

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## REGULAR MEETING

APRIL 5, 1999

### MINUTES

The Regular Meeting of April 5, 1999 was called to order by Chairperson Alicia Aguilar at 8:45 AM.

#### 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 of the Executive Session as presented. County Manager James Fernandez stated a department report by Edwin Esquibel should be added to the agenda.

Commissioner Al Padilla made a motion to approve the agenda of the Executive Session with the addition of the department report by Edwin Esquibel. Commissioner Helen Baca seconded the motion. Motion carried.

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

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

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

<b>NEW HIRES:</b>	Billy Gallimore Gerald Garcia
<b>TEMPORARY HIRE:</b>	Jason Romero
<b>RESIGNATION:</b>	Phillip Carrillo
<b>DECEASED:</b>	Patricia Dietrich
<b>PROB./NON-PROB.:</b>	Brian Culp Theresa Chavez Mary Ann Maldonado Mike Maldonado
<b>PROB./NON-PROB./SAL. ADJUST.:</b>	Robert Felix Isaac Black
<b>RE-CLASSIFICATION:</b>	Christine Henson Jaime Alvarado
<b>SALARY ADJUSTMENT:</b>	Helen Cole Mike McCartney
<b>PROMOTION/SALARY ADJUST.:</b>	Larry Tafoya

Commissioner Frank Pando made a motion to ratify action taken during the Executive Session regarding personnel items. Commissioner Eloy Giron seconded the motion. Motion carried.

County Manager James Fernandez stated during the Executive Session, there was discussion on setting up a Workshop by Edwin Esquibel, Detentions Director with the County Commission. There was also discussion on land acquisition and an offer being made on property. There was no action taken.

County Attorney Tom Garde stated, "The Commission was notified with regards to the appeals of employees Fortner and Tafoya before a Hearing Officer, the termination of those employees was appealed by the Administrative Judge. We also discussed litigation with the regards to the Magistrate Court and the jail facility. No action was taken on that. There was discussion on the pending litigation with regards to Bonito Land. No action was taken."

Commissioner Frank Pando made a motion that these were the only items discussed during the Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

#### INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Chairman Alicia Aguilar introduced Commissioner Helen Baca, Commissioner Al Padilla, Commissioner Eloy Giron and Commissioner Frank Pando, County Attorney Tom Garde, County Clerk Kandy Cordova, County Sheriff Juan Julian, County Manager James Fernandez, Personnel Director Carol Anaya, Fiscal Officer Carlos Montoya, Planning & Zoning Administrator Mike McCartney, Monica Mireles, Paula Weathersby, Brian Buddenhagen and Kathy Salztein from the News-Bulletin.

**PLEDGE OF ALLEGIANCE**

Sheriff Juan Julian led the Pledge of Allegiance.

Chairman Alicia Aguilar said, "I would like to say a few words about our employee Pat Dietrich. She was with us for many years. She was a wonderful employee. If any of you knew her, she just stood out with her friendliness. We are going to miss her. Our condolences to her family."

Chairman Alicia Aguilar asked everyone to stand for a "Moment of Silence" for Tiny Garcia, who passed away a couple of days ago.

**APPROVAL OF AGENDA**

County Clerk Kandy Cordova read the agenda as presented. Commissioner Eloy Giron requested permission for Liz Turner and Tom Crowley to speak under Public Requests.

Commissioner Eloy Giron made a motion to approve the agenda with the addition of Liz Turner and Tom Crowley. Commissioner Frank Pando seconded the motion. Motion carried.

**APPROVAL OF MINUTES**

The Minutes for the March 22<sup>nd</sup>, 1999 Regular Meeting were presented for Commission approval. Commissioner Eloy Giron made a motion to approve the Minutes of March 22, 1999. Commissioner Helen Baca seconded the motion. Motion carried.

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

Liz Turner and Tom Crowley were not present to speak.

**ACTION ITEMS**

**(A) REQUEST TO AMEND ZONE MAPS/East Mesa, Max Kiehne  
Unzoned to SP for Gravel and Mining Operation  
Unzoned to OD**

The names of those individuals speaking for or against this item are as follows:

Mike McCartney	Max Kiehne
Bruce Watson	Steve Crawford
Joe Morse	Hess Yntema
Tom Garde	Alicia Aguilar
Robert Skinner	Eloy Giron
Olivia Jimenez	Rev. Patricia Burkson
Frank Pando	Ricardo Jimenez
Al Padilla	Mr. Callahan
Leonard Garcia	Clyde Worthen
Gerald Debevck	Don Smiley
Elliott Mabe	Liz Turner
Andy Stubblefield	Abby Adams
Nina Otero Marco	

This Action item was recorded on five (5) separate tapes and will be filed in the County Clerk's Office.

Chairman Alicia Aguilar recommended that this item be tabled until the next meeting in two weeks.

Commissioner Frank Pando made a motion to table this item and continue at the next meeting. Commissioner Eloy Giron seconded the motion. Motion carried.

The transcript of this segment of the meeting is presented for the record. **(See Exhibit A)**

Commissioner Frank Pando made a motion to recess for ten (10) minutes. Commissioner Helen Baca seconded the motion. Motion carried.

Commissioner Eloy Giron made a motion to return to the regular meeting. Commissioner Frank Pando seconded the motion. Motion carried.

**(C) PROCLAMATION/100<sup>th</sup> Birthday of Frederic William Tully**

Chairman Alicia Aguilar presented a Proclamation for Commission approval honoring Frederic William Tully on his 100<sup>th</sup> birthday. Mr. Tully was born in Hondo, New Mexico on April 2, 1899. His father was a Representative from Lincoln County for the Territory of New Mexico. In 1912, when New Mexico entered into Statehood, Fred's father was Lincoln County's first Senator. In 1929 Mr. Tully started a career to work for the U. S. Customs Service. His career lasted 37 1/2 years until his retirement on December 30, 1966.

The Valencia County Board of Commissioners proclaimed that Frederic William Tully be named as an Honored Citizen of Valencia County.

Commissioner Al Padilla made a motion to approve the Proclamation honoring Frederic William Tully. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit B)**

**(B) PUBLIC HEARING/Solid Waste**

Chairman Alicia Aguilar stated this is a Public Hearing on Solid Waste so that the Commission can listen to comments and get input on the trash hauling in Valencia County. The contract expires in September. The Commission will have to address either the renewal of the contract or making some changes.

Those speaking regarding this issue were Tom Crowley, David Martinez, Liz Turner, Dale Jones, Michael Lundmark, Melvin Sisson, Darrell Davis, Randy Sanchez, Elliott Mabe and Eddie Sais.

Chairman Aguilar said, "Socorro County in having their convenience stations, they bill each property owner \$45.00 per year and then there isn't a fee for dumping at their transfer stations. I'd like to get the information so I think it is an option that is out there so I would like to ask our County Manager to provide us with information and then we would have convenience stations. It is an option, just something to explore."

County Manager James Fernandez stated that he had received some information from Earth Wipp. They want to give the Commission a proposal for recycling.

Starting today the Transfer Station is now open seven (7) days per week from 8:00 AM to 4:30 PM.

Commissioner Eloy Giron made a motion to convene as the Indigent Board. Commissioner Frank Pando seconded the motion. Motion carried.

#### **(D) INDIGENT REPORT**

Barbara Baker presented the Indigent Report from January 28, 1999 to March 25, 1999. The total amount of claims submitted is \$93,411.38. She asked the Commission to approve \$68,717.65 and to deny \$26,693.73.

Commissioner Eloy Giron made a motion to approve the Indigent Report as presented. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit C)**

Barbara Baker said, "I do have an appeal, but the people couldn't make it today. The wife has cancer and her husband called me on March 31<sup>st</sup> to let me know she was in a hospital in Nevada, I think by her daughter, and she only had a few hours to live. Do you want to reschedule the appeal?" Chairman Aguilar asked Mrs. Baker for her recommendation. Mrs. Baker said, "My recommendation is that we deny it because of the land situation."

Chairman Alicia Aguilar said, "Mrs. Martin is Lynn Martin's wife, Martin Land Co. from Tierra Grande. That is the appeal."

Commissioner Frank Pando asked Mrs. Baker if it was her recommendation to deny the claim. Barbara Baker said, "My recommendation would be to deny it because he owned 4 five-acre parcels although I do not know the value of that land."

Mrs. Baker said, "Maybe it would be better if we gave him the opportunity to do this at the next meeting. I don't want the Commission to deny without him having the chance to represent himself."

Commissioner Frank Pando made a motion to table this appeal until the next meeting. Commissioner Eloy Giron seconded the motion. Motion carried.

Commissioner Al Padilla made a motion to re-convene as the Board of County Commission. Commissioner Helen Baca seconded the motion. Motion carried.

#### **(E) COLLABORATIVE ACTION TEAM**

Dolores A. Marquez from the Valencia County Safety Committee stated, Valencia County was fortunate enough to recently be awarded a grant from the Southwest Education Development Lab. The grant is in collaboration with Texas, Arkansas, New Mexico and Louisiana. The purpose of the collaborative is to network in the community mobilizing, bringing families together, bringing communities together, schools and local government. She said their goal is to work together in unison. Ms. Marquez said after taking advantage of several extensive training's and workshops a handful of people was able to successfully develop what is now referred to as C.A.T., the Ann Parish Collaborative Action Team. Their meetings are held every 2<sup>nd</sup> and last Friday of the month from 9:35 AM to 11:05 AM. She invited anyone who is interested to attend their meetings.

Ms. Marquez said one of the goals the organization is working on is the after school-mentoring program at Ann Parish Elementary School. It started March 8<sup>th</sup> and will run through May 20<sup>th</sup>. They have at least six adults from the Los Lunas Schools, Y.D.I., Safety Committee and other volunteers that mentor at least one dozen of the Los Lunas High School students and Alternative School students and they in turn mentor an estimated 30 elementary students. This is a very rewarding program. Another program is the St. Patrick's Day Family Festival that was held on March 17<sup>th</sup>. The purpose of this festival is to disseminate information regarding the services to parents and residents of the Ann Parish area. The third program was C.A.T. and Tierra Bonita cleaned up the East Mesa area. Over a dozen high school students from the High School and the Alternative School organized the clean-up day. She said the response was overwhelming. The residents got involved and it turned out to be a good neighborhood program.

She said, "Today we are only the catalyst for the Collaborative Action Team. We're organizing the people in that area to speak for themselves, to get representation for themselves, to use us and I use the word "use" lightly to come before you and be recognized. We want to form a collaborative with them, have them go to our meetings, have them come and address you with their challenges and work with you."

Ms. Marquez requested that they be put on the agenda for every meeting. She said, "It would probably be myself or someone from the Collaborative Action Team that will come and make a

presentation to the Commission. Before you know it people from up there will start coming to you with how they are going to start improving their neighborhoods."

Chairman Aguilar said she and the County Manager have been attending the C.A.T. Meetings along with Cathy Chavez, the Director of Y.D.I. Monterrey Park and El Cerro Mission is in her district. She said she was out there and the Alternative School students were the ones that came out and said they wanted to clean up their neighborhood. They worked as a community picking up trash, taking pride in cleaning up their community. It took Valencia County to put out a flyer in English and Spanish. The people came out. Eric Eichwald donated the time of an operator and a front-end loader. Waste Management brought out two bins and by 11:00 AM, those two bins were full. They asked for two more, because there were individuals that were lined up in their pick-ups. Chairman Aguilar said, "The community does care and they do come out, we just need to talk to them. I appreciate everything that they are doing. In addition to the C.A.T. when we're talking about programs. They are bringing a community together, they have the Los Lunas Schools, they have Y.D.I., they have the Safety Committee, they have the Fire Dept., I've seen our State Representative at this meeting, if you were to attend their meetings, you would be overwhelmed with what they are trying to do. You would come out of there excited with it. I wish them success and I'm glad you are there."

#### **(F) ECONOMIC DEVELOPMENT**

James Covell, the Economic Development Consultant for Valencia County Economic Development said, "Economic Development Corporation is a re-creation of what was a very prominent and working organization that went to demise some years ago. Primarily at the instigation of V.I.A., I agreed to come down and try to put the program back together to try to create jobs in the County. I am only a part-time person. I do this along with working in Los Lunas on Economic Development. It has a group of members that contribute which includes Ron Brown & Assoc., Valley Improvement Assoc., Norwest Bank, the City of Belen, the Belen Chamber of Commerce, Public Service Co. of New Mexico and Clarian Construction Co. We work primarily in the field of trying to attract new business to the County and try to create new jobs that will bring new income to the County. Cavco was a project that we worked on and was one of the most prominent things that you see on the highway. I also worked with Los Lunas on the Wal-Mart project, the Chemical Line Corp. that located in the Rio Grande Industrial Park and several others. The goal has been simply to try to create jobs within the County, to try to create an opportunity for people in the County so they won't have to drive to Bernalillo County to go to work. We have had good cooperation with the Universities, Valencia County Branch, and the Government and with all people throughout the County. I simply want to bring to you an opportunity to become a member of this organization. The annual dues from the organization are \$1,000.00 per year. We would like to invite Valencia County to become a part of the Economic Development Corporation."

Chairman Alicia Aguilar said, "About a year ago, a motion was made by this Commission and it passed, to be a member of the Economic Development Committee and the Commission had authorized administration to pay the \$1,000.00 per year dues, but it never happened. At this time I'd like to make a motion that we do become a member of the Economic Development Committee and pay the \$1,000.00 per year dues." Commissioner Al Padilla seconded the motion. Motion carried.

Chairman Aguilar asked Mr. Covell to let the Commission know his involvement in bringing in Solo Cup. Mr. Covell said, "I ran the Albuquerque Economic Development Program for fourteen years and I was involved in a large number of projects within the Albuquerque Metropolitan Area, all the way from Intel down to the projects in Valencia County, Solo Cup and Avonite. I worked on a variety of projects, we averaged 1000 new jobs a year for about fourteen years. The last four or five years I have been operating as an independent consultant in Economic Development and I work on two sides of the fence. I do economic development location consulting for companies or businesses that look for locations, but I do economic development community consulting only in Valencia County. If a company comes to me looking for a location, I offer to work with them anywhere in the State or in the Southwest, but if I get projects that come from the State, instead of looking for a site, then I look to Valencia County for a site. I recently put together the project that brought Wall Comonoy across from the Wal-Mart Distribution Center. I work with the State. I work with the Albuquerque Economic Development, I work with national consultants, I travel somewhat in the course of my other business and in the course of those things when I'm traveling, I'm always interested in what can happen for Valencia County. I belong to a group called "Rural Payday" which is a group put together by Senator Dominici and I represent Valencia County in that program. The primary goal of that program is to try attracting call centers to rural communities in the State. We went to a conference in Dallas called "Call Center 99" in February where we had a trade show booth and talked with about 50 companies that were seriously looking for locations. We ended up with about 5 or 6 companies that were interested in New Mexico as a possible site for a Call Center. One of them specifically asked for information and asked about Valencia County."

#### **(G) WELFARE TO WORK, UNM**

Gary Sanchez, with the Su Parte Program explained the program and said it is doing well. Su Parte means Stand Up People Acting Responsible through Employment. Su Parte serves residents of Valencia County who receive either food stamps or cash benefits from the New Mexico Department of Human Services. As of February 1999, the project has:

- Completed assessments for 1823 individuals.
- Placed 433 people in paid employment with an average full time wage of \$6.98 per hour and average part-time wage of \$7.10 per hour.
  
- Assisted 60 people to begin self-employment.
- Assisted three new state registered home daycare's to be opened in the county by participants.

- Provided over 28,000 miles of van service within the county.
- Host office hour two days per month for the CYFD Childcare caseworker to issue child care subsidies for anyone in the county who qualifies.
- Provided GED instruction for 92 people. 19 have successfully passed the test within six months. 17 of those entered college.
- Assisted 142 participants to attend college.
- Assisted 121 participants to work in volunteer settings.
- Provided an average of 340 instructional hours per month of life skill classes.
- Provided a Job Club lab to teach job seeking skills and maintain all the resources a person needs to get a job, including computers, fax, phone and message phone.

The scope of services provided by Su Parte is:

- Case management
- Assessment
- Life Skills Training
- Short term Job Skills Training
- Placement in a Qualified Work Activity
- Job Development
- Transportation

#### **(H) CENSUS UPDATE**

Patricia Barela, a Community Partnership Specialist with Census 2000 explained how they are trying to get organizations, city's and local governments to work together in promoting what the Census is doing and help them identify places and people who normally don't respond. She then read the Proclamation requesting that the Valencia County Board of Commissioners declare that the Census 2000 is a top priority for all departments and appointed officials, and encourages the community to place an emphasis within our jurisdiction of partnering together with the U. S. Census Bureau in achieving an accurate and complete count in Census 2000.

Fernando C. DeBaca, the operations manager of the Census office in Albuquerque, said they have the responsibility of laying the groundwork for conducting the census in the year 2000. He said the United States Constitution mandates a census every 10 years to determine how many seats each state will have in the U.S. House of Representatives. Community leaders use it for everything from planning schools and building roads to providing recreational opportunities and managing health-care services. Every year over \$100 billion in federal funds are awarded to localities based on census numbers.

They will be employing 6000 people next year. Many of these people will be recruited from the Welfare to Work rolls.

Francisco Apodaca said this is the largest project that the Federal Government undertakes outside of a declared war. 1990 was a bad year for the census for New Mexico. New Mexico was number one in the under count. They missed more people than any other State, because they could not get people to do the count. He said they would pay \$9.00 per hour and 32 cents per mile as Census Takers.

Commissioner Al Padilla made a motion to approve the Proclamation. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit D)**

Joseph Sandoval said they are trying to emphasize how important this census is to Valencia County. He said the number one priority is to build partnerships at every stage of the process. The Census Bureau cannot conduct the census alone. It needs to mobilize strong partners to help in accomplishing the goal of a complete census.

Mr. Sandoval also requested approval of Resolution 99-12. It is a resolution to create a complete county committee to plan and conduct local educational initiatives, publicity and promotional activities to increase community awareness and participation in Census 2000.

Commissioner Eloy Giron made a motion to approve Resolution 99-12. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit E)**

Chairman Alicia Aguilar said she was a member of the team that did the tracking on the map. She said it was very interesting and one of the things that she found most interesting was the fact that where someone would say there are forty families there, it would turn out to be over 400 people there. In knowing the community they were able to pick the district lines that have to be there. They were able to provide information to the workers so that when they went into a neighborhood they knew what to expect and what to look for.

Chairman Aguilar recommended that Steven Chavez be directed to name the seven-member committee and bring the names back to the Commission. They in turn will get them to the Census 2000 Center.

#### **(K) REQUEST TO AMEND ZONE MAPS:RR to SP/Jerry Rogers/Paul Wood**

Mike McCartney said this is a request to amend the zone maps from RR to SP for the purpose of removing excess dirt and improving the property for Jerry Rogers and Paul Wood. The property is located West of Belen at the top of Sosimo Padilla Rd. It is approximately 3/8 of a mile on the frontage road to the new cleared road to the west.

Chairman Aguilar asked about the problem of flooding. Mike McCartney said the Valencia County Soil Conservation Dept. was notified. There are cliffs out there, at the point of this project completion, they will be developing this property into a subdivision and those issues will be addressed. This is a temporary zone change.

When the work is completed, it will revert back to the RR zone change.

Steven Chavez said the moratorium would have no bearing on this proposal.

Paul Wood said, "This property goes on a high slope from the East to the West up the hill. We are going to go in and take the dirt off of the area and use it on the overpass on Reinken. The

property will be leveled and benched. At a later date we will come back with the plans for a subdivision."

Steven Chavez suggested that the Commission limit the SP usage to a certain period. It is easier to track. If they come back for a subdivision proposal, they will have to come for a zone change at that time.

Mike McCartney said part of the topsoil would be donated to the Soccer Fields.

Commissioner Helen Baca made a motion to approve the zone change from RR to SP for a period of two years. Commissioner Eloy Giron seconded the motion. Motion carried.

Commissioner Frank Pando commended Paul Wood for the good job they are doing on the gravel pit.

#### **(I) SENIOR OLYMPICS**

Benito Serna said he is on the Board of Directors for the Senior Olympics. He is before the Commission to request help. He said there are 100 participants in the Senior Olympics. There are 27 people going to National's and they need all of the help they can get to get these people there.

Chairman Alicia Aguilar said the Commission was approached last year and at that time they requested that they go to Belen, Bosque Farms and Los Lunas and request help from them also to match what Valencia County was contributing. Mr. Serna said he did go to them and they said they would help them, however they have not received any help yet. They did promise them some help.

Commissioner Al Padilla introduced his brother Joe Padilla who has been very instrumental in recruiting for the Senior Olympics. He is very active with this organization.

Commissioner Eloy Giron recognized his Mother, Martha Giron who is an active member of the Golden Eagle Basketball Team.

Chairman Aguilar recommended that they ask administration to look at the budget and check with the Department of Finance and the County Attorney to see what can be done. It will be placed on the agenda at the next meeting.

Commissioner Al Padilla made a motion to table this item until the next meeting. Commissioner Helen Baca seconded the motion. Motion carried.

#### **(J) LOBBYIST REPORT/LEGISLATIVE UPDATE**

Vince Montoya, Lobbyist for Valencia County reported on the 1999 New Mexico Legislature and submitted a Statement for Lobbying Services in the amount of \$12,750.00.

- HB19, a \$250,000.00 appropriation for prisoners introduced by Representative Luna was tabled and stayed in the House Appropriation Finance Committee.
- HB245, which was to clarify Municipal and County Revenue Bonds issues by Representative Gubbels is in the Governor's Office for action.
- HB764, Salary Increase for elected County Officials is in the Governor's Office for action.
- HB791, Restricted Sale of Fireworks is in the Governor's Office for action. It now gives the responsibility to the local governing bodies to restrict fireworks instead of the Fire Marshal.
- SB123, County Officials Work Requirement is in the Governor's Office for action. Some officials are not working 40 hours per week. This will mandate that they work 40 hours.
- SB194, Valencia County Prisoners stayed in the Senate Finance Committee.
- SB320, Indigent Hospital Claims Funds Transfer is in the Governor's Office for action.
- SB452, County Indigent Claims Funds stayed in Senate Finance Committee.
- SB606, Fireworks Restrictions was signed on 3-17-99 and gives the Commission the responsibility to either restrict or outlaw fireworks.
- SJR14, Valencia County Property Transfer was tabled in HGUAC.
- SM32, Relocate El Cerro Fire Station was signed.
- Capital Outlay Projects funded by STB, Manzano Expressway Paving and Valencia County Flood Water Channel, the Governor has said he will veto appropriation and capital project bills and will call a special session in April or May, 1999.

Mr. Montoya said if the Governor signs the capital outlay budget for Senate Bill 1, the money for the two police substations (\$62,500.) will be included in that package. The education bills and the appropriations bills, the Governor has said he will veto. He is going to call the Legislature into Special Session the later part of April and start from scratch with the appropriations bill and the capital projects can be re-introduced. If the Governor does not sign the bills, no body will get anything.

Commissioner Frank Pando made a motion to approve the payment of \$12,750.00 for Lobbying Services. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit F)**

#### **(L) PRELIMINARY PLAT APPROVAL/Tome Vista Subdivision**

Steven Chavez said this is a Preliminary Plat Approval for the Tome Vista Subdivision. On March 8, 1999, Tome Vista came before the Commission for Preliminary Plat Approval. Under Section 4.4.5 of the Subdivision Regulations, the Commission deferred approval until a response was received from the State Highway Transportation Dept. and until Mr. Chavez had time to spend with the developer and the State Highway Transportation Dept. regarding some of the concerns that he addressed at that meeting. Mr. Chavez said most of the concerns have been addressed, although they still don't have a response from the State Highway Transportation Dept. regarding the revised transportation impact analysis. He said he is confident they will get one and it won't be adverse.

They have looked at all of the issues thoroughly. Mr. Chavez said he submitted a Memo to the Commission, the County Manager and the developer regarding the issues.

Bill Campbell said the Tome Vista is at the Southwest corner of El Cerro Mission and Van Camp Blvd. It consists of 131 acres. The proposed subdivision will create 610 lots. The lots will all have the infrastructure that will be provided. The water and sewer will be provided at the developer expense from Rio Grande Utilities. It will have curbs, gutters, paving etc... Storm drainage will be handled on site. There is approximately 45% of the land area that is roads and open space. The egress and ingress on the roads is, the main roads are 50 ft. and the side roads are 45 ft.

Mr. Campbell said they thought they would have an opinion back from the State Highway Transportation Dept by today, but it looks like it will be Tuesday or Wednesday before they receive their response.

Discussion was held on the placement of stop signs and a fourth access to the subdivision.

Chairman Alicia Aguilar stated, "I move that we grant preliminary plat approval with the following conditions:

1. Announce in disclosure statement the following:
  - a. Require landscaping low water demand measures.
  - b. Require HOA to maintain on a stated schedule all detention basins, sediment traps, underground catch basins, green space, and entrance street medians.
2. Include the following restrictive covenants:
  - a. Require landscaping low water demand measures.
  - b. Require HOA to maintain on a stated schedule all detention basins, sediment traps, underground catch basins, green space, and entrance street medians.
3. Produce a subdivision street entrance on the South Side.
4. The Tome Vista Group already pledged to donate the parcel located at the intersection of El Cerro Loop and El Cerro Mission Road for the purpose of realignment. We need to solidify that commitment.
5. Request that the Tome Vista Group voluntarily contribute the following improvements on affected County roads:
  - a. Stop signs at intersection and approach of Manzano Expressway and Van Camp Blvd.
  - b. Signalization warrants at VanCamp Blvd. and El Cerro Mission Road.

That is my motion."

County Attorney Tom Garde said, "I would also recommend that the Commission add, (subject to any conditions imposed by Highway Transportation Dept.)"

Chairman Aguilar said,

6. Subject to the conditions imposed by the Highway Transportation Department."

Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit G)**

#### **(M) REQUEST OUT OF STATE TRAVEL/Scottsdale,AZ**

County Clerk Kandy Cordova requested permission for out of state travel to Scottsdale, Arizona to attend the IACREOT Summer Conference. It will be July 9<sup>th</sup> through July 13<sup>th</sup>, 1999.

Commissioner Frank Pando made a motion to approve the request for out of state travel for the County Clerk. Commissioner Eloy Giron seconded the motion. Motion carried.

#### **(N) AWARD OF RFP #119/GIS**

Steven Chavez presented the Award of RFP #119 based on a State Grant for \$272,000.00 from the Department of Finance, Local Government Division. It is for GIS Mapping of the County. It envisions the incorporated areas of the County as well as the unincorporated areas. It leaves an option for the Isleta Reservation and the Laguna Reservation areas that are in the County. The purpose of the base mapping services is to link the rural addressing for the State. The State wants a digitized rural addressing map so that the County emergency systems can use them. They are requesting 96% accuracy. We envisioned doing it ourselves, however because of the high accuracy rate, it was decided that we couldn't do it. Mr. Chavez said, "We requested proposals based on the Grant and the work program that was approved by the Local Government. The requests for proposals were posted in the newspaper on the 18<sup>th</sup> of February 1999 and the 28<sup>th</sup> of February 1999. The deadline for receiving those proposals was March 5, 1999. Five proposals were received based on the pre-term criteria program that was described in the advertisement. At the approval of Mr. Fernandez, I set up a committee based on specific criteria. It was Frank Otero from the Mapping Dept., Larry Mervine, Data Processing Dept., Richard Chavez from Rural Addressing and myself. Peter Fernandez was invited to participate, but he was out of town and could not attend. We reviewed the proposals in accordance with County Ordinances. We based our selection of proposals on a set of criteria and the criteria was 25% for experience, qualifications of personnel 25%, qualifications of project manager 20%, project methodology 15% and ability to respond to the schedule 15%."

"The Grant required that this be completed by the year 2001. The committee selected unanimously two of the bidders for interviews. Those firms were PWT and SDR. They were selected primarily for their experience. We weighed heavily on experience. Both firms have existing contracts with other counties in our State. SDR had nine existing contracts. PWT had four counties that they contracted with. We interviewed the two firms and we selected PWT to recommend to this Board for approval."

Kevin Sweazea representing R2H & Associates stated, "As you know R2H replied to register a proposal and submitted a proposal to you that was mentioned by your Planner. R2H is probably the only local company that has submitted a competitive proposal. It has over 1600 surveying projects that have been completed in Valencia County. It is the only surveying and engineering firm in the County that has the GPS capabilities and in-house GPS base station to complete its work. It

has extensive work in the area of GPS mapping and other related fields that are necessary for completion of this project. R2H is not objecting if the County is going to award this contract to an alternative firm, based on the qualifications of another firm, however we do want to point out to you that continually that the Commission is concerned with keeping dollars in the County. It is always talking about wanting to generate tax dollars in the County and generate business for county businesses. Now is the chance to do that. R2H is well qualified and can do the job for the County. Even though it would have been right on track for having a good possibility for receiving this contract, it was not even chosen by the committee for an interview as the other two firms were. R2H is concerned because in discussions with someone from the County, it got the indication that perhaps there was another factor or specification that entered into the consideration process that was not one that was in the request for proposals. Apparently there was an indication that the primary reason that R2H was not chosen for interviews was that they were not on an approved list with the State of New Mexico as the other two firms were. That would jeopardize subsequent funding that the County hopes to receive in connection with this project. That was not something that was included in the specifications for this project. It is something that is important and R2H understands that. It made its bid in good faith based upon the RFP. If there was alternative specification that entered into the picture, it shouldn't have. If that is the case, then we submit that perhaps this thing ought to go out for rebid with the specification included."

Chairman Alicia Aguilar said, "It was at a meeting on something else, but Mr. Hibdon was at that meeting as was Mr. Chavez and Commissioner Padilla and myself. Mr. Hibdon did bring this concern up and there is a process whereby the committee can pick two to interview. They don't have to interview everyone."

Steven Chavez said, "Mr. Sweazea indicated that Mr. Hibdon is experienced in GPS and that is true. Actually the committee itself was very pleased that we have somebody in the County that has this kind of experience, but the committee was also very concerned with as Mr. Sweazea termed it "related issues" he doesn't have experience in. Those "related issues" are E 911. This Grant is not just for GPS. That is the easy part, anyone can drive the roads with the GPS unit. The hard part is building the database and it is not an ordinary database. We're talking about rural addressing, names, addresses and other criteria to each parcel. We're talking about accuracy of 96%. We're talking about working with the Post Office, the State and other agencies, municipalities and the Reservations. That is difficult. The firms that were selected for interviews, we were very impressed, the committee as a whole were extremely impressed that those firms all had contracts with county's for the exact same work."

Chairman Aguilar said, "I think a comment from Mr. Sweazea is that this Commission does favor local businesses if we can. There was a comment made by Mr. Hibdon when we did discuss this and it was explained to him and his comment was that he was looking to hopefully gain experience so then he would be able to look at other County's and I commend him for that, but again there is a criteria and there is the Procurement Code and we did follow that."

Kevin Sweazea said, "The one point that I wanted to emphasize is that if there is an additional point that was not within the specifications originally published, that would be a point that would invalidate the process as far as the Procurement Code is concerned. That is the most important point from my standpoint. The other issues that you discussed are certainly within your per view."

Commissioner Al Padilla made a motion to award the bid to PWT in the amount of \$197,346.00. Commissioner Helen Baca seconded the motion. Motion carried with Commissioner's Padilla, Baca and Aguilar voting yes. Commissioner Giron and Commissioner Pando voted no. **(See Exhibit H)**

#### **(O) RESOLUTION/Older Americans Contract of Services**

County Manager James Fernandez presented Resolution 99-13 for Commission approval. He said, "You are being asked to do a procedural matter. The Board of County Commission is aware of the Older American Program and the contracts they have with the Agency on Aging."

The Resolution is authorizing the signature and entering into a contract for the approved 5<sup>th</sup> year of the Area Plan (FY-1999-2000).

Commissioner Frank Pando made a motion to approve Resolution 99-13. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit I)**

#### **(P) COUNTY MANAGER'S REPORT**

County Manager James Fernandez reported that a letter was received from the Village of Los Lunas requesting that they reopen Diana Drive. The history of this property is that it was never a dedicated County Road and it has gone into litigation. He asked for direction on how to respond to this matter.

The County Manager said this is an issue that has gone back about four years. It has gone through Magistrate Court and District Court.

Commissioner Frank Pando said he has received numerous phone calls on this issue. It is his understanding that this road was never a County Road. It was just a road.

Tom Garde said, "Mr. Fernandez approached me with this issue and I was unaware of anything at all. I don't know if the Village put up the barricade. My understanding is that it is not a County Road. We get into discussion that the County has been providing maintenance on it. From what I'm hearing there must be a public easement or a public prescription on the property. That is an issue that we need to research. If it is a prescriptive easement, then it is up to the landowners to enforce it. If the County has never exercised any responsibility over it, then we have no responsibility to it."



James Fernandez said, "Mrs. Weathersby informed us that this is a matter that Mr. Hibdon was involved in."

Chairman Aguilar said, "My concern with taking any type of action on this is that you start it off and there has been past litigation, that concerns me. We didn't put up the barricade and we don't have a history on the road so I don't see how we can act on this." The County Attorney said, "I would recommend that it be referred back to staff to research the legal status of the road."

Commissioner Frank Pando made a motion to table this issue. Commissioner Eloy Giron seconded the motion. Motion carried.

The County Manager reported on the following items:

- Notification was received from the Association of Counties as to the proposed fee structure for the next fiscal year. The participation has gone down approximately \$387.00. It will be used when the budget for the upcoming fiscal year is prepared.
- Calvani - Nims will be in the Commission Room tomorrow and Wednesday to start the preliminary work for the design for the adult detention facility. Mr. Fernandez said he and Carlos Montoya and Edwin Esquibel would meet with Mr. Calvani at 9:00 AM. The Commissioners are invited to stop by and see the process they have started on.
- There was a problem with the roof on the second story of this building. They have requested written quotes to repair the roof. Three quotes were received ranging from \$22,700.00 to \$33,863.00. Mr. Fernandez asked to send the quotes to the architect for review before the bid is awarded. Commissioner Al Padilla made a motion to allow the quotes to be sent to the architect for review. Commissioner Frank Pando seconded the motion. Motion carried.
- This week and next week physicals will be conducted for individuals from the Road Dept. who have CDL Licenses.
- An invitation has been received from the Solidwaste Authority wanting to know if a representative of this Commission would like to appear before their next meeting. It will be at the Village Hall the last weekend of April. Commissioner Pando said he thought an invitation was going to be extended for the Village of Bosque Farms, Isleta, Belen and Los Lunas for the same thing. Mr. Fernandez said this is the Solidwaste Authority extending an invitation to the Commission.

Chairman Aguilar said, "This is the regular meeting that they have and I think what you were asking is that they come in addition to all of the other entities to discuss either Tri-Sect or joint efforts to a landfill. I'm not sure if we've received a response to that invitation." The County Manager said there has been no invitation extended to Waste Management basically to determine what they might be offering Tri-Sect to the County for. It has not been set up until the public hearings are completed. If the Commission chooses, we can contact Tri-Sect to see what they are proposing to sell the landfill for. Commissioner Pando volunteered to go to the meeting with the Solidwaste Authority. Chairman Aguilar said, "I think it is important and we discussed it and I thought we were going to invite the entities to a meeting with us to see if they were even interested in Tri-Sect at which time the County would know if we were going to have participation from the other entities or if it is something that we have to consider alone. At which time we would meet with Waste Management. The whole intent of the meeting was to see if there was interest." The County Manager said, "The reason was that Tri-Sect has approached the County and not all of the entities. The offer was extended to the County." Chairman Aguilar said, "At the last meeting that we attended, Mr. Fernandez was there as was Mr. Montoya, we did express to Central Solidwaste Authority and the members that we were looking at the possibility of purchasing Tri-Sect, would the Authority be interested in that and the response was, no." Chairman Aguilar said she and Commissioner Pando would attend the meeting.

- The County is working to get out of the road sign business because of possible litigation and possible liability that it puts on the County. The Road Dept. will be directed to provide specifications and entities that they might contact to get the road signs made.
- We have put the Veterinarian's on notice that the County will not be picking up animals from them in an exchange for them selling licenses without some type of agreement being in place.

Chairman Alicia Aguilar asked for an update at the next meeting on the El Cerro Community Center. The County Manager said, "We received notification from Mr. Friedman that Mr. Salomon Romero of the State Environmental Dept. wanted to know what the County's intentions were in terms of distribution of food at the El Cerro Mission Community Center. If the County looked at serving more than prepackaged snack foods, they would be required to get a license for a commercial kitchen as well as a permit for a well for a community water system."

Chairman Aguilar directed the County Manager to contact Mr. Romero so that he can provide the Commission with the statute or the information so that they can review it.

The County Manager asked Carlos Montoya about some change orders for the El Cerro Community Center. Three were requested by the architect, the first one was for a fire alarm and emergency fixtures, the second order was a panel upgrade for the electrical and the third was to pay for a PNM line extension. The total change orders were \$8,706.80. Chairman Aguilar said, "The PNM extension, the architect didn't know this when he looked at the plans?" Mr. Fernandez said, "He said that was a given and it really was not suggested as change order. This is suggested by electrical and we do not recommend approval of this. It is a PNM line extension and that should have been a given and they should have known that when they looked at it." Chairman Aguilar asked what the amount was. The County Manager said \$2,052.27.

Chairman Alicia Aguilar directed staff to get with the architect and get clarification on this issue.

**(Q) AWARD OF RFP/Trash Hauling Services**

Carlos Montoya presented RFP #120 for Trash Hauling and Disposal. The contract with Waste Management ended on April 2<sup>nd</sup>. Three RFP's were received, one from Waste Management in the amount of \$150.00 per pull plus disposal with an option of \$140.00 per pull for a period of 4-17-99 to 4-7-2000, one from Reliable Waste Disposal, Inc. in the amount of \$195.00 per load and one from General Waste Corp. in the amount of \$158.00 per pull.

Chairman Aguilar asked if Reliable Waste Disposal Inc. was a registered hauler with ED at the time that the bids closed. Carlos Montoya said, "At the bid opening it was indicated to us by the owner, Charles Apodaca that all the necessary requirements would be filled if the contract was awarded, meaning the bonding and being certified." The County Manager said, "He indicated at the time of the opening of the RFP that he was not." Chairman Aguilar said, "That is my question, he was not a registered hauler with ED at the time of the opening. That is my question."

Commissioner Frank Pando made a motion to award the RFP to Waste Management in the amount of \$150.00 per pull plus disposal until August 1, 1999. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit J)**

Chairman Alicia Aguilar said, "We would like to direct administration and the attorney to set up a workshop with us so that we can start getting updated on the contract, on the ordinance and now that we have had our last public hearing we can start reviewing options. I would like to do that some time in April."

**(R) WARRANTS**

Carlos Montoya presented the Warrants for Commission approval.

Commissioner Frank Pando made a motion to approve the Warrants. Commissioner Eloy Giron seconded the motion. Motion carried.

**NEXT MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 19, 1999, at 4:30 PM in the County Commission Room at the Valencia County Courthouse.

**ADJOURNMENT**

Commissioner Al Padilla made a motion to adjourn the April 5, 1999, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Helen Baca seconded the motion. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the April 5, 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: April 19, 1999**

**For an official copy of these minutes and attachments see Commission Book 34 Page 12**