

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## REGULAR MEETING

**FEBRUARY 22, 1999**

### **M I N U T E S**

The Regular Meeting of February 22, 1999 was called to order by Chairperson Alicia Aguilar at 4:15 PM.

#### **PRESENT**

Alicia Aguilar, Chairperson  
Aurelio H. Padilla, Vice-Chairman  
Helen Baca, Commissioner  
Eloy G. Giron, Commissioner  
S. T. Frank Pando, Commissioner  
James Fernandez, County Manager  
Thomas Garde, County Attorney  
Kandy Cordova, County Clerk  
Press and Public

#### **ABSENT**

#### **EXECUTIVE SESSION**

County Clerk Kandy Cordova read the agenda for the Executive Session. Carol Anaya asked to add Other Personnel Matters to be discussed.

Commissioner Al Padilla made a motion to go into Executive Session. Commissioner Frank Pando seconded the motion. Motion carried with Commissioner's Baca, Aguilar, Padilla, Giron and Pando voting yes.

Commissioner Frank Pando made a motion to return from the Executive Session. Commissioner Eloy Giron seconded the motion. Motion carried.

Carol Anaya stated during the Executive Session discussion was held on the following:

#### **NEW HIRES: (Pending Pre-Employment Physical - Drug Test)**

Arthur Chavez                      Jaime Galaz

#### **STATUS CHANGE FROM TEMP. TO PROBATIONARY:**

Arthur Chavez                      Jaime Galaz

**TEMPORARY HIRE:**    Tiffany Gurule                      Levi Swint

**RESIGNATIONS:**      Karin Garcia

**SALARY ADJUSTMENT WITH CERTIFICATION:**                      Marsha Robey

**FAMILY MEDICAL LEAVE:**    Sylvia Garcia

**EXTENDED LEAVE WITHOUT PAY:**    Ernesto Padilla

#### **STATUS CHANGE WITH SALARY ADJUSTMENT/PROBATIONARY TO NON-PROBATIONARY**

Simon Martinez                      Gary Okino                      Christopher Trujillo

#### **SALARY ADJUSTMENT FOR COUNTY ASSESSOR'S STAFF**

A Professional Services Contract for legal services was signed by the County Commission and by Thomas Garde. **(See Exhibit A)**

Commissioner Al Padilla made a motion to ratify action taken during the Executive Session. Commissioner Frank Pando seconded the motion. Motion carried.

Chairman Alicia Aguilar stated during the Executive Session discussion was held on Pending Litigation, but no action was taken.

#### **INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF**

Chairman Alicia Aguilar introduced Commissioner's Frank Pando, Eloy Giron, Al Padilla, Helen Baca and herself, County Attorney Tom Garde, County Clerk Kandy Cordova, Paula Weathersby, Sheriff Juan Julian, Personnel Director Carol Anaya, Fiscal Officer Carlos Montoya, County Manager James Fernandez, Planning and Zoning Administrator Mike McCartney, Charles Eaton, Brian Buddenhagen from the Valencia County News Bulletin and Arley Sanchez from the Journal South.

#### **PLEDGE OF ALLEGIANCE**

Commissioner Helen Baca led the Pledge of Allegiance.

## **APPROVAL OF AGENDA**

County Clerk Kandy Cordova read the agenda as presented. Commissioner Eloy Giron stated there were some people from MeadowLake that would like to speak under Public Requests. Chairman Aguilar said Dick Klapper from Rio Communities would like to speak under Public Requests. Steven Chavez asked to speak under Public Requests. Chairman Aguilar said Mr. Portnoy who will be speaking on Item G (Continuation of Appeal of Planning & Zoning Decisions/ Conditional Use Permits) needs to catch a plane and is requesting that Item G be moved to Item B or C. It was suggested that it be moved to Item A.

County Manager James Fernandez stated he would be presenting Item E (Award of Bids/Bid #488 Notice of Value Forms) for Beverly Dominguez Gonzales.

Commissioner Frank Pando made a motion to approve the agenda with the changes. Commissioner Helen Baca seconded the motion. Motion carried.

Chairman Aguilar said at the last meeting there was a lady that was concerned about some of the buildings on Highway 47. Our County Manager checked with the Highway Dept. and if you've driven down Highway 47, many of those buildings have been removed.

She said they are still checking on the problem with the security systems.

## **APPROVAL OF MINUTES**

The Minutes of the February 8, 1999, Regular Meeting were presented for Commission approval.

Commissioner Al Padilla made a motion to approve the February 8, 1999 Minutes. Commissioner Helen Baca seconded the motion. Motion carried.

## **PUBLIC REQUESTS: At the Discretion of the Chairman, For Information Only.**

Leonard Garcia spoke of the impact of the traffic on MeadowLake Road. He was a victim of being run off the road resulting in serious injury. He said the road is not equipped to handle the large trucks that are hauling gravel through there. He said he has been run off of the road by the trucks. He said he stopped a Sheriff's Deputy and told him about it, but he did nothing. He is concerned for the children that wait for the school bus on the road. He requested that something needs to be done before someone is killed.

Commissioner Eloy Giron said this public concern goes back to the business that is south of MeadowLake Boulevard. That is the gravel plant. He said, "This Commission voted not to zone that as a gravel plant. It is to the south of my district, but basically it affects District 5, the MeadowLake area the most because of the traffic that goes through there. The issue went through Planning and Zoning and this issue came before the old Commission last year and the vote was 5 to 0 not to have a zone change on this. The impact that it has caused in the MeadowLake area is tremendous. I get 8 to 10 calls a week on this. I receive mail on this. I have a meeting on February 26<sup>th</sup> at the MeadowLake Community Center and I don't know how to address this issue with them. I would like to be able to work with our Planner and our attorney and get with the owner of the business to the south of the MeadowLake area and figure out a solution because I feel guilty not being able to do anything. I would like for Mr. Kiehne to work with us on something like this."

Chairman Aguilar said, "I think that the County is already working on this and meetings have been held with Mr. Kiehne, their attorney's, our attorney's, the Planner, Planning and Zoning were there and what it is, there is a 5500 acre piece of property and the question was whether to zone a portion of it. We want to negotiate that the entire 5500 acres be masterplanned. That is where the conversations are going. In defense of Mr. Kiehne, he is being very cooperative. He is working with the County so that I think we are already working on it and if you give us a little bit of time, a few weeks and see what solutions we can come up with."

Tom Garde said, "At this point, some of the issues involved, involve the litigation that we've had to go through. The Court of Appeals ruled that the County in fact had no authority to zone that property and we're attempting to rectify the current situation. There are some problems that the County has to overcome, but I think through meetings with the parties involved, including the public, I think we can come to a solution that will benefit everyone. To address Mr. Garcia's concern, we have not forgotten the situation out there. We had a meeting last week and we are trying to get this resolved."

Wanda Burson said she had also had problems with the trucks. They have run her off of the road.

Sheriff Juan Julian said the Sheriff's Department would be up there to assist them any way they can. He said they would come up there and make sure that it isn't a safety issue anymore. He said he would try to get the State Police and the Transportation Dept. to assist them.

Commissioner Giron said there was a meeting last week that he was not notified about. He asked if there would be anymore meetings in the near future so he can notify his constituents in that area.

Tom Garde said they can update Commissioner Giron on the current situation and then the information can be taken to his constituents.

Elliott Mabe lives on MeadowLake Road and he said he has seen the problems develop on the road. He thanked the Commission for getting the repairs done on the road. They were needed for the last eight years. He offered some suggestions for relieving the heavy traffic on MeadowLake Road.

Commissioner Giron said he has a meeting on Friday, the 26<sup>th</sup> at the MeadowLake Community Center.

Dick Klapper, President of the Rio Communities Association spoke to the Commission and presented petitions with 765 signatures requesting that the Commission appoint a Hospital Board in accordance with the New Mexico State Statutes and charge the Board to begin planning improved medical care in Valencia County. **(See Exhibit B)** There are approximately 400 members in the Association and there are 3429 registered voters in Rio Communities. Mr. Klapper said when there was a hospital in the County; there was one funeral home. Now that we don't have a hospital, there are two funeral homes in Belen and one in Los Lunas.

Mr. Klapper said they want a hospital in the county, not in any specific area, but wherever it will benefit the residents of Valencia County. He presented the Commission with a petition with 765 signatures requesting the Commission to begin planning improved medical care in Valencia County.

Commissioner Frank Pando, Chairman of the Hospital Board said he would be glad for someone from the Rio Communities Association to sit on the Board.

He said at their last meeting, the biggest issue that came up was the need for a medical facility in the County, but what kind of need is there? If there is severe trauma, the patient will be taken to Albuquerque. There is definitely a need for a medical facility for less serious trauma. The only problem they have is who is going to maintain it and pay for it. Mr. Pando said it was his understanding that there was an election held and Rio Communities defeated the bond issue.

Nick Petrilyak said they support Mr. Klapper as President of their association for some facility in Valencia County. It is not only for the residents of Rio Communities. He suggested that the old Wal-Mart Building could be used.

Commissioner Frank Pando invited Mr. Petrilyak and Mr. Klapper to attend a meeting on March 17, 1999, at 6:30 PM in the County Commission Room to discuss the issue of a hospital in Valencia County.

Steven Chavez said, during the February 8<sup>th</sup> public meeting regarding the moratorium, he erroneously stated that there was a defect in the notice requirement in the notice for the public. He said he erroneously stated that it was the fault of their friends at the News Bulletin and it turns out that it wasn't the fault of the News Bulletin, it was the fault of the County. He apologized for making the statement.

Chairman Alicia Aguilar said, "Mrs. Lilly McNabb called me with a concern and I am asking her to come up because it involved the Older American and the Director of the Older American Program. I wanted her to come up so that I could mention to her in a public meeting that it is the consensus of this Commission that right now Mrs. Gonzales is doing a very good job. We appreciate any input that the community can give us, but with changes in a new administration, there are always concerns. I would like to put your mind at ease and quote Commissioner Pando and say, "If it is working, leave it alone."

Lillie McNabb thanked the Commission for their cooperation. She has used the Older American Program and she believes it is good, not only for senior citizens, but it also helps people in nursing homes by transporting them with chair lifts. Many people are not aware of the programs. Mary Ann Gonzales will help in any way that she can. She thanked the Commission for backing up Mrs. Gonzales.

Chairman Aguilar said the Commission appreciates the positive comments.

## **ACTION ITEMS**

### **(A) CONTINUATION OF APPEAL/PLANNING & ZONING DECISIONS**

#### **Conditional Use Permits**

#### **Omni America for Alamosa Sprint/Rio Communities Location**

#### **Omni America for Alamosa Sprint/Los Chavez Location**

Chairman Alicia Aguilar requested that everyone who is going to speak regarding this issue be sworn in and sign his or her name to a sign-in sheet. The County Clerk swore in Mike McCartney, Charles Eaton, Kurt Winker, Steven Portnoy, Anthony Scazzero and Kathleen Frair.

Mike McCartney requested permission to show a video of the two proposed site selections. He also said there is a man from the Mid-Valley Airport who would like to speak on behalf of the airport.

Commissioner Frank Pando stated, "I received sort of a nasty letter saying that I had a conflict and all sorts of other stuff. First of all, I don't like to be threatened by anyone, but just to save problems or whatever, I'm not going to vote on this issue but I will make some comments."

County Attorney Tom Garde said, "With regards to the gist of the letter, I believe since Mr. Pando voted on the issue at P. & Z. that he should abstain from voting on this issue. As far as him making comments, he has the same right as anyone in the public to make a comment on issues that are presented before the Board."

Commissioner Frank Pando said, "I was the Chairman of the Planning that day and I didn't even vote, but that's alright I will still recuse myself."

Mike McCartney said the first item on the video would be the site in Los Chavez. The video showed the homes in the area.

Steven Portnoy the attorney for Omni America stated, "I am going to still combine my arguments and my discussion really combines both of the sites. One of our members will stay if there are any other questions regarding the two different sites. My particular concern here at this particular point in time is that we have created record on a lower commission and we have created record the second time on the last hearing. Our legal positions and our arguments are remaining the same."

"What we respectfully request the Commission to do is just in essence either reverse and render from the lower commission's denial of our conditional use permit on both matters, that a

record has already been established. We are not here to create a new record nor are we here to add to the record that we've had, first time and the second time."

"I apologize to Commissioner Pando, I am not threatening anyone. What I do is just follow and interpret the law as I see it and it is not a personal threat. In our case we believe it was a conflict and that is why I had to say that. Again, what we're saying is that we believe under the law, both federal and state law that the sites indeed are in such a place and in such a manner and located in such a manner that they should be approved. In the Federal Telecommunications Act as we went over a little bit last time, and that we followed up in the record from before in typewritten analysis is that we in essence respectfully request that the Federal Act be followed. That these locations are approved and the permits are issued. They can either be issued at the height that we ask for initially or if you so desire we will be subject to compromise in modification as we spoke about in the record as of last time with regard to reduction of the lattice towers to an 80 ft. manifold, a reduction of 190 ft to a 150 ft. lattice tower. I believe we discussed that on the record as of the last hearing on February 8<sup>th</sup> as well."

"We also are going to honor your request that you had asked us for the FAA letter that we received along with the environmental determination. As I stated last time I don't believe it was in the jurisdiction, within the authority of this particular commission, but we will indeed provide that to you as a courtesy since you did ask for it. I have asked the Environmental Dept. to provide you with need analysis as well. We are not here to present any further evidence and we are not here to dispute where the location is or any other comments by interested parties or witnesses, we believe the records established and we believe it is up to this Commission to either approve or deny based on the lower Commission's hearings. Whether the attorney agrees with me or not, in our prospective, that is what we believe. Again, this is non-threatening, if the Commission denies our requests and our approvals, then we have two choices, either to look for additional sites or optional sites, which we have always been doing and we've shown that we have initially and we can again or as we stated last time whether or not to pursue court proceedings with litigation in Federal or State Court. That again, as I stated last time is up to the client. I know what I will advise them to do but that is the client's decision, not mine. We respectfully request that the lower Commission's decision be reversed and rendered subset the approval so that the conditional use permits can be approved."

Chairman Alicia Aguilar stated that Mr. Portnoy and his associates left the meeting.

Kurt Winker, Manager of the Mid-Valley Airport stated, "The Management of Mid-Valley Airport, (a privately owned, public access airport) is strongly opposed to the construction of the proposed tower at 1837 Peyton Road. This proposed tower would be in very close proximity to the airport traffic pattern for runway 36 at Mid-Valley. The important factors are as follows:

1. The proposed tower location is, at least, 270 feet higher than the airport elevation.
2. The height of the tower, while initially 190 feet above ground level (with a possible increase to 240 feet above ground level), will be 460, (or 510 feet respectively) above the elevation of the airport. These heights, in combination with the close proximity to the pattern, propose a safety hazard to air navigation.
3. The distance in real feet between the tower elevation and the aircraft altitude in the pattern, will be 450 feet or less. This proposed location is also in the area of the point where aircraft start their descent toward runway 36.
4. The traffic pattern at an airport is not a fixed dimension. This is why the FAA has developed the specific requirements for building structures within certain distances of airports. This structure would require notification of the FAA, and the filing of form 7460-1. Many things influence the pattern size including weather, number of aircraft in the pattern, nighttime operations, student training, aircraft speed and more.
5. The proposed tower would have to be lighted as an obstruction. Should the lights on the proposed tower fail, serious safety concerns would be at issue for nighttime operations.
6. The proposed tower is required to complete the FAA obstruction paperwork. The FAA will send this paperwork to the airport management for consultation in its decision on approval/disapproval of the tower. The management at Mid Valley Airport will strongly argue against the construction of the tower solely on the basis of safety to people, property, aircraft and navigation.

Mike McCartney read the Findings of Fact and Conclusions into the record. It says; The Valencia County Commission, having heard testimony, reviewed exhibits, reviewed Planning and Zoning minutes and having reviewed the application of Omni America for Alamosa-Sprint's request for Conditional Use Permit for building a 190 foot Telecommunications Facility on the property of Joe Roybal and Dorothy Montano, makes the following findings and conclusions:

- A. The property is located at Sec. 7 & 8; T6N; 7.79 Acre; Tr. E; End of Peyton Road near Interstate I-25 in Valencia County.
- B. The zoning on the property is Rural Residential.
- C. In order for a conditional use approval to be allowed, satisfactory provisions must be made concerning certain provisions have been made, if applicable, pursuant to Section 25. Conditional Uses of the Valencia County Zoning Ordinance enacted January 20, 1988 as amended:
  - 1) Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, or catastrophe;
  - 2) Off-street parking and loading areas where required, with particular attention to the refuse and service areas;
  - 3) Water and liquid waste facilities, with reference to soil limitations, locations, and public health;
  - 4) The economic, noise, glare, or odor effects of the conditional use on adjoining properties; and
  - 5) General compatibility with adjacent properties.

- D. The applicant has not addressed automobile and pedestrian safety, traffic control, and emergency access concerning the installation and the maintenance of the satellite tower.
- E. The applicant has not addressed the economic, noise, glare or odor effects of the conditional use on adjoining property.
- F. That residents of the area are owners of stick built single family homes and manufactured home subdivision with tracts of land of less than five acres.
- G. That there are no commercial entities within one mile of the proposed site of the satellite tower.
- H. The tower is not compatible with the general area of the surrounding neighborhood on Peyton Road.
- I. There are residential homes within two hundred feet of the property of Joe Roybal and Dorothy Montano.
- J. The Commission is receptive to reviewing and approving other sites that are compatible with the surrounding land uses and meet the criteria of Conditional Uses as previously mentioned in these findings.
- K. The Commission has had no testimony presented that care has been exercised to avoid electromagnetic intermodulations and interferences.
- L. The applicant has not addressed public health and safety with respect to the antenna installation and maintenance in its application or its presentation.
- M. The proposed tower location and height will create a safety hazard for aircraft utilizing Mid Valley Airport for property, aircraft and navigation. (See Exhibit C)**

Chairman Alicia Aguilar stated, "As Chairman I can make a motion. This is my district and on the information that has been presented, I would like to move that the Omni America request be denied. Commissioner Al Padilla seconded the motion. Motion carried.

Mike McCartney showed the video of the Rio Communities site. Anthony Scazzero spoke in opposition of the placement of the tower in this area.

Mike McCartney read the Findings of Fact and Conclusions into the record. It says; The Valencia County Commission, having heard testimony, reviewed exhibits, reviewed Planning and Zoning minutes and having reviewed the application of Omni America for Alamosa-Sprint's request for Conditional Use Permit for building a 190 foot Telecommunications Facility on the property of Rio Grande Utilities, makes the following findings and conclusions:

- A. The property is located at T5N; R2E; Sec. 22; Block 18; Unit 3; Lot 30; Enchanted Mesa Addition; Lands of Rio Grande Utility Corporation, located at the eastern end of Goodman Street in Rio Communities, Valencia County, New Mexico.
- B. The zoning on the property is Rural Residential.
- C. In order for a conditional use approval to be allowed, satisfactory provisions must be made concerning certain provisions have been made, if applicable, pursuant to Section 25. Conditional Uses of the Valencia County Zoning Ordinance enacted January 20, 1988 as amended:
  - 1. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, or catastrophe;
  - 2. Off-street parking and loading areas where required, with particular attention to the refuse and service areas;
  - 3. Water and liquid waste facilities, with reference to soil limitations, locations, and public health;
  - 4. The economic, noise, glare, or odor effects of the conditional use on adjoining properties; and
  - 5. General compatibility with adjacent properties.
- D. The applicant has not addressed automobile and pedestrian safety, traffic control, and emergency access concerning the installation and the maintenance of the satellite tower.
- E. The applicant has not addressed the economic, noise, glare or odor effects of the conditional use on adjoining property.
- F. That residents of the area are owners of stick built single family homes in subdivisions to the north, south and west of the proposed site.
- G. The proposed site is in the middle of a residential area.
- H. The proposed site would create an attractive nuisance dangerous to small children in the residential community.
- I. The property on which the proposed site would be located is the private utility, Rio Grande Utility, located within the Enchanted Mesa subdivision.
- J. The Commission is receptive to reviewing and approving other sites that are compatible with the surrounding land uses and met the criteria of Conditional Uses as previously mentioned in these findings. (See Exhibit D)**

Commissioner Al Padilla made a motion to deny the request of Omni-America for Alamosa-Sprint. Commissioner Helen Baca seconded the motion. Commissioner Frank Pando said he believes it is in very bad taste when someone comes in and applies for something, makes his presentation and then walks out. He said he does not appreciate it. Motion carried.

Chairman Alicia Aguilar commended the Planning and Zoning Department for bringing in the video. She said she would like to see more of that in the future.

Chairman Aguilar said, "If it is the consensus of this Commission, Socorro County and Bernalillo County have placed a moratorium on towers to do some further studying. I think we are right in the middle so I would recommend us looking into a moratorium, getting together with the other County's and let's see what is going on and make sure that there is some consistency so that if

the Commission agrees with me, Mr. McCartney could we have something on that on the agenda in the next two weeks, March 8<sup>th</sup>."

Earl Gleason spoke against allowing towers into the County. He said a tower that was placed in Belen had damaged him. Chairman Aguilar recommended that Mr. Gleason make an appointment with administration so that they can check the records and see what is going on and what has happened in the past and then if he needs to address the Commission, they will be more than happy to listen to him.

**(B) TASK FORCE UPDATE/Los Lunas Hospital Training Center**

Kathy Chavez said Larry Guggino also represents the County on this Task Force. She said, "The appointments on the Task Force were made on November 16<sup>th</sup>. The first meeting was held on the 28<sup>th</sup> along with representatives from three of the public entities. We were appointed to study the uses of the Los Lunas Hospital and Training School Facility and identify its needs. All five of us went into Santa Fe and met with the Secretary of Health and Human Services, Alex Valdez and Secretary of General Services, Steven Beffort, along with several representatives from various State Agencies and during the meeting, short term and long term approaches were discussed for Los Lunas Hospital and Training facilities. A short term proposal was, the State would be agreeable to enter into one year leases which would be paid for by in kind services, up keep of the building or monetary funds. Long-term proposal was a masterplan of the State property in the area would need to be compiled and completed by professional consultants, which would be taken into consideration and the community needs assessment. The State Property Division said they would ultimately decide on the properties that would be designated for expensive facilities. We take them our need and they tell us what they have and where to put us. On January 29<sup>th</sup>, the Committee met with the representatives of the Los Lunas Public School to advise them to form a short-term proposal made to the State Property Control Division for consideration. The committee unanimously supported the Los Lunas Public Schools to proceed with a short-term proposal for needs assessment. We are here for broader authorization granted by each respective public entity. Each public entity would need to authorize the two existing representatives to continue to serve. That is our update. Larry and myself are here to see what the county has in mind. Also we designated the chairman of our committee, David Chavez."

Chairman Aguilar asked, "How were you appointed?" David Chavez said, "There are three entities involved, the County had two representatives, the schools had two and the City had two. Nancy Seamann appointed the school representatives who were myself and John Kern. The City's appointments were made by Mayor Louis Huning and the County's appointments were made by the Chairman at that time, Commissioner Gurule." Chairman Aguilar asked, "How did he appoint you? I guess what I'm saying is I was unaware that there was even an appointment or a committee. If I can give you a little bit of background, there was a bill that passed, it's a Housebill in Santa Fe about two years ago. It called for planning, not only of the Los Lunas Hospital and Training School, but all State properties. We met in Santa Fe, going back in the fall of last year and the schools were represented by Superintendent Pomeroy, Buddy York was there, Mayor Louis Huning was there, so were three of the Councilmen, the City Manager, Phillip Jaramillo and from the County was myself, Chairman Frank Gurule, Commissioner Eloy Giron. There was Secretary Beffort, Les Swindle, Alex Valdez and I think there were probably a couple of others, and Representative Fred Luna. We were, at that meeting, told that the State did not want a master plan of Los Lunas Hospital and Training School. That was the job of the State. What they wanted was all three entities to have a dialog, have comprehensive planning in place and do a needs assessment of all State properties. The County committed to taking the lead on this. We also committed to hire a Planner, which we did do and we formed a steering committee that has been ongoing for about a year and a half. There are 27 members in the steering committee and the members of the committee are from all over Valencia County. The Los Lunas Schools, Belen Schools, all of the Chambers, the Historical Society, Isleta Pueblo, Los Lunas, Bosque Farms, Belen, Middle Rio Grande Conservancy District, the Highway Department, the Council of Government, Valley Improvement Association and there are a few others. The charge of the committee has been to start with planning, at which time when it came to the planning of the Los Lunas Hospital & Training School and the State properties, it is the committee that would be able to identify. If there was a need for a sub-committee, it would be done at that time. In looking at the Los Lunas Hospital & Training School, the State has given up to five years in leases for tenants. We have the Health Department and we have Probation and Parole. In Santa Fe we did tell the State to try and form a comprehensive plan in twelve to eighteen months was literally impossible. If did show effort and a commitment that we were doing planning and our goal was to do comprehensive planning, they would give us a four to five year lease, which they did do. I did go to all of the entities asking for a dialog and support for planning. We received support from everyone, Los Lunas did not give us any cooperation, but we still have been working towards this goal and comprehensive planning, so when I'm talking about you as a task force in doing this, I just want to make sure that you are not reinventing the wheel because we already have a steering committee in place that has been approved by all the entities with specific objectives."

Commissioner Eloy Giron said when the question was asked who appointed Mrs. Chavez, he does remember around April or May when Commissioner Gurule asked Mrs. Chavez to serve on the committee. He said he was defending Mrs. Chavez.

David Chavez said, "Nothing was being done in the Los Lunas Hospital and Training School area. The State, as you recall was going to bring the Turquoise Lodge into the facility. The bill was not passed. A memorial was passed. A memorial has no affect of law. A memorial says, we would like to work in conjunction with the State in the development of this property. That's what was passed. That memorial carries no legal weight. It carries a consensus of the legislature. The legislature would work in cooperation with these entities and plan this facility. As a result of protest for this community and citizens going out and saying, no to Turquoise Lodge, Alex Valdez through the objections of this entire community decided to reevaluate the facility. This is what they've done."

They said, let me tell you what guys, we don't want a piecemeal of State properties in your area. We see Valencia County as the corridor to grow. It needs to be planned out with the use of a professional firm that does professional planning. Los Lunas had a study done. The city would come to property control and say we want this piece for a certain use and the county would say we want a certain use and the schools would say we want a certain use too. Three different entities point for legitimate purposes. The State said we don't want that to happen. What we want is for State properties, not for the entire county issues, but let's look to State properties in this area and see what your needs are. What we'll do is work with the three entities in a cooperative way. That way people are not pulling in different directions. As a result of Turquoise Lodge and that being put on the back burner, as a result of the State and the State has a number of uses for this facility. This is worth several million dollars just for the Los Lunas Hospital & Training School. What the task force was initially appointed to do, was look to just the Los Lunas Hospital & Training School. That was the purpose of the task force. When we met with Secretary Beffort and Alex Valdez, they said we want a representation of your community. We want the County to be represented by two people. We want the schools to be represented by two people. We want Los Lunas to be represented by two people. You make the selection and meet with the individuals who have control of this project. We met with them and they said we want you to look at the broader aspect of these properties. What we believe as a committee with regards to the Los Lunas Hospital & Training School property, in unison, was the best and highest use for the facility at this time, was for school purposes. The school had the funding to support the leases in kind or with financial contributions. You have the facility there, you have buildings that are in very poor shape, and in fact the State is going to be putting monies into them. The State said, if you don't do something as a community, we will do something for you. We'll make a decision. We are giving you an opportunity to fill the Los Lunas Hospital & Training School. We are willing to enter into, they didn't say five year, that is being discussed, what they were of the opinion, was a one-year period. I think it is open for discussion to expand that to a five-year period. They want a short-term commitment. I think it is important to try to respond and try to obtain those leases and get those properties committed for a short term. The next phase is the long term planning to where they want a forty year lease period."

Chairman Aguilar said, "Last week Mayor Louis Huning and Los Lunas School Board President Nancy Seamann came to meet with me and they wanted to go up to Santa Fe to meet with Mr. Swindle and Secretary Beffort. We did call Santa Fe and were told by General Property Services and the cabinet secretary that they would prefer to wait until Representative Luna returns to Santa Fe at which time they will meet with the three entities and they will also meet with the Representative about this. As far as the short term leases, I can only say that on the County, because of our commitment, we did acquire five year leases with the understanding that if we do a comprehensive plan and we did the planning and the needs assessment that it was subject to renewal into long term leases. I still go back with the fact that there is a steering committee in place and if we need to work through that, we already have the Council of Government, we're already working on the comprehensive plan and I think that we need to wait, go up to Santa Fe, talk to Secretary Beffort and Les Swindle with Louis Huning, Nancy and the Commission representation and see where we want to go from there. Right now with having the task force, I really want to say before I finish, I really appreciate Mr. Guggino and Mrs. Chavez being a part of the committee and representing the county. Let us go to Santa Fe, meet with them and if we need a subcommittee, which I think that is probably what it will come to. I would recommend that you represent the county. I don't have problems with the representation, but I think we're being a little premature to continue."

David Chavez said, "For information purpose, I represent the school. The schools are committed to continue on with this work. The representatives of the municipalities, they have received the authorization to continue on with this work. I would certainly encourage that the county appoint or continue to appoint the two representatives that they have. They may work with the entire committee as liaison to go between. I don't know how the county wants to do it, it is the county's decision."

Commissioner Aguilar said, "Mr. Chavez, according to Mayor Huning and Mrs. Seamann, at their meeting last week, what they mentioned to me is that they wanted the task force committee to be placed on hold until we go to Santa Fe and come back with direction that all three of us can agree on. I don't know what the consensus of the Commission is, but my recommendation is to follow that recommendation and let's meet with Representative Luna and go on from there."

Commissioner Frank Pando said if this committee is not doing anything, then let the task force do their work. Commissioner Aguilar said, "We are doing something. That is why we have a Planner and the Council of Government is already a part of our steering committee and they attend all of our meetings. Our County Manager was there, even with the meeting with Les Swindle and Louis Huning and Phillip Jaramillo, where again, they repeated the same thing."

James Fernandez said, "The account that Mrs. Aguilar gave is correct, that both Representative Luna and Mr. Swindle would like all of the three entities to be working together. I would also recommend that until such time as they do meet with Secretary Beffort and Mr. Swindle and Representative Luna, that it be placed on hold."

David Chavez said, "The task force, with regards to the school, with regards to the Village of Los Lunas, we are going forward. With all due respect to Madame Chair, that is the directive that I received from the schools. We have our next meeting on the 27<sup>th</sup>, what we are going to do at that meeting is regroup the full body including the county, who will be advised of what the decision was of the entities. It would be very unfortunate if the county would say, let's back off, let's have another meeting. I think you can meet this to death. The course of action is planned. I think it is an appropriate course of action. You have short-term plans, you have long term plans and you have cooperation. I think it's that simple."

Chairman Aguilar said, "Mr. Chavez, I will call Mayor Huning tomorrow and I will call Mrs. Seamann. If the information they give me is as what they gave me I will be mentioning to them about your comments and that you are proceeding with the task force, but I will be communicating with them directly." David Chavez said, "They instructed me to proceed. I take my instruction from the group that appointed me." Mrs. Aguilar said, "They met with me and I feel that I should talk to them and they can talk to you."

Kathy Chavez said, "I'd just like to say that I would appreciate next time if I am going to be appointed to something that we can just be called out in the public. I thought everybody was in agreement and on the same commission, but if you would let me know in a public meeting, I would be happy to serve." Chairman Aguilar said, "That is why I mentioned that I appreciate the time that you and Mr. Guggino have given and I would like for you to be please be patient with us and let's get some answers and if we need a subcommittee, I would really like for you to continue."

#### **(C) REQUEST FOR NEW/LARGER OFFICE SPACE/Belen Health Office**

Rosie Kercheval Clifford said, the mission of the Public Health Division of the Department of Health is to work with individuals, families and communities in New Mexico to achieve optimal health. They provide public health leadership by developing health policy, sharing expertise with the community, insuring access to coordinated systems for care, and delivering services to promote health and to prevent disease, injury, premature death and disability.

The Belen Office is too small to serve the 1500 clients that are served each month. The services provided are primarily prevention of communicable diseases and treatment of communicable diseases, family planning, children's services, high-risk care management for pregnant mothers and WIC services are also provided. The checks provided are designated for healthy foods and most of the money is spent in our community. The waiting room is a 9 x 13 room and many times, clients are waiting outside of the building. They need more bathroom space. They have no security. They need a meeting room and a place to teach classes. They need more parking space.

The Public Health Staff works with the schools and many community organizations to educate and provide services.

Mrs. Clifford requested that the Commission consider building a new building for the Health Dept. She said there is a building in Rio Communities that is available, but she believes it is very important that they stay in the downtown area of Belen. Many of their clients have to walk to the department for service.

Fran Smith said she works with Sandoval and Torrance County also as the Director of Nursing. She said in some counties the cities work with the county to add funds to do whatever renovations might be available or to build a new building. That might be something to think about.

Chairman Alicia Aguilar said she appreciated that statement. The County is legally obligated to one Health Department and that is what they have at the Los Lunas Hospital & Training School, to accommodate the community and the public, this is a second department in southern part of the County in Belen. She recommended that they talk to the City of Belen to see if they could work something together. She suggested they start looking at locations and come back to the Commission with the information and a proposal of their needs.

#### **(D) REQUEST PERMIT FOR TEMPORARY CLOSURE OF RICARDO STREET El Paso Natural Gas Company**

Bruce Meyerson requested permission for the issuance of a permit for temporary closure (half of the street at a time) of Ricardo Street in the East Half of Section 16, Township 4 North, Range 2 East, Valencia County, New Mexico.

He said El Paso Natural Gas Company owns and operates a 30-inch O.D. high-pressure natural gas pipeline across Ricardo Street. The gas line pre-existed the street. El Paso deems it necessary to recondition or replace the pipeline in order to maintain the high degree of safety required by the Federal Department of Transportation. Work on this line is scheduled to coincide with other maintenance, which will allow the line to be out of service beginning the 1<sup>st</sup> of March. They will not close the road completely. They will work on it partially, hoping for completion within one day, following all county requirements as well as National Highway requirements in putting the road back the way it was when they got there.

Commissioner Al Padilla made a motion to approve the temporary closure of Ricardo Street. Commissioner Helen Baca seconded the motion. Motion carried.

#### **(E) REQUEST TO REJECT BID #487/Water Wells**

John Cherry stated the Peralta Fire Department opened sealed bids on drilling a fire suppression well at the department's location. They received 2 bids, however the department needs to reject all bids due to incomplete specifications. The department is in the process of rewriting specifications and will re-bid this project.

Commissioner Frank Pando made a motion to allow Bid #487 to be rejected. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit E)**

Commissioner Eloy Giron thanked the Fire Dept. for help when his haystack caught on fire.

#### **(F) AWARD OF BIDS/Proposals**

##### **Bid #488/Notice of Value Forms**

##### **Proposal #117 Architectural Services, Adult Detentions**

##### **Proposal #118 Community Monitoring**

County Manager James Fernandez presented Bid #488 for Notice of Value forms. One bid was received from Ink Impressions in the amount of \$9,748.30.

Commissioner Frank Pando made a motion to award the bid to Ink Impressions in the amount of \$9,748.30. Commissioner Eloy Giron seconded the motion. Motion carried.



County Manager James Fernandez presented Bid #117 for Architectural Consulting Services for the Adult Detention Facility. There were four proposals received, ASA Architects, Custer Basarich Architects, Nims, Calvani & Assoc. and James Patrick Lynch Architects. The entities were interviewed this morning. Mr. Fernandez requested that the Commission ratify the committee's request that Nims, Calvani be selected as the County's architect with ASA Architects being the second choice in the event that negotiations cannot be concluded with Nims, Calvani.

Commissioner Al Padilla made a motion to approve the recommendation of the committee and select Nims, Calvani as the County's architect with ASA Architects being the second choice. Commissioner Frank Pando seconded the motion. Motion carried.

County Manager James Fernandez presented Bid #118 for Valencia County Community Service Monitors. Two requests were received, one for the Belen area and one for the Los Lunas area. The proposals were given to the Magistrate Judges and their recommendations are that Larry Standard is selected for the Belen area and Emiliano Sanchez is selected for the Los Lunas area.

Chairman Alicia Aguilar commended the three Magistrate Judges. They have been working with the County and as a Commission, she said they appreciate that.

The County Manager said recently the Monitor had some community service workers doing some work on MeadowLake Road and they picked up 190 bags of trash. They are going to try and concentrate on high traffic areas such as around the Conejo Transfer Station.

Commissioner Frank Pando made a motion to take the recommendation of the Magistrate Judges and name Larry Standard as Monitor for the Belen area and Emiliano Sanchez as Monitor for the Los Lunas area. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit F)**

#### **(G) REQUEST FOR OUT OF STATE TRAVEL, Reno, NV.**

Sheriff Juan Julian requested permission to travel to Reno, Nevada to attend the Western States Sheriff's Association annual meeting. It is to be held on March 17 - 18, 1999.

Commissioner Al Padilla made a motion to approve the out of state travel for Sheriff Juan Julian. Commissioner Frank Pando seconded the motion. Motion carried.

#### **(H) AMENDMENT OF ZONE MAPS**

##### **RR to CD for Storage Units, Robert A. Stephens**

Mike McCartney said this is a request to amend the zone maps from RR to CD for the purpose of building and operating storage units for Robert A. Stephens. The legal description of the property is Lots 39-A & 39-C; Unit C; El Cerro mission Ranchettes. There is 2.058 acres located at 21 Turbo Drive, Los Lunas, New Mexico. At the February 9, 1999, Planning & Zoning Meeting, the P. & Z. Commission recommended to approve this request with a vote of 6 to 0. The setbacks will need to be brought into compliance. Mike McCartney said there would be no problem, since it is all owned by family.

Chairman Aguilar requested that the Fire Marshal look at it and make sure in case of an emergency that the emergency equipment would be able to get in and turn around.

Chairman Alicia Aguilar made a motion to approve the zone change from RR to CD, based on the vacation of the plat and the Fire Marshal addressing the issue of emergency equipment being able to get into the area and make a turn around. Commissioner Al Padilla seconded the motion. Motion carried.

##### **RR to CD/ Building and Operation of Auto Repair Shop/Robert and Denise Jaramillo**

Mike McCartney said this is a request to amend the zone maps from RR to CD for the purpose of building and operating an automotive repair shop for Robert & Denise Jaramillo. The legal description of the property is Tr. 107-B-2; 1.04333 Ac; 07 Vigil road, Los Lunas, New Mexico.

Chairman Alicia Aguilar made a motion to grant approval for the zone change contingent upon the Highway Department giving approval. Commissioner Frank Pando seconded the motion. Motion carried.

#### **(I) REQUEST TO PAVE GREER ROAD**

Mike McCartney said this is a request that Greer Road be added to the list for paving in District 3. Mr. McCartney also presented a petition for the paving of a one-mile stretch of Greer Road on the west mesa in Belen. There are 19 families living within this one-mile stretch of road that would benefit from this project. There are also 3 businesses up there. They are the Cactus Farm, a horse farm and A & E Septic Waste Disposal Plant. There is a considerable amount of traffic on this road. The dust pollution with all this traffic and the fact that the road is too narrow for a School Bus and a septic truck, or even for two vehicles to pass on, makes this road very dangerous, especially when it rains. **(See Exhibit G)**

Rita Greer spoke in favor of having Greer Road placed on the list for paving.

Commissioner Helen Baca made a motion to put Greer Road on the list to be paved. Commissioner Al Padilla seconded the motion. Motion carried.

#### **(J) REQUEST TO MAINTAIN CONEJO ROAD**

Mike McCartney stated this is a request for Conejo Road located on the San Clemente Land Grant on the west mesa to be maintained by the County. There is one opinion from Louie Pena, the Road Superintendent and one from Clara Rehrer, the road viewer.

Commissioner Frank Pando said he went out to view the road on Sunday. It doesn't meet specs. He said he doesn't know who is responsible for bringing it up to specs, the people who live there or the developer.

Chairman Alicia Aguilar said for consistency and fairness, there are some guidelines that need to be followed.

Commissioner Frank Pando made a motion to deny maintenance until the road is brought up to specs. Commissioner Al Padilla seconded the motion. Motion carried.

**(K) FINAL PLAT APPROVAL/Las Calandrias Subdivision**

Mike McCartney stated this is a request for final approval for Las Calandrias Subdivision. The legal description is Sec. 29 & 30; T7N; R4E; 33.37 acres located approximately 0.3 miles northeast of the intersection of Buena Vista St. and MeadowLake Road. The proposed subdivision will divide the property into 39 lots, each at least 3/4 ac. in size.

Steve Crawford said there were a couple of comments when the preliminary plat approval was requested. One of them was on page 6 of the Protective Covenants, Section B-10, Installation of Manufactured Structures - Manufactured structures which have metal siding are prohibited from placement upon a site, and the manufactured building must have a manufacture or model date which is no more than five years old at the time it is set.

The other comment that was made was that they explain in the Disclosure Statement the specific process whereby the County takes over the maintenance of the roads from the subdivider. It is on page 9 of the Disclosure Statement, Item 32, Maintenance: Road maintenance will be provided by the subdivider until such time as the County might take over their maintenance. In order for the County to accept road maintenance, the following shall occur: The roads are brought up to the requirements of the plans contained in the project's subdivision report and County standards; and, The subdivider petitions the Valencia County Commission to request acceptance of the roads for maintenance; and The Valencia County Commission accepts the roads for maintenance permanently thereby relieving the subdivider of their road maintenance obligations.

Commissioner Eloy Giron made a motion to grant final plat approval of Las Calandrias Subdivision. Commissioner Frank Pando seconded the motion. Motion carried.

**(L) COUNTY MANAGER'S REPORT**

James Fernandez stated he passed out some correspondence that was received.

- A. The Survey questionnaire is a questionnaire regarding an Owner Controlled Insurance Program. The program is being made available to members of the Workers' Compensation and Multiline Insurance Pools to provide coverage for County construction projects in lieu of contractors providing their own coverage at greater cost to the county.
- B. The Shelter for Domestic Violence is requesting funding in the amount of \$50,000.00 for operations of their shelter and non-residential program.
- C. The North Central New Mexico Economic Development District expressed concerns they have on the Senior Citizens Program in terms of the use of menus and transportation of meals to homebound individuals. The Senior Citizen Program is addressing these concerns.
- D. A letter sent out by the Director of Detentions to the Village of Los Lunas regarding the fees for keeping prisoners in the Adult Detention Facility.
- E. A Memorandum from the Attorney General's Office regarding the filing of County Subdivision Regulations in terms of the regulations and any amendments that go with them.

Mr. Fernandez stated, one of the items that was held over from our last meeting was the request that we meet with First Choice, one of the institutions that was looking at health care in Valencia County. They got a copy of Senator Altamirano's bill and the initial bill requested that the Dept. of Health be the entity that would be funded. That has since been changed to the Dept. of Finance and Administration. First Choice has met with Property Control and is looking into renewing their lease. Until those two concerns are met, they will not be coming back to the County.

The County Manager said on the 18<sup>th</sup>, Chairman Aguilar, Carlos and himself went to Santa Fe and met with the Highway Department to introduce themselves and let them know that there were highway projects that would be taking place in Valencia County and they would be seeing them on a regular basis. They renewed some acquaintances that each one had with the Commission.

Chairman Alicia Aguilar said they also renewed dialog and got a commitment from Mr. Steve Harris to update the County on the river crossing and allow them to have a voice in what is going on. The County Manager said the County would be able to piggyback on some of the agreements that the State Highway has for culverts and paving materials. They will be looking into those.

Mr. Fernandez said, "On Friday I appeared before the House Appropriations and Finance Committee to give additional testimony on the County's request for \$250,000.00 for prisoners, housing prisoners during the interim while we are trying to do construction on the new jail facility. We are very fortunate that Representative Kiki Saavedra filled in for Representative Luna. Representative Saavedra has some precincts in Valencia County. He is vice-chairman of that committee and it made that hearing a lot easier. We've gone through our second hurdle in dealing with this particular appropriation and it was positive, so we're moving on. There are no strings with this."

On Friday morning Carlos Montoya and the County Manager met with the representatives from Molzon, Corbin and gave them a copy of the letter that was received from the Environmental Division on concerns that they had on the closure of the County's old landfill. A copy of the County's closure plan was given to them and they will be coming back with some initial dollar estimates of what it would cost to do the closure correctly and meet environmental standards.

The County Manager said, "This past week we met with the New Mexico Solidwaste Authority and we met with Mr. Rose, one of the individuals with the environmental division there and started a dialog and the possibility of getting grants for the closure of the landfill and the dealing with illegal dumping, so we're moving forward with that."

During the month of March, they asked if they can publish hearings on solidwaste and getting input from the public on how they want to proceed with the solidwaste issue in Valencia County.

Commissioner Frank Pando asked why there is voluntary waste pickup in Valencia County. Chairman Aguilar said, "Are you talking non-mandatory? There are some laws that affect mandatory, but we go back to a previous commission and the way the Ordinance was passed and the contract was done, but I think with having these public hearings, these are questions that come up and we can discuss them. I think as a Commission, for the public, what we want to do is the contract, the current solidwaste contract with Waste Management expires in September and we do not want to wait until the eleventh hour to start addressing what's going on. What we're asking and we are going to ask the newspapers to please help us to spread the word, that in March, both meetings we want to hear from the public about the service, what they like and what they don't like, suggestions or anything they want to talk about. After this we'll have to address the contract to see how we are going to proceed."

Commissioner Pando asked if mandatory trash pick up had to be mandated by ordinance. The Chairman said there are some laws that govern that specifically. Her recommendation is to get together with the Counsel and get a more clear definition. It can be discussed in a public meeting. She is not prepared to discuss it now.

County Attorney Tom Garde said, "Those are issues that we'll have to deal with in the next three or four months." Commissioner Pando said he would like to deal with that issue quite strongly because it is one of the biggest problems." Chairman Aguilar said, "My recollection is that there will have to be some mechanism in place to address income. I say we can address that as we go along."

James Fernandez said, "There have been some movements in part of the administration to do some additional things at the Conejo Transfer Station. We're looking at the possibility of expanding the hours and the days that we accept trash from the individuals. We are also looking at the possibility of having free days, where individuals can come to the landfill to deposit trash in an attempt to keep Valencia County clean. We are also going to be working with Planning and Zoning as they deal with individuals who are in need of coming into compliance with zoning ordinances as the possibility of having one day as amnesty day and allowing them to clean up their particular piece of property for free on that one occasion."

The County Manager said the Safety Audit starts tomorrow. He thanked all of the County Departments for their cooperation in getting ready for this audit. He specifically thanked the Maintenance Department.

Mr. Fernandez said they have a closed meeting set up on March 15<sup>th</sup>, with the New Mexico Association of Counties regarding road issues.

Mr. Fernandez requested a meeting with the Commission and the Road Dept. so they can express their concerns and the Commission can express the concerns they have with them.

The meeting was scheduled for March 10, 1999, at 9:00 AM.

The County Manager said the elevator has been fixed.

#### **(M) SIGNING OF LEASE/Cooperative Extension Office Space**

Carlos Montoya presented the Lease for the Cooperative Extension Office and Mondel Plaza.

Commissioner Eloy Giron made a motion to approve the signing of the Lease between the Cooperative Extension Office and Mondel Plaza. Commissioner Al Padilla seconded the motion.

Chairman Aguilar requested that the phrase, (Janitorial Services are to be included) be added to the Lease.

Motion carried. **(See Exhibit H)**

#### **(N) WARRANTS**

Carlos Montoya presented the Warrants for Commission approval. Discussion was held on the Warrants.

Commissioner Frank Pando made a motion to approve the Warrants as presented. Commissioner Al Padilla seconded the motion. Motion carried.

#### **NEXT MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 8, 1999, at 9:00 AM in the County Commission Room at the Valencia County Courthouse.

#### **ADJOURNMENT**

Commissioner Frank Pando made a motion to adjourn the February 22, 1999, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Al Padilla seconded the motion. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the February 22, 1999, Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**ss**

**ALICIA AGUILAR, CHAIRPERSON**

**ss**

**AURELIO H. PADILLA, VICE-CHAIRMAN**

**ss**

**HELEN BACA, COMMISSIONER**

**ss**

**ELOY GIRON, COMMISSIONER**

**ss**

**S. T. FRANK PANDO, COMMISSIONER**

**ATTEST: ss**

**KANDY CORDOVA, COUNTY CLERK**

**DATE: March 8, 1999**

**For an official copy of these minutes and attachments see Commission Book 33 page 816**