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March 12, 2012, 8:30 am

March 14, 2012

Agenda

5:00 p.m. Public Hearing Meeting
Valencia County Commission Chambers
444 Luna Avenue
Los Lunas, NM 87031

Board of County Commissioners

*Donald E. Holliday, Chair District I**
Georgia Otero-Kirkham, Vice-Chair District II
Mary Andersen District I
Lawrence R. Romero District III
*Ron Gentry District II**

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

SWEARING IN OF PARTICIPANTS

Donald Holliday

PUBLIC HEARING ITEM(S):

- 4) Consideration of Ordinance 2012-___ Restricting Through Truck Traffic on South Rio Del Oro Road, East of Manzano Expressway to Valencia High School in Valencia County – Commissioner Gentry
- 5) Consideration of Ordinance 2012-___ Restricting Through Truck Traffic on North Rio Del Oro Road, East of Manzano Expressway to Valencia High School in Valencia County – Commissioner Holliday

PUBLIC COMMENT:

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) (2) (7) & (8), the following matters may be discussed in closed session: a. personnel County Manager; Finance Director; Public Works Director; b. pending or threatened litigation c. real property; d. other specific limited topics that are allowed or authorized under the stated statute.

- ♦ Motion and roll call vote to go into Executive Session for the stated 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 ITEMS FROM EXECUTIVE SESSION:

- 6) Consideration of:
 - a) County Manager
 - b) Finance Director
 - c) Public Works Director

NEXT COMMISSION MEETING:

♦ **March 21, 2012- Business Meeting @ 9:30A.M.**

Valencia County Commission Board Room 444 Luna Ave. LL, NM

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.

Please Silence All Electronic Devices – Thank You!

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Please Silence All Electronic Devices – Thank You!

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VALENCIA COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING MEETING
MARCH 14, 2012

PRESENT	
Donald E. Holliday, Chairman	
Georgia Otero Kirkham, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Mary J. Andersen, 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 Chairman Holliday at 5:00 P.M.
- 2) Chairman Holliday led the Pledge of Allegiance.
- 3) Approval of Agenda
Commissioner Otero-Kirkham moved for approval of the agenda. Seconded by Commissioner Romero. Motion carried unanimously.

SWEARING IN OF PARTICIPANTS:
County Clerk Sally Perea administered the oath to those members of the audience wishing to give testimony.

Chairman Holliday recognized Los Lunas Superintendent of Schools Bernard Saiz, Assistant Superintendent Dana Sanders and Kelly Baca who were present for tonight's meeting.

PUBLIC HEARING ITEM(S):

- 4) Consideration of Ordinance 2012-__ Restricting Through Truck Traffic on South Rio Del Oro Road, East of Manzano Expressway to Valencia High School in Valencia County-Commissioner Gentry.
- Commissioner Gentry said the issue of the heavy truck traffic was brought to the commission's attention by concerned residents of the Las Maravillas Subdivision. These people live in the back of the subdivision where there's a dirt road that goes to the ponding area right behind their properties and the residents brought in pictures and testified that the heavy truck traffic on this road were creating so much vibration that it was causing the tiles on the roof tops to break and creating a tremendous amount of dust. They've tried to work out a solution before but it wasn't honored by the company that was causing all of the truck traffic. The only thing the commission can do is to pass an ordinance that restricts the truck traffic along that area. They may have an alternative route so that they can go around which was agreed upon before and he would hope the commission would pass this with the caveat that the traffic would go around to the south and back. At the moment it's not a problem because the company that had leased the plant went out of business but eventually it will become a problem again, so the commission needs to move forward and address this problem. This is not a piece of property that the county can afford to pave at this time because it'll cost \$200,000.00 - \$300,000.00 to pave it. This will be the only alternative that we have to set some truck limits. If that happens we will be okay and the people on the south side will have some relief.
- Commissioner Otero-Kirkham said another route to get out of the gravel pit is through La Entrada and out to Hwy 47.
- Commissioner Gentry said there was a proposed and negotiated route a couple of years ago but it wasn't developed very well. It could be done to go around and come out at La Entrada to go south but that doesn't solve the problem for the trucks going to Los Lunas or Albuquerque but that'll be addressed in the next ordinance. On the original agreement the north side had time limits due to the school and bus traffic being considered.

5) Consideration of Ordinance 2012-___, Restricting Through Track Traffic on North Rio Del Oro

Commissioner Holliday was concerned as to what type of truck traffic Commissioner Gentry's ordinance is restricting. Is it semi trucks, pickup trucks or heavy equipment? What defines the size of the truck?

County Attorney Dave Pato said its five tons and it still doesn't restrict the traffic to residences in the area so if someone is having a delivery they can have deliveries to the area if they have residence there but otherwise it does restrict the traffic.

Commissioner Holliday's concern is if you place restrictions on south Rio Del Oro then it will divert all the traffic to North Rio Del Oro including the trucks from the gravel pit. The gravel pit is closed down but it may open back up some day. They had an agreement and they had the facts and findings when they agreed to open it up but because the facts and findings did not state that they had to use the alternative route, the route they said they were going to use when they got the okay to open the gravel pit. Planning and Zoning gave the okay for the permit for the gravel pit. Our legal council feels we can hold their feet to fire and get them to use the route they agreed to. When it reopens we'll have the same problem if we don't hold them to the facts and findings of 2008. Kids, cars and semi's are not going to work on north Rio Del Oro Loop and that would be his concern.

Mr. Nance said perhaps after the next meeting that matter can be discussed in executive session.

Valencia County resident Mike Wood commented that he was pleased to hear Chairman Holliday taking a different stand on this issue and hopes this issue is taken care of for the residents of Las Maravillas.

Los Lunas Superintendent of Schools Bernard Saiz expressed his appreciation to the commission for looking into this issue, as his main concern as superintendent of schools is for the safety of the kids. He recalls that there was an agreement that large trucks could not use that road that goes up to Valencia High School and understands that trucks are using the road after school hours. Kids, cars and big trucks are a scary thing. Whatever action the commission takes please keep in mind the kids, they're under eighteen, they're driving, they think they're invincible and it's just not a good mix. There have been several accidents, particularly at the intersection at Rio Del Oro and Manzano Expressway. The school district is trying to work with the commissioners to get some type of lights placed there.

Commissioner Otero-Kirkham asked county manager Mr. Zamora for an update on what is planned for that intersection.

Mr. Zamora said he met with the engineer to evaluate the study in preparation for the repaving and reconstruction of Manzano Expressway from Van Camp to south Rio Del Oro Loop. One of the elements of that design process was to include an intersection study at north Rio Del Oro and Manzano Expressway. The recommendation at this time, the traffic warrants were not met to install a four way stop and the round-about concept that they looked at was not recommended either because of lighting, speed and other factors. So, at this point the recommendation is to go back to the project that the DOT (Department of Transportation) considered two years ago in their design to add turn lanes at the intersections. The current estimate for that is at about \$165,000.00. The recommendation at this time would to install the turning lanes.

Valley Improvement Association President Paul Baca said VIA does own the property that houses the mine. They sold the lease to a company from Colorado which was a short lived contract that started in February 2011 and Valley Improvement took the mine back in December of 2011. They have received complaints from residents about the gravel trucks on the south loop. Mr. Baca's concern is there are still 77,000 lots that Valley Improvement represents and also 31,000 owners in the Rio Del Oro Subdivision. This may have an impact on any future development. They now have schools there and there are also twenty six large landowners with future intentions for commercial growth. If you limit heavy truck access it's going to hinder future development in that area. When VIA (Valley Improvement Association) operated the mine, the company was aware of the agreement and respected it but the Colorado Company did not. Maybe an option would be to look at stopping access on the south route to limit the dust in proximity to housing or possibly limiting the trucks hours of operation on the north loop between 9:00 A.M. and 2:00 P.M to coincide with the school schedule and restricting access the rest of time. The loop was intended to be the main artery to feed all the lots in the eastern part of the community. In order to have future development, you have to allow for access in those areas.

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Commissioner Gentry said the ordinance for the south loop was brought up in good faith because there were citizens who had a problem about a residential road and we were going to restrict it and get it back into a residential use because it was being misused. The second ordinance proposed by Commission Holliday was to shut off a main thoroughfare with the schools being the primary concern. Commissioner Gentry's ordinance is for a dirt residential road we want to restrict and Commissioner Holliday's ordinance is to shut off a main thoroughfare which could effectively shut off all the development on the east mesa. I'd hate to say we have to choose between schools or development but if we don't have development, we won't have schools. He thought the original agreement they had was to have a traffic schedule that didn't interfere with buses or student traffic times, which was the only alternative without shutting everything down.

Mr. Saiz said he recalls that there was an agreement not to use that road at specific times. As superintendent he has to make a very strong stand that he is against any large truck traffic on that particular paved road going to Valencia High School and he understands the commission has to make a decision. Mr. Saiz also understands the concerns for the development of that area but his concern is for the children of this district.

Commissioner Gentry asked Mr. Saiz if you were to increase development at the school facility and the commissioners were to close this down, how would you get those people in there to build it.

I would think the builder would have to get a permit from the county with stipulations indicating scheduled times for the trucks to be on the roads, accessible routes and what the length of the project would be but he also understands that to allow no trucks up there would limit the development. The permitting system might just solve the problem was Mr. Saiz's response.

Commissioner Gentry said again the ordinance for the south loop was done in good faith because the citizens had a problem with a residential road and we were going to restrict it and get it back to residential use because it was being misused. When that came up all of a sudden there was another ordinance to shut down everything on the north side because of the schools being that it's the main thoroughfare. I wouldn't want to see a permitting system on the south side unless the county paves the road because it won't alleviate any of the problems.

Commissioner Gentry said I would rather pull my ordinance than make this into a truck route.

Chairman Holliday asked the county attorneys to prepare an amended ordinance for the April Public Hearing Meeting. Attorney Adren Nance said they would bring back a number of alternatives.

PUBLIC COMMENTS:

Those members of the audience making comments at tonight's meeting were Valencia County residents James Crawford, Mike Wood and James Fischer.

EXECUTIVE SESSION:

Pursuant to Section 10-15 1 (H) (2) (7) & (8), the following matters may be discussed in closed session; a.) personnel County Manager, Finance Director and Public Works Director; b.) pending or threatened litigation c.) real property; d.) Other specific limited topics that are allowed or authorized under the stated statute.

Chairman Holliday moved to go into Executive Session. Seconded by Commissioner Otero-Kirkham. Roll call vote. Commissioner Romero voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes. Commissioner Andersen voted yes. Chairman Holliday voted yes. Motion 5-0.

Commissioner Romero moved to go back into regular session. Seconded by Commissioner Andersen. Roll call vote. Commissioner Romero voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes. Commissioner Andersen voted yes. Chairman Holliday voted yes. Motion carried 5-0

ACTION ITEMS FROM EXECUTIVE SESSION:

County Attorney Adren Nance stated items discussed in Executive Session were limited to personnel matters - County Manager, Finance Director and Public Works Director and no final action was taken.

Commissioner Andersen moved to approve the summary as stated by Council. Seconded by Chairman Holliday. Roll call vote. Commissioner Romero voted yes.

Minutes of March 14, 2012 Public Hearing Meeting

Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes.
Commissioner Andersen voted yes and Chairman Holliday voted yes. Motion carried 5-0.

NEXT COMMISSION MEETING:

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 21, 2012 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT:

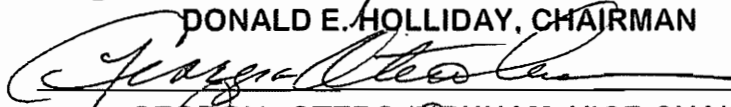
Commissioner Andersen moved for adjournment. Seconded by Chairman Holliday. Motion carried unanimously. **TIME: 7:02 P.M.**

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 14, 2012 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

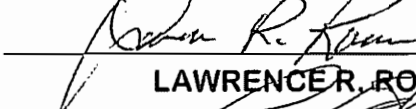
VALENCIA COUNTY BOARD OF COMMISSIONERS




DONALD E. HOLLIDAY, CHAIRMAN



GEORGIA OTERO-KIRKHAM, VICE-CHAIR



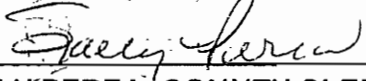
LAWRENCE R. ROMERO, MEMBER



RON GENTRY, MEMBER



MARY J. ANDERSEN, MEMBER

ATTEST: 

SALLY PEREA, COUNTY CLERK

4.4-2012
DATE