

VALENCIA COUNTY BOARD OF COMMISSIONERS

BUSINESS MEETING

JULY 1, 2020

PRESENT	ABSENT
Jhonathan Aragon, Chairman	
Gerard Saiz, Vice-Chair	Via zoom
David A. Hyder, Member	Via zoom
Tom Mraz, Member	
Charles D. Eaton, Member	Via zoom
Danny Monette, County Manager	
Adren Nance & Dave Pato, County Attorneys	Dave Pato-via zoom Adren Nance-absent
Peggy Carabajal, County Clerk	Via zoom
Press and Public	

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

2) Mr. Pato led the Pledge of Allegiance.

3) **Approval of Agenda**

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

4) **Approval of Minutes: June 3, 2020-Business Meeting
June 11, 2020 Special Business Meeting
June 17, 2020 Public Hearing-Business Meeting**

Commissioner Saiz moved for approval of 3 sets of minutes. Seconded by Commissioner Mraz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0.

PUBLIC COMMENT:

None

DISCUSSION (NON-ACTION) ITEM(S):

5) **Commissioners, Committees and Reports.**

Mr. Monette reported that the Public Works department received word that all test results were negative and all employees are back to work.

Chairman Aragon requested that Emergency Manager Sarah Gillen give a report at the next meeting.

PUBLIC HEARING ITEM(S):

6) **ZC #2019-077 Pinnacle Consulting requests a Zone Change for a Wireless Communication Facilities Overlay District.**

Mr. Luna stated that the applicant, Pinnacle Consulting, is requesting a zone change from RR-2 to WCF (wireless communication facilities overlay district). The property in question is known as tract A1, Land of Malpach LLC, Sec 4, T6N, R2E. MRGCD Map 80 with the address of 17 Plata Rd. Los Lunas, NM 87031. The property is currently zoned as RR-2. The planning and zoning board heard the request at their November 19, 2019 and the vote was tied 2-2 for approval of the zone change.

Chairman Aragon requested that the county attorney remind the board of the criteria that a zone change needs to meet.

Mr. Pato stated that the county's zoning ordinance chapter 154 sets forth the criteria:

1. The proposed change is consistent with the goals, policies, and procedures and any other applicable provision of the comprehensive plan.
2. The proposed change is appropriate considering the surrounding land uses, the density and the pattern of development in the area, any changes that may have

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occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated use.

3. The proposed change enhances the county's protection of the public health, safety and welfare of the county.

Mr. Pato asked what safeguards are in place so the public can participate in the hearing. Mr. Monette stated that those wishing to speak on the items are in another office in the building.

County Clerk administered the oath for individuals wishing to speak on agenda item #6.

Chris Curiel representing Pinnacle Consulting stated that they have been straight forward and transparent during this process. All standards of the FAA and FCC have been abided by, a good amount of money is being invested into the camouflage nature of the facility. This will help with the lack of data coverage in the area.

Commissioner Hyder asked where the location is.

Mr. Curiel stated that the location is 17 Plata Rd, east of Hwy 314. It is a very low-density area. He stated that they confirmed with the airport that it would not interfere with the flight zone.

Mr. Luna stated that the county did not receive any calls or letters of opposition to this matter.

7) ZC #2020-001 Avillo Chavez requests a Zone Change from Rural Residential 2 (RR-2) to Neighborhood Commercial (C-1).

County Clerk Carabajal administered the oath for individuals wishing to speak on agenda item #7.

Mr. Luna stated that the applicant, Avillo Chavez, is requesting a zone change from RR-2 to Neighborhood commercial C-1. The property in question is known as Tract 15A1D, Sec 35, T7N, R2E MRGCD Map 76 currently zoned RR-2 and 2.13 acres. This matter was heard at the planning and zoning board meeting held in January 2020 where it was voted 5-0 for denial of the request, the applicant appealed to the BOCC and was heard at the March 18, 2020 BOCC meeting, at that meeting the BOCC requested that it be sent back to the planning and zoning board for a clearer decision as why the decision for denial was made. After discussion at the May 26, 2020 meeting the applicant stated that he would like to request a C-1 zone instead of C-2 zoning. At the May 26th meeting the planning and zoning board voted 3-2 for approval of the zone change.

Mr. Joe Gonzales, agent for the applicant, stated that after a lengthy discussion with the planning and zoning board they voted 3-2 for recommendation of approval of the zone change. Mr. Gonzales read a letter of intent stating that the owner wants to develop the property consistent with the uses allowed in the C-1 zone. There has been urging for the owner to deliver a preliminary site plan with very specific details, but that is not a requirement for a zone change.

Chairman Aragon stated that the initial request was for a C-2 zone but it has since been moved down to a C-1 zone request which has more limitations.

Allen Noble, CEO of One More Option Inc, stated that this property has been rural farm land since the inception of Valencia county. He blatantly objects to changing the zoning from rural to community; it is not proper. He stated that there are 50 signatures objecting to the change and a letter was submitted to Mr. Monette at the beginning of the meeting. Mr. Noble stated that the change would infringe property rights; it would create a tragedy down the road. He also stated that he received notice of the three meetings that were held.

Lauren Perea stated that at the March 18th meeting he submitted a petition with signatures that were against the zone change. He stated that there are other properties around the corner that have vacant buildings that they could use instead of changing farmland into who knows what. He stated that he is against the zone change and he received a letter about the meeting.

Robert Jaramillo stated that he received notice and has attended all three meetings about the zone change, he is opposed to the zone change. He stated that the applicant doesn't

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want to clarify what they want to do with the property and he believes that the owner purchased the property to resale it at a profit once its zoned commercial.

Mr. Pato asked how many C-1 properties are in the vicinity of the proposed zone change.

Mr. Luna stated that directly to the north is a C-1, across the ditch bank to the east is another C-1 and south of Vigil Road that is all C-1. He stated that before anything is built or permitted for the property it would still need to go before planning and zoning for a site design review and the applicant would also need to apply to NMDOT for an entrance into the property.

Mr. Gonzales stated that he respects the opinions of those in opposition as they are entitled to their opinion but facts are more important than drama and the fact is there are several C-1 and C-2 zones in the area and the area is trending commercial. The relevant information is that it is a commercial area not residential. Also, the business incubator office is located 3 lots down from the property.

Commissioner Mraz stated that the Village of Los Lunas started the business incubator it was not the county.

Commissioner Eaton asked the applicant if he is going to resell the property if there is a zone change made.

Mr. Gonzales stated that the plan is to develop the property not to flip it.

Commissioner Hyder asked if the land was split.

Mr. Gonzales stated that the property is a little over 2 acres.

Mr. Pato asked what utilities and services are likely to be needed for the anticipated use.

Mr. Gonzales stated that there is power source at the western part of the property and there is the possibility for a water line extension with the village. If not that then there will be a well and septic. (See Exhibit A)

8) ZC #2020-018 Verizon Wireless requests a Zone Change for a Wireless Communication Facilities Overlay District.

County Clerk Carabajal administered the oath for individuals wishing to speak on agenda item #8.

Mr. Luna stated that the applicant, Verizon Wireless, is requesting a zone change from C-1 to WCF (wireless communication facilities district). The property in question is known as Tracts 8, 9, 10, 11 Meadowlake Subdivision, 741 Meadowlake Road, Los Lunas, NM, 1.75 acres. He stated that the request was heard at the planning and zoning board's May 26th meeting and was approved 5-0.

Amy McKenzie, representative for Verizon Wireless, stated that the proposed location is at Mr. Nober's RV park, the proposal is to replace one of the existing light poles with a wireless facility that is stealth in design. By replacing a light pole, it will not be adding to the infrastructure in the neighborhood. She stated that it will be a 70-foot structure, the front set back of 100 feet will not be met as they are at 83 feet. By adding this wireless facility, it is critical for residents of the area and E911 service in that area of the county.

Commissioner Hyder stated that the county ordinance states that the maximum height is 60 feet.

Ms. McKenzie stated that the difference is between minor versus major and the requirement is met under major.

Mr. Curiel mentioned that table 10.2.6 stated that it goes up to 199 feet.

Ms. Mckenzie stated that the pole will be at 83 feet, if it was at 100 feet it would be in the middle of the horseshoe shaped driveway.

Mr. Luna stated that the planning and zoning department did not receive any opposition to this item from the neighbors.

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Mr. Pato stated that table 10.2.6 which is part of 154.151 stated that it can be up to 199 feet for a WCF support structure.

Chairman Aragon stated that the public hearing portion of the meeting is now closed.

ACTION ITEM(S):

9) Approval of Recognition and Recording of Accounts Payable and Payroll Disbursements. Presenter: Finance Director Loretta Trujillo; Sponsor: County Manager for Regular County Business

Ms. Trujillo presented and asked for approval of accounts payable dated June 6th – June 19th and payroll dated June 19th.

Commissioner Mraz moved for approval. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit B, C)

10) Approval of Local BARS. Presenter: Finance Director Loretta Trujillo; Sponsor: County Manager for Regular County Business

Ms. Trujillo requested approval of a local budget adjustment.

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

County Clerk Carabajal announced Resolution 2020-39. (See Exhibit D)

11) Consideration to Award Contract for Reception Assessment Services. Presenter: Purchasing Agent, Rustin Porter; Sponsor: Commissioner David A. Hyder

Mr. Porter requested that the Reception Assessment Services contract be awarded to H2 Academic Solutions, he stated that H2 Academic Solutions provided the service to the county last year as well.

Commissioner Hyder moved for approval. Seconded by Commissioner Mraz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit E)

12) Approval of Nomination of Tereisa Mraz as Alternate for District II to the Older American's Program Advisory Council. Presenter: Commissioner Tom Mraz; Sponsor: Commissioner Tom Mraz

Commissioner Mraz stated that he would like to nominate his wife, Tereisa Mraz as the alternate for the OAP Advisory Council. He also requested that he would like the members and alternates of the advisory council to have a hardcopy of the bylaws for their next advisory council meeting.

Commissioner Mraz moved for approval. Seconded by Commissioner Saiz.

Commissioner Hyder asked if the nomination would be nepotism. Mr. Pato replied that since there is no compensation involved and as she will serve as an alternate then the nomination would be fine. Commissioner Eaton asked what the role the commissioner appointed to the board is. Commissioner Hyder stated that they are an ex-officio member they are just there for guidance.

Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0.

13) Approval of ZC #2019-077 Pinnacle Consulting requests a Zone Change for a Wireless Communication Facilities Overlay District. The property at Tract A-1, Land of Mapach, LLC; S4 T6N R2E; MRGCD Map 80 NMPM, also known as 17 Plata Rd, Los Lunas, NM 87031; Zoned Rural Residential 2 (RR-2); 2.37 ac, Filed in Book N, Page 435 in the Office of the Valencia County Clerk. Presenter: County Planner, Gabriel Luna; Sponsor: County Manager for Regular County Business

Mr. Curriel stated that the height and the setbacks meet the requirements in table 10.2.6

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

14) Approval of ZC #2020-001 Avilio Chavez requests a Zone Change from Rural Residential 2 (RR-2) to Neighborhood Commercial (C-1). The property at Tract 15A1; S35, T7N, R2E; MRGCD Map 76 NMPM, Los Lunas, New Mexico 87031; Zoned Rural Residential 2 RR-2); 2.13ac, Filed in Cabinet N, Page 680 in the Office of the Valencia County Clerk. Presenter: *County Planner, Gabriel Luna*; Sponsor: *County Manager for Regular County Business*

Chairman Aragon stated that this item meets the three criteria required for a zone change, the site plan will need to come back for review. Strictly today is just the zone change and it meets the criteria.

Chairman Aragon moved for approval. Seconded by Commission Saiz.

Commissioner Mraz stated that the plans should come before a zone change, there are a lot of people opposed to this zone change.

Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted no. Chairman Aragon voted yes. Motion carried 4-1.

15) Approval of ZC #2020-018 Verizon Wireless requests a Zone Change for a Wireless Communication Facilities Overlay District. The property at Tracts 8, 9, 10, 11; Meadow Lake Subdivision; Unit 3; also known as 741 Meadowlake Rd, Los Lunas, NM 87031; Zoned Neighborhood Commercial (C-1); 1.75 ac. Presenter: *County Planner, Gabriel Luna*; Sponsor: *County Manager for Regular County Business*

Commissioner Saiz stated that it was mentioned that the tower does not meet the setback. Mr. Pato stated that it meets the height requirement not the setback. Commissioner Eaton asked if there will be a setback variance. Ms. McKenzie stated that the front setback is 100 ft but the pole will be at 83 feet. The property owner has a racetrack driveway for the RV park if they went 100 feet they will be in the middle of driveway, the tower height will be 70 feet. Mr. Pato stated that it appears that a variance would be required to get away from the 100-foot requirement. Chairman Aragon stated that with the possibility of school not starting the improvement of broadband speed in this area would be beneficial.

Chairman Aragon moved for approval. Seconded by Commissioner Hyder.

Commissioner Mraz stated that this would be very beneficial for the area. Commissioner Saiz stated that this is well needed, he just wants to make sure the county is protected. Mr. Pato stated that the county does have minimum requirements but if the applicant is willing to take the risk of a possible challenge there is no monetary damage to the county.

Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0.

EXECUTIVE SESSION:

None

NEXT COMMISSION MEETING:

July 15, 2020 – ICIP 2022-2026 Workshop @ 3:30 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

July 15, 2020 – Public Hearing/Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

August 5, 2020 - ICIP 2022-2026 Workshop/Business Meeting @ 3:30 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

August 5, 2020 – Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

16) Adjournment

Commissioner Hyder moved for adjournment. Seconded by Commissioner Mraz. Roll call vote. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 4-0. Commissioner Eaton was not present for vote. **TIME: 6:26 P.M.**

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the July 1, 2020 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

Jonathan Aragon

JHONATHAN ARAGON, CHAIRMAN

GERARD SAIZ, VICE-CHAIR

Gerard Saiz

DAVID A. HYDER, MEMBER

David A. Hyder

TOM MRAZ, MEMBER

Tom Mraz

CHARLES D. EATON, MEMBER

ATTEST:

Peggy Carabajal

PEGGY CARABAJAL, COUNTY CLERK

08/06/2020

DATE

Minutes are not verbatim. The complete audio file from this meeting can be heard at <https://www.co.valencia.nm.us/>