

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Public Hearing Meeting

July 9, 2008

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	
Attorney's Adren Nance & Attorney Dave Pato	
Sally Perea, County Clerk	
Press and Public	

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

2. Chairman Rael led the Pledge of Allegiance.

### 3. Approval of Agenda

Chairman Rael announced the agenda had been amended to show the update of the Valencia County Hospital been moved into Executive Session because of pending litigation.

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

### 4. Public Requests

Bob Gostisha a member of the Meadow Lake Association expressed his view on the 40 miles an hour speed limit at Manzano Expressway. He suggested the residential areas should be increased to 45 miles per hour. The area beyond Las Maravillas be increased to 55 miles per hour.

Commissioner Gentry said a comprehensive safety study had been done two years ago to increase the speed limit at the Manzano Expressway. The cost was \$9,000.00. The speed limit was based on the lengths and turns of Manzano Expressway and the 40 mile per hour is what the safety engineer recommended.

Bill Lebrechet a resident of Meadow Lake shared his concerns on mobile homes being dropped off in the early hours of the morning without a permit. He will be meeting on the 24<sup>th</sup> of July with Eric Zamora to discuss the matter. He also reported a rodeo arena on Fence Line Road is set up for business and he believes the property owners have not applied for commercial license.

County Manager Eric Zamora spoke with Code Enforcement and a letter was delivered to the property owner. The letter basically states the property owners are not to proceed with any activity until they come to Planning and Zoning.

Sandra and Bob Knapp residents of Meadow Lake requested that the Commission deny a zone change for the operation of the roping arena. Ms. Knapp said she is concerned with noise, pollution, traffic increase and drinking.

Jim Lane of Meadow Lake said it was a joy to see all the families and little kids running around at the community center's playground. Mr. Lane had concerns on one of the playground equipment and requested that it be inspected to avoid serious injury to a child.

Torrez Leyba read a progress proclamation for election officials.

### 5. Discussion (Non-Action) Items

None.

### 6. Public Hearing Items

- a) Consideration for Final plat for the proposed Verde Escondido Subdivision a type 2 subdivision consisting of 79 residential lots, containing 11.998 acres; a certain tract of land situate within projected section 28, T5N, R2E, NMPM; within the Tome Grant, and comprising that parcel of land described in Warranty Deed to Elizabeth Gabaldon, Book 309, Page 7809 of the Office of the Valencia County Clerk, Valencia County, NM – James Aranda/ Bruce Burman, Jazz Builder

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County Clerk Sally Perea administered the oath to those wishing to speak at tonight's meeting.

James Aranda presented the application. Upon reviewing, the preliminary plat was met with significant conformance. The previous preliminary plat was approved on November 7, 2007. Chairman Rael asked Mr. Aranda if the applicant has met all the procedures and substance to be able to proceed. Mr. Aranda said yes. Although the State Engineer had submitted another negative opinion, the response from the New Mexico Water Service Company (NMWSC) and according to their calculations, is that they do have enough water to serve this development and the water is committed and still on the books.

Commissioner Medina asked if the State Engineer has to approve this final plat. Mr. Aranda said yes. The recommendation was to condition any approval on the New Mexico Office State Engineer's (NMOSE) positive letter and it did not happen, unfortunately the preliminary plat was approved unconditionally.

Commissioner Gentry met with the State Engineer several months back to resolve this issue. He said they have enough hook-ups per units to go around. The NMPRC (New Mexico Public Regulation Commission) has a rule, first come first serve and cannot tie water rights for future use. The NMPRC is set on rate payers and is regulated by the State.

Mr. Aranda said the NMWSC latched their agreement to the County's time period. The time period process of subdivision's final plat approval is a year to file and a two year period for the development agreement. NMOSE said you cannot place conditions like that. Mr. Aranda perceives the next step is for for all entities to meet.

**b) Consideration of Final Plat for the Loma Codorniz Subdivision, a type 3 subdivision consisting of 18 residential lots containing 21.3 acres. The proposed development is located in Peralta, approximately ½ mile south of Peralta Blvd on La Ladera Road; comprising Tract "A", replat and Land Division of Lands of Codorniz Land Company; MRGCD map 66; within Section 18, T7N, R3E, NMPM; within the Lo de Padilla Grant, Valencia County Clerk, Valencia County, NM – James Aranda/ Allen Sanchez**

Mr. Aranda presented the final application and said it was in substantial compliance with the previously approved preliminary plat. All that is left to do, with the proposal, is to execute the development agreements and collect the development review fees.

**c) Consideration of Amend the Zone Map from RR-2 to RR-1 to allow for the Subdivision of the Subject property into a 1-acre Parcel and a 1.59-acre parcel; T4N, R2E, Section 19, NMPM; MRGCD Map 114; Tract 103-A-1; consisting of 2.65 ares; Zoned RR-2; also known as 02 Jarales Lane, Valencia County, NM – James Aranda/ Quarai & Jennifer Silva**

Mr. Aranda presented the above request that would allow the subdivision of the subject property into 1 acre parcel and 1.59 acre parcel.

Commissioner Medina asked if Jarales Lane is on Jarales road. Mr. Aranda answered Jarales Lane actually comes eastward of Jarales road.

Commissioner Kirkham asked if Jarales Lane is a public road. Mr. Silva said he believes it is. There is trash pick-up and UPS service. There is an existing home that they are living in during construction and would like to build another home. Mr. Aranda said there is an existing mobile home on a permanent foundation and a permanent porch. What Mr. Silva wants to do is to move his father, who also tends the land, into that existing mobile home.

Clint Bridges lives at 14 Jarales Lane and a neighbor of Quarai's and Jennifer Silva. He came to speak in favor of the zone change and to keep the manufactured home for Mr. Silva's father to live in.

Chairman Rael asked Mr. Aranda if there were any problems that the Commission should be aware of before deciding approval.

Mr. Aranda had done inspection of the site and upon reviewing did not find any particular problems.

## **7) Business Meeting**

**a) Legal opinion of reallocation of funds for certain appraisers in the County Assessor's Office, from Property Valuation Fund to General Fund – Adren Nance**

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Attorney Adren Nance gave his analysis to the Commission. He found that an important step of the process was missing. The County Assessor must create a policy and present it to the Board of Commission to be approved. The proper thing to do at this point is to request that the County Assessor work through administration and come back with a plan.

Chairman Rael requested that Mr. Zamora contact the County Assessor and arrange to meet with Attorney Nance to advise her with the proper steps to prepare a plan and then come before the Commission on the next regular business meeting.

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

Commissioner Kirkham moved to go into Executive Session. Seconded by Commissioner Medina. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 5-0.

Commissioner Kirkham moved to go into Regular Session. Seconded by Commissioner Pinkston. Motion carried unanimously.

County Attorney Nance reported the issues that were discussed, the update of Valencia County hospital litigation and no final action was taken.

Commissioner Pinkston moved to accept the above report on items discussed in Executive Session. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 5-0.

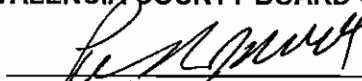
**9) The next Regular Meeting of the Valencia County Board of County Commission will be held on July 16, 2008 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.**

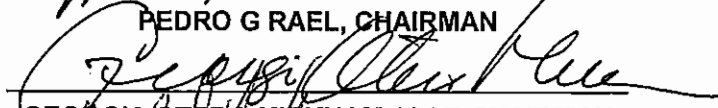
**10) Adjournment**


Commissioner Pinkston moved to adjourn. Seconded by Commissioner Kirkham. Motion carried unanimously. Time 7:29 P.M.


**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, July 9, 2008 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

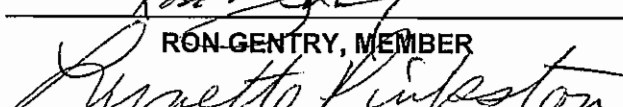
**VALENCIA COUNTY BOARD OF COMMISSIONERS**

  
 PEDRO G RAEI, CHAIRMAN

  
 GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN

  
 DAVID R MEDINA, MEMBER

  
 RON GENTRY, MEMBER

  
 LYNETTE PINKSTON, MEMBER

ATTEST:

  
 SALLY PEREA, COUNTY CLERK

8/6/08  
 DATE