zoning Commission voted 3-0 to recommend approval.

Theresa Scott, agent for Valley Improvement Association, familiarize the commission with the recently amended master plan of the Las Maravillas Subdivision. This subdivision is going to be developed like Las Maravillas, all underground utilities, pavement, curbs, street lights, that fit into the subdivisions regulations. There are plans for commercial development and the first one will be the VIA complex building.

e) Preliminary Plat review for Loma Codorniz Subdivision, a proposed Type 3 Subdivision consisting of 18 residential lots, containing 21.3 acres. The proposed Loma Codorniz Subdivision, there are currently 10 lots existing on the North side of the subject property. The Proposed development is located in Peralta, approximately ½ mile South of

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Peralta Blvd. on La Ladera Rd. Tr. A, a replat and Land Division of Lands of Codorniz Land Company, MRGCD Map 66, within Sec 18, T7N R3E, NMPM; within the Lo De Padilla Grant, Valencia, County, NM – James Aranda/David Tibbetts (Agent)(Exhibit F)

Mr. Aranda presented the above item. The request is being made by David Tibbetts, Agent. This is a proposed Type III Subdivision containing 18 residential lots consisting of 21.3 acres. The subdivision has 18 lots with 10 lots existing on the north side of the subject property. The proposed development is located within the limits of the Town of Peralta and is approximately half a mile south of Peralta Blvd. on La Ladera. The application was originally submitted in May 2006 and after reviewing it was determined that it was incomplete. After meeting with staff in January of 2007 the applicant suggested revisions and resubmitted early April 2007. Upon receiving the review, many agencies submitted comment in a timely manner, yet some still have not. Valencia County Soil & Water Association, are pretty critical and are listed in the disclosure statement. Mr. Aranda said the Office of the State Engineer received a negative opinion, they disputed some of the draw down calculations and New Mexico Historical Preservation Division also issued an adverse opinion. Their request is any approval by this commission has a condition. As a developer, employ a professional archaeologist to conduct a survey that stands up to state standards. Their contention when they issued the negative opinion was that the surveyor just walked the area and did not conduct a professional archaeological survey. The Office of the State Engineer negative opinion was the assumption that each home was going to get three acre feet per year with the water, will be served by individual wells and septic, and as of August 2006, that number, three acre feet, was limited to one acre feet per year. They did make those changes in the application. There is still some questions as to the draw down. The Planning and Zoning heard this request and voted 3-0 to recommend approval. Their concern is that this area is now incorporated and is now the Town of Peralta.

David Schneider said he is a physician in Belen, and a resident of Peralta at 16 Alderete Road, which is a feeder road onto Molina Road. Mr. Schneider said he is opposed to the approval of this development because it lies within the township of Peralta. Mr. Schneider said the city officials campaigned and were elected on a platform of controlled growth in Peralta. Peralta should have the opportunity to deal proactively with proposed developments and the opportunity should be with the citizens of Peralta. The citizens should be able to develop and adopt codes and ordinances, to address land use, zoning and growth of development in Peralta. The Mayor and Council members are quite involved and concerned at developing their first formation of growth or birth in Peralta. Mr. Schneider said the proposal has been given a negative by the State Engineers Office and also a negative by the Historical Preservation Division and therefore incomplete in acceptance by the appropriate agencies. And most importantly is the east and west bottle neck and this is true on Molina Road, a narrow, twisting road with no shoulders, two stop signs that are run regularly by commuters. The entire Molina Road has a double yellow line, no passing zone and yet he and his neighbors are passed regularly. Mr. Schneider asked the commission to vote no on the development.

Paul Chavez said he has properties in the area and his problem before was the arroyos but that has since been taken care of. But now he has no problem with it because it will be an improvement to this area.

Alan Sanchez, subdivider and partial owner for Loma Codorniz said the reason he purchased the property was to take all 33 acres to subdivide and have a community that matched the environment. There is restrictive covenants in place that will allow the New Mexico architecture to develop on it. It has restrictive covenant on the vegetation, if you remove it or reconstruct it, it has to be replaced. There was talk of a municipality but they couldn't hold their breath and wait to see when they were going to have this election. They have spoken to the elected mayor and he is happy about it because anything along La Ladera, if you drive it, is a beautiful area within those city limits.

David Tibbets, agent for the Loma Codorniz Subdivision, thanked the commission for allowing them to bring this before them. Mr. Tibbets said they have had a few curve balls on this project but have been adapting and this will be a real nice project. Mr. Tibbets said the Town of Peralta may have a vision but they don't know what that is yet. This is a small development of 18 lots. There is a negative with the State Engineers Office, and at this point they have been working with for the last two weeks. Since the last P & Z meeting, they have the new report and have assured a firm response from them. The other negative comment is from Historical Preservation Division and we probably won't get one unless we hire a professional archaeologist. Mr. Tibbets said he has done surveys in that area and if they come across anything it will be assessed. The zoning is R1 and this was to slow growth in the green belt to get back to the original intent. This is going to create desirable home sites in that area.

Roger Reese said he has been a resident of Peralta for the last dozen years. Mr. Reese said he has a couple of traffic concerns, they keep talking about Molina Road being the only access road, actually there is Peralta Blvd and Valencia Road. He is pleased in what Alan Sanchez is doing with this subdivision, his vision is what Peralta needed. He has purchased two lots and has constructed one home. This will enhance the community and be a good place for people to raise their families.

7. Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; Administrative Services Director Contract & Job Description; b. pending or threatened litigation,

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and c. other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Pinkston moved to enter into executive session. Seconded by Commissioner Gentry. Roll call vote. Commissioner Pinkston voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Chairman Rael abstained from voting. Motion carried.

Commissioner Pinkston moved to go back into regular session. Seconded by Commissioner Gentry. Motion carried unanimously.

Ms. Wimberly reported that the board discussed the status of the City of Belen vs. Kerekes, the Administrative Services contract and job description. No final action was taken.

Commissioner Pinkston moved that the report given by Ms. Wimberly was accurate as to matters that were discussed in executive session. Seconded by Commissioner Gentry. Motion carried unanimously. Commissioner Pinkston voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 4-0.

8. Action on Executive Session Item(s)**a) Consideration of Administrative Services Director Contract & Job Description (Exhibit G)**

Commissioner Gentry moved to offer Ms. Gabaldon an employment contract that would be effective July 20, 2007 as the one proposed agreement before us by staff. An updated contract with the job description with a one year contract starting July 1, 2008 thru July 1, 2009 for \$45,000.00 and have the county manager offer that job to her. Seconded by Commissioner Pinkston. Discussion. Ms. Wimberly suggested to Commissioner Gentry to amend the motion to state offered and approved contract by the board. Commissioner Gentry amended his motion to offer the contract as approved by the board. Commissioner Pinkston amended her second. Discussion. Chairman Rael stated the contract calls for a 10% increase to be considered by the commission and he feels Ms. Gabaldon has done a good job in getting reimbursements from the state legislature and we are offering her no consideration for doing a good job. Chairman Rael called for the vote. Commissioner Pinkston voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Chairman Rael voted no. Motion carried 3-1.

9. The next Regular Business Meeting of the Valencia County Board of County Commission will be held on July 19, 2007 at 3:30 PM in the County Commission Room at the Valencia County Courthouse.**Adjournment**

Commissioner Gentry moved to adjourn. Seconded by Commissioner Pinkston. Motion carried unanimously. Time 8:03 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the July 11, 2007 Public Hearing 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. RAE, 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: August 1, 2007