

✦ **Board of County Commissioners** ✦

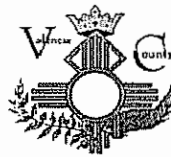
Georgia Otero-Kirkham, Chair
District II

Mary J. Andersen, Vice-Chair
District I

Lawrence R. Romero
District III

Ron Gentry
District IV

Donald E. Holliday
District V



PUBLIC HEARING

Georgia Otero-Kirkham

January 12, 2011 5:00PM

AGENDA

Valencia County Courthouse, Commission Room
444 Luna Avenue, Los Lunas, NM 87031

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) **PUBLIC COMMENTS** - At the discretion of the Chair
[For Information Only - limited to two minutes per person on subjects not on this published agenda]
- 5) **DISCUSSION** (Non-Action) **ITEM(S)**
- 6) **SWEARING IN OF PARTICIPANTS**
- 7) **PUBLIC HEARING ITEM(S):**

a)	Request to Quasi-Judicial Zone District Change; Amend the Zoning Map from RR-1 to C-1 with a Conditional Use on the Subject property defined as; T7N, R3E, Section 26, NMPM; Lands of Jess & Marietta Mestas; Tract A-1-C-4-A; Zoned RR-1; Filed in Book 288 Page 2513 of the Office of the Valencia County Clerk; AKA 449 Meadow Lake Road, Los Lunas, NM.....	Jacobo Martinez/ Dennis Haynes
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- 8) **NEXT COMMISSION MEETINGS**
♦ January 21, 2011- **Business Meeting** @ 9:30AM-County Commission Board Room, 444 Luna Ave. LL, NM
- 9) **ADJOURNMENT**

"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 Valencia County Courthouse if a summary or other type of accessible format is needed."

Please Silence All Electronic Devices-Thank You!

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING MEETING

JANUARY 12, 2011

PRESENT	
Georgia Otero-Kirkham, Chair	
Mary J. Andersen, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Donald E. Holliday, Member	
Eric Zamora, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

1) The meeting was called to order by Madam Chair Otero-Kirkham at 5:00 P.M.

2) Madam Chair Otero-Kirkham led the Pledge of Allegiance.

3) Approval of Agenda

Madam Chair Otero-Kirkman requested item 5) Discussion (Non-Action) Items be moved after item 7) Public Hearing Items. Commissioner Holliday moved for approval of the agenda as amended. Seconded by Commissioner Gentry. Motion carried unanimously.

4) PUBLIC COMMENTS – At the Discretion of the Chair. (For Information Only- limited to two minutes per person on subjects not on this published agenda).

Meadow Lake resident Bob Gosticha requested an update of the bulk trash pickup.

County Manager Eric Zamora stated the previously considered Request for Proposal has been terminated. There was a workshop in December and that workshop will result in future discussions in regards to the solid waste project.

Tome resident Jim Crawford expressed his support for the change in the meeting schedule and spoke on the issue of no comment on agenda items which needs to be uniformly applied to everyone. He commended the commission for taking time to plan and attend a retreat to allow them to be a team and discuss goals and objectives for the county. Mr. Crawford suggested having the public hearings held on the first Wednesday of the month after the business meeting and eliminate the second Wednesday, as three meetings in the month seem excessive.

Tierra Grande resident Sue Moran commented that several individuals feel offended by the fact that they follow the rules by signing and sticking to their two minutes and then someone in the back of the audience gets to raise their hand and gets ten minutes to speak. That seems to show discrimination or favoritism and opens the commission up to possible litigation and unfairness. Ms. Moran suggests that the commission offer an extra two minutes if needed for those individuals that run beyond the time limit.

Valencia County resident Clarke Metcalf reminded the commission of one of the goals of the current lawsuit against the so called donation to the hospital update project was to declare the original contract null and void. He doesn't think attorney Sanchez and his plaintiff's realize just what they're asking for and if the plaintiff's really want to have a hospital they will have to come up with the construction funds themselves. To kill the contract means to dash all hopes of healthcare improvement in the county. Madam Chair Otero-Kirkham asked if that lawsuit had been settled.

County Attorney Adren Nance said it's his understanding that the second lawsuit was dismissed by the district court judge in the county's favor; the plaintiff's have submitted a notice of appeal. That takes it out of the district courts jurisdiction and places it in the court of appeals jurisdiction. The plaintiff's have now appealed that lawsuit and Mr. Nance is not aware of any other movement. The process will move forward from there and the court of appeals will decide what they're going to do with that case.

Valencia County resident Mike Wood said people's judgment is based on their perception of what they see or hear. Perception can possibly turn into reality because people often interpret what they see and look at it as reality. Reality set in at the end of 2010 when three commissioners attempted to hold an emergency meeting to further delay the

building of the hospital. Perception can give rise to an individual's behavior or response to political situations that deprive people of their right to be properly represented by the commissioners who took an oath of office to serve them.

Valencia County resident Mary Wood said an attempt to delay the hospital is still underway because of the self interest and greed of a few people. Two westside families, with property to sell that they feel the hospital should be built on, plus the benefit to a title company if the property is sold. These few people are in no way concerned with the success of a hospital, they are only fighting for their self interest and the possible million or more dollars they could get if the hospital is built on their property on the west side.

Board member of the Don Jose Cordova Cultural Center Karen Springstead stated their board is frustrated because they don't understand where they stand in regards to liability insurance for community events being held at their facility. There's nothing in writing from the county and the county decides the calendar and the events that are acceptable but have no knowledge of anything else. The president of their board has been using her own personal insurance to cover certain events.

County Attorney Adren Nance said if it's a county event then the county insurance covers it, if it's a private event that doesn't have anything to do with the county then the community center policy goes into effect and the organization using it has to obtain Tulip Insurance (Tenants Users Liability Insurance Protection). That's not the county's requirement; it's the Association of Counties requirement. So the question is if it's a county sponsored event or not.

Madam Chair Otero-Kirkham recommended Ms. Springstead set up an appointment with Mr. Nance to discuss this issue further.

Commissioner Andersen suggested Mr. Nance bring that information to the commissioners so that they can be better informed.

Valencia County resident Theodore Roybal has come before the commission to see if the commission and the county as whole could do anything in regards to ethanol gasoline usage. It has been proven that ethanol is not good for equipment or vehicles and it has done nothing to improve the pollution. Mr. Roybal feels ethanol is creating more harm than good and asked the commissioner to look further into this issue in order to stop the usage of ethanol. Commissioner Holliday said he and Attorney Adren Nance have not completed their study of this.

City of Belen RSVP Director Marsha Amaro gave a brief history of their program and its functions.

6) SWEARING IN OF PARTICIPANTS

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

7) PUBLIC HEARING ITEM(S):

a) Request to Quasi-Judicial Zone District Change; Amend the Zoning Map from RR-1 to C-1 with a Conditional Use on the subject Property Defined as; T7N, R3E, Section 26 NMPM; Lands of Jess & Marietta Mestas; Tract A-1-C-4-A; Zoned RR-1; Filed in Book 288 Page 2513 of the Office of the Valencia County Clerk; AKA 449 Meadow Lake Road, Los Lunas, NM-Jacobo Martinez/Dennis Haynes.

Mr. Martinez stated this request is being made by Mr. Mestas and Mr. Haynes. On January 2009 they were awarded a zone change from RR-1 to C-1 with a conditional use on the subject property, to establish an automotive repair business. The conditions that were required with the approved zone change included a 6' tall fence to be erected on the north and east sides of the property within one year of approval, all access to the subject property must be from Meadow Lake Road and no more than a total of 16 vehicles could be stored on the subject property at any given time. An investigation completed by the planning and zoning office found the owners of the subject property had not complied with the conditions set forth by the county commission. The planning and zoning office provided thirty days for the owners to meet the conditions. The owners did not meet the conditions within the thirty days allotted time and the planning and zoning office rolled back the decision to make the zone change null and void, which reverted back to an RR-1 zoning designation. Since this occurred, the owners have met the conditions that were set forth by the county commission and have re-applied for a zone change from RR-1 to C-1 with a conditional use, the same zone change they had previously.

On November 18, 2010 the Planning and Zoning Commission held a public hearing on the amendment to the official zone map from RR-1 to C-2 with a conditional use. The Planning and Zoning Commission voted 5-0 to recommend approval. They found that the zone

Minutes of January 12, 2011 Public Hearing Meeting

change as described does meet the conditions of the area plan and recommended conditions that include no more than 16 vehicles can be stored on the property, a divider fence shall be placed to distinguish the C-1 property from the RR-1 property and if the conditions are not met within 60 days of zone change approval the zone change would be null and void.

Madam Chair Otero-Kirkham asked if there was anyone wishing to speak in favor or against the zone change request. No one was present to speak in favor or against the zone change request. (See Exhibit A)

5) NON ACTION ITEMS(S)

Madam Chair Otero-Kirkham allowed five minutes to anyone wishing to speak.

Valencia County resident Mike Wood said this is the first meeting he's ever attended that has been conducted in such an orderly and professional manner and thanked the commission.

Valencia County resident Carol Romero asked if it were possible for the railing in the commission room could be moved forward in order to accommodate for more room.

Commissioner Andersen stated she had discussed this with Manager Eric Zamora and it was just a matter of the commissions preference. The other option is to remove a row of chairs which will limit the seating capacity.

Commissioner Gentry said he thinks it's functional and serves as a good security barrier and in addition he would like to see other things implemented for security purposes.

Tierra Grande resident Sue Moran asked if this was something that was going to be on the agenda all the time. Madam Chair Otero-Kirkham said tonight's meeting was short so there was extra time. They will try to do something different at the public hearings to give people more opportunity to speak.

The next Regular Meeting of the Valencia County Board of County Commission will be held on January 21, 2011 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

Commissioner Andersen moved for adjournment. Seconded by Commissioner Gentry. Motion carried unanimously. Time 5:34 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 12, 2011 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


GEORGIA OTERO-KIRKHAM, CHAIR


MARY J. ANDERSEN, VICE-CHAIR


LAWRENCE R. ROMERO, MEMBER


RON GENTRY, MEMBER


DONALD E. HOLLIDAY, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

Feb. 2, 2011
DATE