



December 4, 2013

Agenda

5:00 P.M. Business Meeting
Valencia County Commission
Chambers
444 Luna Avenue
Los Lunas, NM 87031

Board of County Commissioners

<i>Charles D. Eaton, Chair</i>	<i>District IV</i>
<i>Alicia Aguilar, Vice-Chair</i>	<i>District II</i>
<i>Mary Andersen</i>	<i>District I</i>
<i>Lawrence R. Romero</i>	<i>District III</i>
<i>Jhonathan Aragon</i>	<i>District V</i>

Please Silence all Electronic Devices

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes:

November 13, 2013

DISCUSSION (Non-Action Item(s))

- 6) Commissioners, Committees and Reports.
- 7) Discussion with Assessor. *Viola Vallejos-Garcia*

ACTION ITEM(S)

- 8) Consideration of 2013-14 CO-OP SP-14 (976) Cooperative Agreement with New Mexico Department of Transportation. *Kelly Bouska*
- 9) Consideration of 2013-14 CAP-3-14 (496) Cooperative Agreement with New Mexico Department of Transportation. *Kelly Bouska*
- 10) Consideration of Resolution 2013-_____ Opposing Animal Killing Contests.
Commissioner Alicia Aguilar
- 11) Appointment of Hearing Officer for Wisenant Appeal. *Adren Nance*
- 12) Consideration and Approval of Disposal of Certain County Property. *Michael Vinyard*

FINANCIAL MATTERS

- 13) Approval of Financial/Payroll warrants. *Nick Telles*

PUBLIC COMMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Manager's Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2014 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.

Please sign up on the sheet located just outside the Commission Chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission.

EXECUTIVE SESSION

Pursuant to Section 10-15-1 (H) (6) the following matter may be discussed in closed sessions a) certain purchases **(1) Consideration of Contract for Inmate Healthcare Services**; specific limited topics that are allowed or authorized under the stated statute.

- Motion and roll call vote to go into Executive Session for the state reasons
- Board meets in closed session
- Motion and vote to go back into regular session
- Summary of items discussed in closed session
- Motion and roll call vote that matters discussed in closed session were limited to those specified in Motion.

For closure and that no final action was taken, pursuant to the authority in § 10-15-1 NMSA 1978.

ACTION ITEM(S):

13) Award of Inmate Healthcare Services.

NEXT COMMISSION MEETING

- **December 5, 2013 – 2:00 P.M. Special Meeting**
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

ADJOURN

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Manager's Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2014 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING

NOVEMBER 13, 2013

PRESENT	
Charles Eaton, Chairman	
Alicia Aguilar, Vice-Chair	
Lawrence R. Romero, Member	
Jhonathan Aragon, Member	
Mary J. Andersen, Member	
Nick Telles, Interim County Manager	
Adren Nance & Dave Pato, County Attorneys	
Peggy Carabajal, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Eaton at 5:04 P.M.

2) Carol Romero led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Aragon moved for approval. Seconded by Commissioner Romero. Motion carried unanimously.

County Clerk Peggy Carabajal administered the oath to those individuals wishing to speak at tonight's meeting.

PUBLIC HEARING ITEM(S)

4) Request for Zone Change from Rural Residential-2 (RR-2) to Community Commercial (C-2). Jacobo Martinez

Mr. Martinez- This is a request for a zone change from Rural Residential-2 to Community Commercial for James H. Johnson represented by Agent Leroy J. Chavez. Application # ZC 2013205. The legal description of the property is T6N, R1E, Section 36, NMPM; Map 92; Lands of Roy Lemons; Tract 4; Zoned RR-2; Filed in Book 321, Page 8685 of the Office of the Valencia County Clerk. Mr. Johnson is asking for a zone change in order to potentially develop an indoor recreational facility. The land surrounding the subject property to the east is zoned C-1. The property and other properties surrounding the subject property are RR-2 zones with a couple of scattered C-2's. Planning and Zoning has found that this site has been utilized as a commercial business previously. The previous owner provided customized cabinetry from at least the year 2000 till 2011. Because the use has not been continuous for more than 6 months, we cannot provide the owner with a non-conforming use and a zone change must be completed before a business license can be issued for a commercial use. The site is located off of a main artery and can be found in an activity center as defined by the 2005 comprehensive plan. The Planning and Zoning board heard the request in a public meeting on September 25, 2013. There was no opposition made to the zone change by the public. After hearing testimony the Planning and Zoning board voted 5-0 to recommend approval of the zone change.

Mr. Martinez went on the list the findings of the Planning and Zoning board.

Mr. Martinez read the permitted uses for a C-2 zone which include but are not limited to shopping centers, hotels, motels, taverns, bar or lounges, farm equipment sales, green houses, indoor recreational facilities, veterinary hospital, lumber sales, animal feed store, and other essential public services.

Mr. Martinez- We do have a process in which we review a site design for any of these uses that do want to come onto this site. We require that the applicant go through a site design process in which they have to meet standards such as parking standards, grading and drainage standards, and also some landscaping standards as well.

Commissioner Aguilar- So what you're telling us is that even though planning and zoning gave its approval that is just the first step, it comes to us and then there is still some other requirements that need to be met before you get final approval of the zone change.

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Mr. Martinez- Correct, the quasi-judicial zone change process that we are following this evening requires a Type C process, the Type C process is defined by our current code as it first goes in front of Planning and Zoning for a recommendation, the Planning and Zoning board then makes a recommendation to the county commissioners. The commission hears it at a public hearing as were doing tonight, the county commission will have the final decision of approval or denial of the zone change. After that there is still another step for a C-2 property, they have to meet site design guideline standards of 154.035 which gives us a list of criteria which they must meet.

Commissioner Andersen- But the site design review does not come back before the commission.

Mr. Martinez- You are correct, it is an administrative process.

Chairman Eaton- The road that it is addressed off of is Industrial Lane Park is that a county or city roadway.

Mr. Martinez- On the plat map of the property it shows Industrial Lane Park and it reads dedicated to the county by this plat. Through doing some research I found that we have not maintained this road, the county has never signed off on accepting this road for maintenance.

Commissioner Aguilar- This road is not really definitive the way it is shown on the map, you have a gravel pit on the far east end so it goes down into the gravel pit is that correct.

Mr. Martinez- As the road exists today I believe you can go down into the gravel pit.

Commissioner Aguilar- When I was there today they are creating a road along the southern boundary of all three lots so there is access to this property and the parking would be between the two buildings.

Mr. Martinez- If they are creating that access they are not creating it on a legal easement that I see, the easement that I see is off of Industrial Park Lane and they would have to use that as the road. Whatever use they are going to put there they are going to need to provide us with a site design for review, in which they would have to indicate using the legal access such as Industrial Park Lane.

Commissioner Andersen- Can we have Mr. Chavez describe what kind of business his client wants to put there.

Mr. Chavez- When I listed this property I did my research to see all the particulars of the property, there are two existing buildings that have been there since the mid-90's it's a warehouse type of facility. The owner, when I spoke to him thought he had the proper zoning in place for me to advertise it as commercial or industrial. But after six months of non-use it had reverted back to RR-2. His intent is to make this property marketable and to do that you really need that zoning in place. They would like to bring economic development for the area. Mr. Jerry Sanchez is the owner to the north and the east, he does have the gravel pit, to my understanding it is Mr. Sanchez that has graded that road on the south side of the building and I have told him that it is not an easement; he's actually crossing the property in front of us. So I've explained to our tenant and our owner knows that Industrial Park Lane is the legal access and that is what will be used when any business goes into one of the buildings. The site consists of 1 acre of land, 2 separate buildings that are each 6,000 sq. ft. I think it's a great piece of property and we are hopeful that we can bring in jobs and industry to the county.

Commissioner Aguilar- Are those 2 buildings on a septic and a well.

Mr. Chavez- Right, that is another concern that I have shared with the owner, if you get any kind of commercial use it would be nice to have water and sewer so I've talked to the City of Belen they told me that in order to get access to their water system we would have to annex, I don't know that my owner would want to annex into the City of Belen. We would like to see what we can do to tap into that water and sewer but stay in the county. I don't know if there is any kind of agreement between the city and the county.

Chairman Eaton- I went out and looked at the 2 facilities and I'm familiar with the area and I find it surprising that its rural residential considering the nature of what is on there. I'm

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sure that when an occupant comes in and there is revenue generating I'm sure the city is going to come in and annex that pretty quick and it will no longer be county.

Chairman Eaton announced that a decision of the zone change will be made at the next business meeting.

PUBLIC COMMENT

None

NEXT COMMISSION MEETING:

The next Regular Meeting of the Valencia County Board of County Commission will be held on November 20, 2013 at 5:00 P.M. Meeting in the County Commission Room at the Valencia County Courthouse.

5) Adjournment

Commissioner Andersen moved for adjournment. Seconded by Commissioner Aragon. Motion carried unanimously. TIME: 5:30 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 13, 2013 Public Hearing (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

CHARLES EATON, CHAIRMAN

ALICIA AGUILAR, VICE-CHAIR

LAWRENCE R. ROMERO, MEMBER

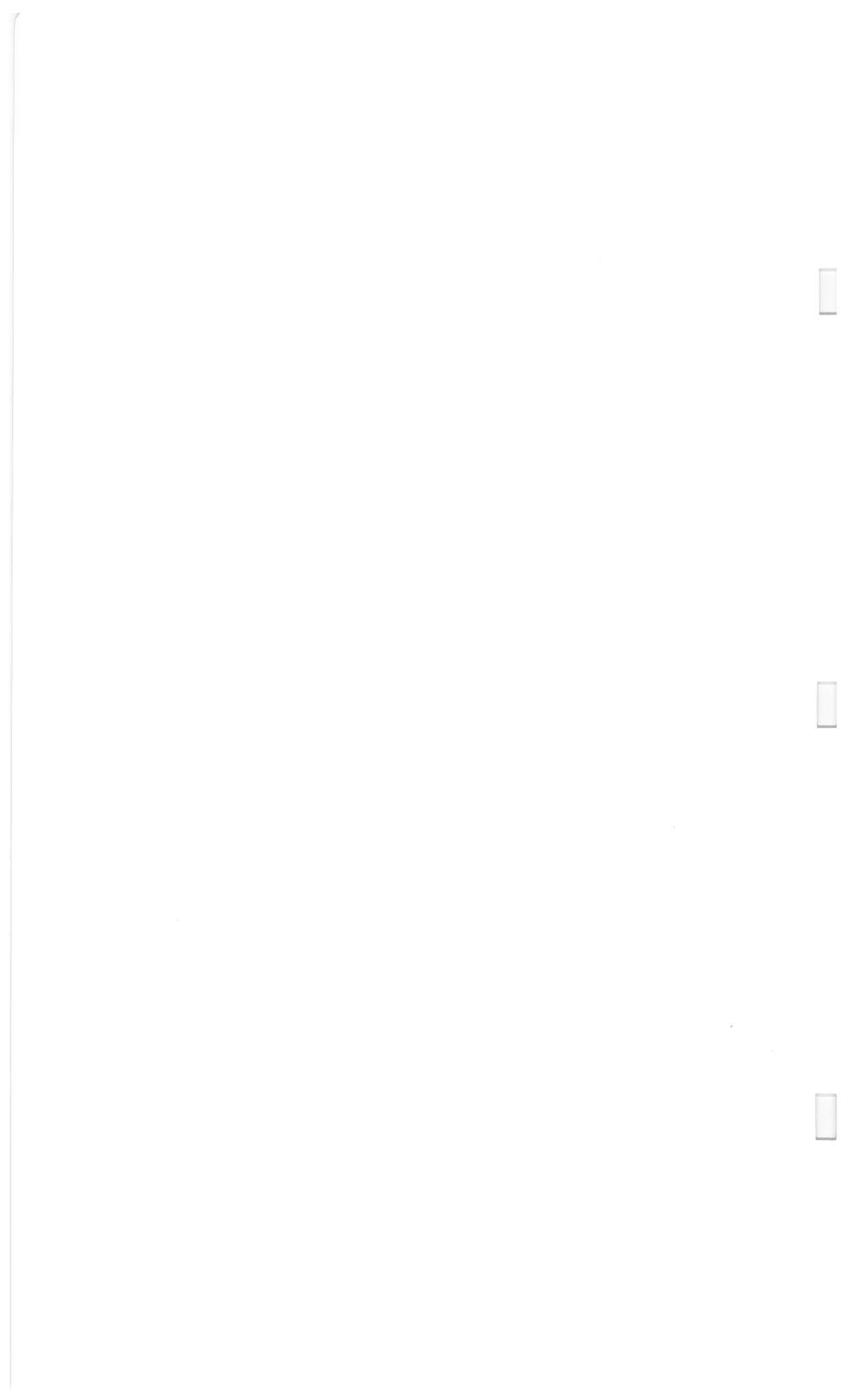
JHONATHAN ARAGON, MEMBER

MARY J. ANDERSEN, MEMBER

ATTEST:

PEGGY CARABAJAL, COUNTY CLERK

DATE





VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Kelly Bouska, Public Works Director
Individual Making Request: Kelly Bouska, Public Works Director
Presentation at Meeting on: December 4, 2013
Date Submitted: November 19, 2013
Title of Request: Consideration of 2013-14 CO-OP SP-14 (976)

Action Requested of Commission:

Consideration of Cooperative Agreement with New Mexico Department of Transportation

Information Background and Rationale

The SP program has been used to supplement county funds to improve county roadways and its administered and approved by the NM Department of Transportation. The County has received a total of \$152,700. The State share of 75% (\$114,525) and the County Share of 25% (\$38,175)

What is the Financial Impact of this Request?

There is a positive financial impact from this request. The County must however, contribute 25% of the total cost which totals \$38,175

Legal:

The County has the common law duty to exercise ordinary care to protect the general public from foreseeable harm on its roadways. See Lerma, 117 N.M. at 784, 877 P.2d at 1087. The New Mexico DOT pursuant to 18.27.3.1 NMAC (Recompiled from NMAC 27.3.1) provides for hardship funding to allow the county to make necessary improvements to its roadway(s) thus helping it to meet its common law obligation. Although funding is provided, the County is obligated to pay for any costs beyond the DOT estimated project costs. (Adren Nance)

Finance:

This item has been budgeted in the FY14 budget year. (*Nick Telles*)