



June 8, 2016

Agenda

**5:00 P.M. Public Hearing/
Special Business Meeting**
Valencia County Commission Chambers
444 Luna Ave.
Los Lunas, NM 87031

Board of County Commissioners

Charles D. Eaton, Chair	District IV
Jhonathan Aragon, Vice-Chair	District V
Helen Y. Cole	District I
Alicia Aguilar	District II
David A. Hyder	District III

Please Silence all Electronic Devices

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

Sponsorship does not indicate endorsement of a given topic

PUBLIC HEARING ITEM(S)

- 4) Request to amend the Zoning Map from C-1 to C-2; Mike Mechenbier-Agent (*This property is located on the SW corner of Highway 47 and Elias Road, this property falls within District II*) ZC #2016090. Presenter: **Jacobo Martinez**
- 5) Request to amend the Zoning Map from C-1 to C-2; Mike Mechenbier-Agent (*This property is located on the NE corner of Highway 47 and South El Cerro Loop, this property falls within District II*) ZC #2016091. Presenter: **Jacobo Martinez**
- 6) Request to amend the Zoning Map from RR-2 to SR; Rey Garcia-Agent (*This property is located approximately 0.77 miles NE of Highway 47 off El Cerro Loop, this property falls within District V*) ZC #2016037. Presenter: **Jacobo Martinez**
- 7) Public Hearing of Plat Vacation #2016162 (*This property is located on the west portion of Valencia County, Hunning, LLLP Hwy. 6 Old Spanish Land Grant, this property falls within District I*) Presenter: **Jacobo Martinez**

ACTION ITEM(S)

- 8) Direction to Publish Ordinance Authorizing Loan Agreement for VRECC. Presenter: **Shirley Valdez**; Sponsor: **Commissioner Eaton**
- 9) Direction to begin the Canvass for 2016 Primary Election. Presenter: **Peggy Carabajal**; Sponsor: **County Manager for Regular County Business**

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 Administration Building, Los Lunas, New Mexico, (505) 866-2014. *and minutes, can be provided in va format is needed.*

B: 88 P: 493

ments, including the agenda
ary or other type of accessible



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. **Limited to three (3) minutes per person**

EXECUTIVE SESSION

Pursuant to Section 10-15 1 (H) (2) (7) & (8), the following matters may be discussed in closed session: a. personnel; b. pending or threatened litigation/ administrative adjudicatory deliberations: ***Los Lunas v. Valencia County*** 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.

NEXT COMMISSION MEETINGS

June 15, 2016-Business Meeting @ 5:00 P.M.

Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

July 6, 2016-Business Meeting @ 5:00 P.M.

Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

July 13, 2016-Public Hearing @ 5:00 P.M.

Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

July 20, 2016-Business Meeting @ 5:00 P.M.

Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

ADJOURN

B: 88 P: 494



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 Administration Building, 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 if a summary or other type of accessible format is needed.

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING / SPECIAL BUSINESS MEETING

JUNE 8, 2016

PRESENT	ABSENT
Charles D. Eaton, Chairman	
Jhonathan Aragon, Vice-Chair	
David A. Hyder, Member	
Alicia Aguilar, Member	
Helen Y. Cole, Member	
Danny Monette, County Manager	
Dave Pato, County Attorney	Adren Nance, County Attorney
Peggy Carabajal, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Eaton at 5:05 P.M.

2) Mr. Pato led the Pledge of Allegiance.

3) Approval of Agenda

Chairman Eaton stated there has been a legal issue raised with item #8 so Ms. Valdez has requested that item #8 be tabled until the issue is addressed.

Commissioner Aguilar moved for approval of the agenda with item #8 being tabled. Seconded by Commissioner Hyder. Roll call vote. Commissioner Cole voted yes. Commissioner Aragon voted yes. Commissioner Hyder voted yes. Commissioner Aguilar voted yes. Chairman Eaton voted yes. Motion carried 5-0.

County Clerk Carabajal administered the oath to those individuals wishing to speak on tonight's public hearing items.

PUBLIC HEARING ITEM(S):

4) Request to amend the Zoning Map from C-1 to C-2; Mike Mechenbier-Agent (*This property is located on the SW corner of Highway 47 and Elias Road, this property falls within District II*)

ZC# 2016090. Presenter: *Jacobo Martinez*

Mr. Martinez stated that the legal description of the property is T6N, R2E, Sec 2, Map 79, NMPM; Lands of Bobsons LLC, Lot 1. The property is located where the old JJ's used to be on Hwy 47. The middle lot where JJ's used to sit is the middle lot and is zoned C-2 and on either side of that lot there is a lot zoned C-1. The applicant, Mike Mechenbier would like to make both C-1 properties into C-2 properties. The Planning and Zoning board heard this item on April 26, 2016 where there were no adverse comments made. One concern brought up at the Planning and Zoning meeting was driveway permitting to enter and exit the site. Mr. Mechenbier has stated that he is working with NMDOT to get the driveway permit. Mr. Martinez stated that agenda items #4 and #5 are for the same purpose to change from a C-1 zone to a C-2 zone so perhaps the board would like to combine the items.

Commissioner Aguilar agreed that it would be best to hear the 2 items as 1 as they are contiguous and they will eventually be one business.

Mr. Kent from AKT Architects stated that Mr. Mechenbier would like the development for his 4 Daughters Land and Cattle Company, there will be offices, a shop and some storage buildings. Mr. Kent then showed the commission a set of plans for the proposed development.

Commissioner Aguilar asked what the status is of a possible streetlight in the area. She is concerned about the high amount of traffic and accidents near the proposed area.

Mr. Martinez stated that the county had requested street lights through NMDOT but he does not have any specific plans where the light would go. Today there is a request for a zone change but there are different processes to look at site design, there can be conditions made for a zone change.

B: 88 P: 495



Minutes of June 8, 2016 Public Hearing/Special Business Meeting

Mr. Kent stated that their traffic counts in the morning and afternoon were very low, nothing compared to what it was when the filling station was at the location.

Chairman Eaton stated that he hopes NMDOT is doing their analysis for the permit based on anticipation of a future traffic light going in and not based on current traffic patterns.

Commissioner Aguilar stated that it might be a good idea to bring to NMDOT's attention about the possibility of a traffic light near the area.

Mr. Kent stated that there will be a letter written to NMDOT and forwarded to the county as well.

Commissioner Aguilar stated that the property is in a flood plain so what will the elevation of the property be, she is concerned about the residents on Elias Rd. and she wants to make sure the drainage is addressed.

Mr. Kent stated that the elevation will satisfy FEMA, drainage has also been addressed because water is not allowed to run off from their site.

Mr. Martinez stated that during the application process for site design the elevation will be addressed by the county's Flood Plain Manager

Chairman Eaton opened the floor for public comment on this item. There was no public comment. Chairman Eaton stated that a decision on this item will be made at the next commission meeting.

5) Request to amend the Zoning Map from C-1 to C-2; Mike Mechenbier-Agent (*This property is located on the NE corner of Highway 47 and South El Cerro Loop, this property falls within District II*) ZC#2016091. Presenter: *Jacobo Martinez*
Item combined with agenda item #4.

6) Request to amend the Zoning Map from RR-2 to SR; Rey Garcia-Agent (*This property is located approximately 0.77 miles NE of Highway 47 off El Cerro Loop, this property falls with District V*) Presenter: *Jacobo Martinez*

Mr. Martinez stated that the property in question has a legal description of T7N, R2E, Sec 25, Map 71, NMPM, Tracts 30B1, 30B2, and 30B3. Also known as 75 El Cerro Loop, Los Lunas. Mr. Martinez stated that the applicant Rey Garcia currently has 8 structures on the lot, the units have been there for more than 20 years. Mr. Garcia would like to tear down 2 of the structures that are inhabitable right now and put another 4 plex up, which would make there total of 10 dwelling units on the lot. He has requested a multi-family housing zone change; the only zone that allows for multi-family housing is the Suburban Residential zone. In the SR zone multi-family housing is a conditional use. This matter was heard at the April 26, 2016 Planning and Zoning board meeting where the board voted 5-0 to recommend approval of the zone change, they did approve the conditional use of the multi-family housing on the condition that the zone change is approved.

Commissioner Aguilar asked why Suburban Residential is being requested and not Planned Development, she also asked if the septic and wells have been addressed.

Mr. Martinez stated that Planned Development allows for residential and commercial zoning of the same lot. Suburban Residential is specifically for residential zoning and multi-family development under SR is what is needed for the number of dwelling units. The applicant has talked to NM Environmental department and they have stated that Mr. Garcia can put another septic on the site to accommodate the additional units.

Commissioner Aguilar asked how the additional traffic is being addressed.

Mr. Martinez stated that the applicant has talked to NMDOT to get a driveway permit and NMDOT has issued a letter in support of issuing a driveway permit but the letter did state that if the land use was changed or if the property changed ownership they would have to reapply for a new permit from DOT. He is not sure how NMDOT is going to track ownership but it would be up to NMDOT to track any conditions that they made on the application.

Commissioner Aguilar suggested that to protect the county something be filed so a title company or buyer would be made aware that this issue would need to be addressed.

B: 88 P: 496



Minutes of June 8, 2016 Public Hearing/Special Business Meeting

Mr. Martinez agreed that the letter from NMDOT should be filed with the Clerk's office and attached to this piece of land.

Rey Garcia stated that he is requesting the zone change to accommodate the structures on the property, NM Environmental department has already given approval of the septic system and NMDOT has already issued the driveway permit.

Commissioner Aguilar stated that the letter from NMDOT states that the access is for residential and not multi-family.

Mr. Martinez stated that multi-family would be considered residential.

Commissioner Aguilar asked if the driveway would be paved and if there is any street lighting.

Mr. Garcia stated that he would like to get it paved in the future but it is not required for the permit. And there is lighting across the street on Kelly Lane and another light on his property.

Chairman Eaton opened the floor for public comment on this item. There was no public comment. Chairman Eaton stated that a decision on this item will be made at the next commission meeting.

7) Public hearing of Plat Vacation # 2016162 (This property is located on the west portion of Valencia County, Huning LLLP Hwy 6 Old Spanish Land Grant, this property falls within District I). Presenter: Jacobo Martinez

Mr. Martinez stated that the property in question has a legal description of Section 26, T7N, R1E, Valencia County, NM excepting only that portion of Section 26 deeded by Huning to the Village of Los Lunas by special warranty deed dated November 21, 2006 and recorded in the county clerk's office on November 28, 2006. Mr. Martinez stated that Huning LLP has claimed that the Old Spanish Land Grant did not own any interest in Section 26 at the time the plat was filed in 1931 or any time thereafter, therefore they could not include or cause Section 26 to be effected by the plat. The board heard a similar case late last year regarding section 19 of the same plat.

Commissioner Aguilar asked if there were any roads that exist within the plat and would this affect the pueblo.

Mr. Deron Knoner on behalf of Huning LLLP stated there was a similar matter heard back in January or February with the same issue that the land was never owned by the Old Spanish Grant when they did their plat. There are no roads within the section that that vacation is being requested for and to his knowledge it will not affect the pueblo at all.

Chairman Eaton opened the floor for public comment on this item. There was not public comment. Chairman Eaton stated that a decision regarding this item will be made at the next commission meeting.

ACTION ITEM(S):

8) Direction to Publish Ordinance Authorizing Loan Agreement for VRECC. Presenter: Shirley Valdez, Sponsor: Commissioner Eaton
Item tabled.

9) Direction to begin the Canvass for 2016 Primary Election. Presenter: Peggy Carabajal; Sponsor: County Manager for Regular County Business
County Clerk Carabajal thanked the commission for use of the commission room as an early voting site. Ms. Carabajal stated that she is requesting approval to begin the canvass for the 2016 primary election, if approval is granted the canvass will begin tomorrow. Ms. Carbajal also reported that 6,787 individuals voted on Election Day. There were 2,231 voters that used early voting and 949 that voted absentee for a total vote of 9,967 out of 32,589. Only democrats and republicans are allowed to vote in the primary election.

Commissioner Aguilar stated that everything appeared to run smoothly for yesterday's election.

B : 88 P : 497



Minutes of June 8, 2016 Public Hearing/Special Business Meeting

Commissioner Hyder moved for approval. Seconded by Commissioner Cole. Roll call vote. Commissioner Aguilar voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Commissioner Cole voted yes. Chairman Eaton voted yes. Motion carried 5-0.

Chairman Eaton thanked the clerk's office and congratulated Commissioner Aguilar and Commissioner Aragon for their primary election victories.

PUBLIC COMMENT:

Tia Jones- Ms. Jones commented that she has been a volunteer at the animal shelter for 2 years and she is concerned that the animals are not getting fed or watered daily. The shelter needs more staff and more money for overtime, the shelter also needs an onsite vet. Also puppy and kitty food needs to be purchased.

Joan Lawrence- Ms. Lawrence commented that she understands how hard it is to work with limited budgets so she requested that the county consider retirees as a source of help at the animal shelter.

Gail Mercer- Ms. Mercer commented that she is a volunteer at the animal shelter and she disagrees with the way things are done at the shelter. A volunteer program needs to be implemented and there needs to be a mandatory spay and neuter policy. The shelter needs more staff, more training and more of a budget and there needs to be mandatory laws in Valencia County.

Marie Privett- Ms. Prevett commented that 18 day old puppies were taken away from their mother at the shelter. She rescued them from the shelter and doesn't know why they were taken away from the mother. So far she has spent \$1,000 on the care of the puppies. Also at one time there were 20-30 kittens in one kennel. Ms. Prevett is concerned that staff does not have enough training and supervision and funding is not consistent.

Glenda W.- Ms. W commented that she is a volunteer at the animal shelter and implementing a spay and neuter program is essential.

Susan Wilson- Ms. Wilson commented that she is a non-paid employee of the county at the shelter, she is a volunteer. In May a directive was given that volunteers were no longer able to be at the shelter. Volunteers were not able to post pictures of dogs because of fear of being sued. Ms. Wilson commented that the amount of kennel techs needs to be increased and a director needs to be on site 40 hours. There are many volunteers that are willing to help if they are given the opportunity.

Gail Goodman- Ms. Goodman commented that first purpose of animal control is to protect residents from harm and disease spread by animals and to protect resident's property from animals running at large but there has been a shift in the perception and purpose of animal control, from public welfare to animal welfare and even to the extreme of animal rights. She also commented that the qualities to look for in the next Animal Control Director include people skills, shelter management skills, and flexibility and grant writing skills, the tax payers of Valencia County cannot absorb the total burden of excellent animal care.

Dennis Robertson- Mr. Robertson commented that he heard that there is \$25 million in a fund for operation and maintenance of hospital in the county; he is concerned about how the money gets allocated and accounted for. He asked if the state has requirements on how the county manages the money when it is allocated to a facility.

Aaron Jones- Mr. Jones commented that over the years he has seen the progress at the animal shelter, he has also seen Patty Mugan rise through the ranks and do amazing things at the shelter with very little, the volunteers have also done great things as well. He asks that the commission take a good look when hiring a director and also that the commission allow the volunteers to be able to keep helping at the shelter.

C. Dougherty- Ms. Dougherty commented that in her experience she knows that what is good for the animals is good for the people, compassion for the animal's flows into compassion for each other. There are many people that care for the animals and want to help if given the opportunity and support.

EXECUTIVE SESSION:

B: 88 P: 498



Minutes of June 8, 2016 Public Hearing/Special Business Meeting

Pursuant to Section 10-15-1 (H) (2) (7) & (8) the following matters may be discussed in closed session: a) Personnel; b) Pending or threatened litigation/administrative adjudicatory deliberations: Los Lunas v. Valencia County; c) real property; d) other specific limited topics that are allowed or authorized under the stated statute.

Mr. Pato stated that what was to be discussed is limited to what was presented on the agenda for executive session.

Commissioner Hyder moved to go into executive session. Seconded by Commissioner Aragon. Roll call vote. Commissioner Aguilar voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Commissioner Cole voted yes. Chairman Eaton voted yes. Motion carried 5-0

Commissioner Aragon moved to return to regular session. Seconded by Commissioner Hyder. Roll call vote. Commissioner Cole voted yes. Commissioner Aragon voted yes. Commissioner Hyder voted yes. Commissioner Aguilar voted yes. Chairman Eaton voted yes. Motion carried 5-0.

Mr. Pato stated that the items discussed in executive session were limited to those in the motion for closure and no final action was taken.

Commissioner Aragon moved for approval of the summary as stated by Mr. Pato. Seconded by Commissioner Hyder. Roll call vote. Commissioner Cole voted yes. Commissioner Aragon voted yes. Commissioner Hyder voted yes. Commissioner Aguilar voted yes. Chairman Eaton voted yes. Motion carried 5-0.

Commissioner Aguilar stated she would like to make it clear that in regards to the litigation that is going on with Los Lunas and the hospital she is not part of the conversation.

NEXT COMMISSION MEETING:

June 15, 2016- Business Meeting @ 5:00 P.M.

Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

July 6, 2016- Business Meeting @ 5:00 P.M.

Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

July 13, 2016- Public Hearing @ 5:00 P.M.

Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

July 20, 2016- Business Meeting @ 5:00 P.M.

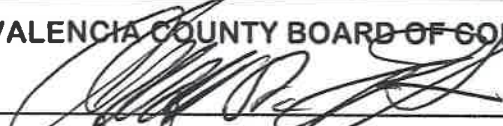
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

13) Adjournment

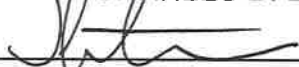
Commissioner Hyder moved for adjournment. Seconded by Commissioner Aragon. Roll call vote. Commissioner Cole voted yes. Commissioner Aragon voted yes. Commissioner Hyder voted yes. Commissioner Aguilar voted yes. Chairman Eaton voted yes. Motion carried 5-0. TIME: 6:38 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the June 8, 2016 Public Hearing/Special Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS



CHARLES D. EATON, CHAIRMAN



JHONATHAN ARAGON, VICE-CHAIR



DAVID A. HYDER, MEMBER

B: 88 P: 499



Alicia Aguilar
ALICIA AGUILAR, MEMBER

Hy Cole
HELEN Y. COLE, MEMBER

ATTEST: _____
PEGGY CARABAJAL, COUNTY CLERK

SEAL - 6 - 2016
DATE

