

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**REGULAR MEETING**

**AUGUST 7, 2000**

**MINUTES**

THE MEETING WAS CALLED TO ORDER BY VICE CHAIRMAN AURELIO H. PADILLA on August 7, 2000 AT 9:00 AM.

<b>PRESENT</b>	<b>ABSENT</b>
	Alicia Aguilar, Chairman
Aurelio H. Padilla, Vice-Chairman	
S. T. Frank Pando, Member	
Eloy Giron, Member	
Helen Baca, Member	
James Fernandez, County Manager	
	Thomas Garde, County Attorney
Kandy Cordova, County Clerk	
Press and Public	

**EXECUTIVE SESSION**

Valencia County Clerk Kandy Cordova read the Agenda for Executive Session. A motion to go into Executive Session was made by Commissioner Pando and seconded by Commissioner Giron. Motion carried.

A motion to return from Executive Session was made by Commissioner Giron and seconded by Commissioner Pando. Motion carried.

Mrs. Carol Anaya reported that during Executive Session a discussion was held on new hires, pending drug and alcohol test, the employment of Richard Gleisner, Arturo Muro, Fernando Sanchez; new hires that have already taken their physical and drug test, are Lorenzo Mata and Joe Lucero. Work Comp leave for Richard Shiplett; Seasonal employment for Peggy Estrada. Probationary to Non-Probationary status of Daniel Vigil, Probationary to Non-Probationary with a salary adjustment because of certification, Jody Noah, a dispatcher. She then requested approval from the Commission. Commissioner Giron made a motion to approve her recommendation and Commissioner Pando seconded the motion. Motion carried.

County Manager Fernandez reported that under Land acquisition a request was made by the Commission to bring additional information on where we are on the landfill for the next meeting. No action was taken in Executive Session.

Vice Chairman Padilla stated that Chairman Aguilar and County Attorney Thomas Garde would not be in attendance at this meeting and that in the three and a half years he had served on the Commission this was the first time Chairman Aguilar had ever missed a meeting. He commended Chairman Aguilar for her dedication.

**PLEDGE OF ALLEGIANCE**

County Manager James Fernandez led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Valencia County Clerk Kandy Cordova read the Agenda for the Regular Meeting of August 7, 2000 The County Clerk then requested that she be placed on the agenda under Public Requests for presentation of a petition. Mr. Vincent Chavez requested that he also be allowed to address the Commission under Public Requests. County Manager Fernandez stated that he would be doing the presentation of Mary Ann Gonzales under item c) of the Action Items and also item k) Warrants. Commissioner Pando then moved to accept the Agenda as amended with a second by Commissioner Giron. Motion carried.

**APPROVAL OF MINUTES**

Commissioner Giron moved to approve the Minutes for July 20,2000, July 24, 2000 Special Budget Meeting and July 24, 2000 Regular Meeting. Commissioner Pando seconded the motion. Motion carried.

## **PUBLIC REQUESTS**

Mr. Vincent Chavez stated that he had appeared before the Commission on July 10<sup>th</sup> along with two other people that had expressed concern about the billboard blight seen throughout the State. He stated that at that time he had been told that information would be requested from the Planning and Zoning to address the issue and two days later the Bowlin Company took out four permits to put up four billboards in the County. He stated that the City of Edgewood had to pass an emergency moratorium because the Bowlin Company was lined up with nine billboards. He cautioned the Commission that too might result in Valencia County if action to prevent it is not taken. He stated that Planning and Zoning staff informed him that they had sent the Commission information on a billboard ordinance here but he learned today that it was not sent. He stated that he had read the information and there was nothing in the document addressing future billboards in the County. He stated that one of the employees from Planning and Zoning had stated to him that those billboard companies don't make much money and Mr. Chavez inquired why they would ask to place more visual pollution in this beautiful State. Commissioner Giron then addressed Mr. Chavez and stated that he knew Mr. Chavez had appeared before the Commission several times and that he knew how important the issue was to him and stated his agreement with Mr. Chavez. Commissioner Giron stated that the recommendation at his last appearance was to send the matter to Planning and Zoning and have them come back with some feedback for the Commission to consider. Mr. McCartney, Planning and Zoning Administrator, stated that there is not a proliferation of billboards, that there were only four permits in the last year and a half. He stated that his department is preparing a report, which should be ready next week. County Manager Fernandez stated that this item will be placed on the agenda for Commission review at the next meeting and Mr. Chavez would be notified for any public input. Mr. Chavez than inquired if it was possible to draft a moratorium while all this investigation is taking place. Commissioner Pando then stated that the input from the County Attorney would be necessary as well to insure all legalities were addressed in any potential ordinance. Mr. Chavez stated that he could provide the moratorium that the City of Bernalillo had just enacted. Vice Chairman Padilla stated that Mr. Chavez was welcomed to provide a copy of the ordinance to the County Manager and his concern would be addressed.

Valencia County Clerk Kandy Cordova stated that she had received a Petition to Save the Tierra del Sol Executive Golf Course, which was presented, by Gail Wall and Tom Wall who could be reached at 864-3163 and David and Alice Coats at 864-3813. She stated that the Petition would be on file in her office.

## **ACTION ITEMS**

### **a) Recognition Los Lunas Girls Major Softball- State Champions**

Commissioner Giron expressed his pride in the accomplishment of the participants in their achievements. He emphasized the young age and talent of each young lady as she was introduced to the Commission and awarded a certificate of accomplishment. All Commissioners joined in their praise and all in attendance applauded them. Their Manager, Glenn Trujillo and his assistants, Christine Torres and Jason Gonzales were also recognized and congratulated for their good work.

### **b) Tierra Bonita – Presentation of Quarterly Report; Approval of 2000/2001 Board; Presentation of award from the State Governors Community Achievement Award**

Robin Ver Eecke presented the Quarterly Report and reviewed with the Commissioners the accomplishments and planned events. She then presented to Commissioners the State Governors Community Achievement award and stated that Tierra Bonita had also won the Program Excellence Award again. She then asked for approval of the new slate of Board of Directors. Commissioner Pando expressed the appreciation of the Commission for the outstanding service provided by Ms. Eecke and her volunteers. They were given a round of applause. Ms. Eecke thanked the Commission for its support. Commissioner Giron made a motion to approve the new Board, which was seconded by Commissioner Pando. Motion carried. (Exhibit A)

### **c) Request In State Travel to Las Vegas/Legislative Training**

County Manager James Fernandez presented the request of Maryann Gonzales for herself and Rose Crumpton for August 8<sup>th</sup> and 9<sup>th</sup> in Las Vegas, New Mexico. Commissioner Pando moves approval of the request which is seconded by Commissioner Giron. Motion carried. (Exhibit B)

### **d) Joint Powers Agreements/Services of Medical Director for Valencia County with the City of Belen and the Village of Los Lunas**

County Fire Marshal John Cherry presented the Agreements between the County and the municipalities for payment of a medical director who oversees the medical rescue units for the cities and the county. Commissioner Pando inquires if County Attorney Thomas Garde, which is answered in the affirmative by County Manager Fernandez, has reviewed the documents. Motion to approve was made by Commissioner Pando with a second by Commissioner Giron. Motion carried. (Exhibit C)

### **e)2000/2001 Cooperative Agreement – Valencia County/NMSHTD**

Mrs. Helen Cole addressed the Commission and reviewed funding received from Cooperative State funds, School Bus route funds and County Arterial Program funds through New Mexico State Highway and Transportation Department. She presented to the Commission Cooperative Agreements on all programs for Commission approval. There was discussion among the Commissioners and they requested a workshop with the Road Department, which was set for 4:00 PM on the 21st of August. A motion to approve the Agreements was made by Commissioner Giron and seconded by Commissioner Pando. Motion carried. (Exhibit D)

A motion was made by Commissioner Giron to convene as The Indigent Board, which was seconded by Commissioner Pando. Motion carried.

f) Indigent Report and Appeals

Barbara Baker, Administrator of the Valencia County Indigent, Insurance and Loss Prevention presented claims submitted of \$78,008.18. She requested that they approve \$50,661.48 and to deny \$27,346.70. Motion to approve the report was made by Commissioner Giron with a second by Commissioner Pando. Motion carried. An Appeal by Mayra Avila was heard and on recommendation from Mrs. Baker, Commissioner Pando moved to grant the appeal. The motion was seconded by Commissioner Giron Motion carried. An Appeal by Rick Osborn was heard and on recommendation from Mrs. Baker, Commissioner Giron moved to grant the appeal. Commissioner Baca seconded the motion. Motion carried. An Appeal by Steve Chappell was heard and on recommendation of Mrs. Baker, Commissioner Pando moved to grant the appeal. Commissioner Giron seconded the motion. Motion carried. An Appeal by Shane Thomas was heard and on recommendation by Mrs. Baker, Commissioner Pando moved to grant the appeal. Commissioner Giron seconded the motion. Motion carried. (Exhibit E)

Commissioner Giron made a motion to reconvene as the Board of County Commissioners with a second by Commissioner Pando. Motion carried.

g) Replace existing 102 ft. Telecommunications Monopole with 180 ft. Q West Wireless

Michael McCartney, Planning and Zoning Administrator, refers the presentation to Mr. Dan Varela employed by Quest Wireless, formerly U. S. West Wireless. He stated that he represents five carriers who want to place facilities on an existing Voice Stream wireless facility. He states that Quest Wireless was before the Commission in April of this year with a request to give permission to build a new Monopole at Ron's Place. He stated further that this Commission denied the request and it was suggested by staff in meeting with the desires of the Commission, to limit the number of sites in the County, to co-locate with an existing wireless facility owned by Voice Stream. He stated that they have done that and have worked with Mr. Steven Chavez and Mr. Ruben Chavez who have been cooperative and helpful in guiding them through the process and they now have this application where there will be five carriers using the same facility. He referred to packets provided that shows that where there is one carrier today, the pole would be replaced with a taller pole which would accommodate Voice Stream, Alltel, Cricket Communications, Quest Wireless and Sprint Alamosa. He stated that it will provide good service to the community by these five companies and at the same time it's a win situation in that it limits the number of wireless facilities that would be placed in the County. He then thanked the Commission and stated that he would happy to answer any questions. Commissioner Pando stated that when this application was denied for Ron's Place there was one that was approved somewhere down south. Mr. Varela replied that this was correct and that they had presented a plan for the whole valley, for the whole County for Quest and the Manzano Vista Middle School was approved by you all for us to place a new wireless facility that is a co-locatable site. He stated further that since Quest has six sites in the area they all are going to be co-locatable sites, which is pretty significant. Commissioner Pando inquires as to the site in question. Mr. Varela states that is about a half a mile south of Ron's Place, 3617 Highway 47 in Peralta. Commissioner Pando states that there is a pole there now to which Mr. Varela agrees. Mr. Varela stated that there is an existing 102 ft. Monopole with only one carrier, and the replacement pole requested today, and he noticed a typographical error stating that the replacement pole would be a 180 ft. tower, should state 185 ft. tower. Commissioner Pando inquires if Quest has intentions of coming back to the Commission to request 185 ft. poles at all six sites. Mr. Varela states that he doesn't believe this is so because most of the carriers have already built most of the sites and Quest Wireless has all the other sites that they need to cover this whole valley. Mr. Varela stated that this is an exceptional situation and while there could be in the future new sites that come up, there is no plan right now to his knowledge to change any of the existing sites or increase the heights. Mr. Varela stated that the increase in height would significantly improve the service we have right now, especially on the rocks by Isleta. Commissioner Pando stated that the concern of the Commission was they expected to be fully informed and does not want to become a community of towers. He also inquired how close the nearest home was to the existing tower. Mr. Varela refers to the packet, which has been furnished to the Commissioners and states that there is one home that is approximately 278 ft. away and another that is 199 ft. 6 inches away. He stated that they would meet all the requirements of Planning and Zoning Department and that is the reason for moving the actual site two feet to accommodate setbacks and to be in compliance with the code. Commissioner Giron stated that the site is in his District and before Steven Chavez speaks he would like to hear from the public or anyone who may be against this.

Glenda Gray inquired if the home referred to by Mr. Varela, which is 199 ft. 6 in. away, was their home. Discussion continued on the location. Mrs. Gray stated that she and her husband were concerned and she believed that their home is closer than 199 ft. She stated that this pole was

erected in their front yard and they were not notified. She stated that she had tried to get something done but was told at that time that it was a mandate and that she had no alternative, no choice. Vice Chairman Padilla inquired as to when the pole was erected and Mrs. Gray stated that it was 3 years ago, sometime ago. She said she had been told that it was mandated by our President for communication towers and that she had no recourse. She stated that now that they are attempting to build it taller she is concerned that it is too close to their home to be that tall. She stated that she is also concerned about noise and recounted their experience with a generator. Mr. Gray expressed his concern with their property value being diminished. Commissioner Giron inquired of Planner Steven Chavez as to the setbacks. Mr. Chavez responds and refers to the set design and stated that the set back appears to be 198 ft. 6 in. Discussion continued among the Gray's, Steven Chavez, Mr. Varela and Commissioners regarding the distance from the Gray house to the tower, the complications that would arise from moving the tower and the requirements of the Planning and Zoning. Commissioner Giron stated that his only problem is with the setback and that he would like to see it moved west. He then inquired how significantly such movement would affect reception. Mr. Varela stated that if it is minor movement such as 50 Ft., it could be accommodated. Mr. Steven Chavez stated that from a planning perspective his department supported and encouraged co-location as much as possible. He stated that there is a Federal mandate to allow these towers to come in and they can only disallow them if they violate rational standards. Mr. Chavez stated that the company has met the County standards for this pole. After discussion Commissioner Giron made a motion to allow the 185 ft. monopole to be built 185 ft. from the existing residence on the west side. He then inquired of Steven Chavez on any ordinance for noise control to which he replied there was none. Mr. Varela stated that he had been informed that the owner of the property on which the tower is erected would not allow the site to be changed. He also stated that they had met all the requirements, met the rules that have been placed before us, it's a win situation because they have five carriers on one site which is what the staff has suggested and complies with the desire of the Commission. Commissioner Giron inquires of Steven Chavez whether or not the Commission has the authority to dictate where the pole can be erected. Mr. Chavez replied that that was a question for the County Attorney but based on the federal mandate that the County has very little leeway and if they meet the requirements of the zoning ordinance, we have to allow them in. Commissioner Giron re-stated his motion to approve the monopole location 185 ft. from the existing residence on the west side,going east. Commissioner Pando seconds the motion. He stated that they are not denying the request but they will have to renegotiate the lease. Vice Chairman Padilla stated that all the Commission is asking for is neighborly consideration. Motion carried (Exhibit F).

h)Request to Amend Zone Maps from RRI to C2/Cliff Hammond

Mr. Michael McCartney stated that the Planning and Zoning Commission had heard this request on July 11,2000. The Planning and Zoning Commission denied the request unanimously. Commissioner Pando inquires if Mr. Hammond is present. Mr. McCartney stated that because of the reception he had received at the Planning and Zoning Commission meeting he probably figured it was a moot point to come. Mr. McCartney stated that they had said that basically he had no site plan and was just looking for a blank check to speculate and sell commercial property for more than what it was worth now. Commissioner Giron stated that since Mr. Hammond did not have enough respect to come before the Commission just because Planning and Zoning denied his request, I don't think I have any reason to hear anymore. Commissioner Pando moved to go along with the Planning and Zoning recommendation to deny the request. Commissioner Baca seconded the motion. Motion carried. (Exhibit G)

i)Final Plat Approval/Curfman Estates

Mr. Michael McCartney stated that all previous concerns raised by Commissioners have been met and recommends approval. Mr. Steve Crawford stated that this was a request that was heard almost a year ago and during the preliminary plat approval the Commission approved this with a series of conditions including a few that the developer disagreed with. He stated that the developer appealed the decision of the County Commission to the District Court and the final plat, which is before the Commission is an attempt to satisfy the wishes of the Commission as amended by the judgment of the District Court. He stated that the biggest issues in the judgment of the District Court were the basic lot size. He stated that this Commission wanted to impose a 1.5 acre lot size on this project and the District Court disagreed with that and ordered that this be done under the old rule, 1 acre lot sizes. He stated that the application was submitted under the old rule so the Judge overturned that and the other thing the Judge overturned is the decision of this Commission whereby you had directed the developer to form an irrigation association and work to organize the lots into a ditch association for purposes of providing irrigation to every lot. The Judge modified that condition of the Commission that instead of requiring the developer to build ditches and organize the association the developer was only required to provide legal easements to provide for the possibility of an individual lot owner building ditches to serve any particular lot in the subdivision. Mr. Crawford stated that the last condition that was imposed by the County Commission that was stricken by the District Court was the condition to pave streets outside the limits of the subdivision. He stated that to comply with the direction to provide septic permits, they have taken a permit on the existing tract of land and shows the depth of the ground water, which implies that a conventional septic system can be installed to meet regulations. He stated that a development agreement had been executed which will be given to Mr. McCartney for filing. Mr. McCartney stated that all the requirements have been met as amended by the District Court. Commissioner Pando stated that this property is in Commissioner Aguilar's District and inquires if she had left with the County Manager or the Planning and Zoning Department any questions she needed answered. County

Manager Fernandez stated that she was aware of ruling by the District Court. Commissioner Pando made a motion to approve the final plat on Curfman Estates. Commissioner Giron seconded the motion. Motion carried.

j)Manager's Report

County Manager James Fernandez stated that he and Monica Mireles had met with Dorothy Victor, from the New Mexico Historic Preservation Division of SHPO, and presented her with the proposed plans for the renovation of the Jarales schoolhouse. The first article requested was an archaeological assessment done of this particular piece of property. He stated that they had gone over some of the internal requirements of the building. He stated that one of the things they are prohibited from doing is dropping the ceiling by any degree within the existing building. Mr. Fernandez proceeded to enumerate other requirements and advised the Commission they are in the process of contacting people recommended for the assessment and will report to the Commission regularly on their progress. Vice Chairman Padilla stated that the renovation is connected to the sub-station plans and inquires whether or not they will be able to house the sub-station in the renovated building. The County Manager stated that the plans were not only for a sub-station but a community center. He stated further that the legislative appropriation of \$62,500.00 was received. Commissioner Pando discussed the pitfalls of renovating an old building and suggested other avenues for a sub-station might be considered. County Manager Fernandez stated that the funds appropriated were tied to that particular building. Commissioner Giron also expressed concern over the probable cost of the renovation. County Manager Fernandez stated that possible grant money is being explored as well as further request from the Legislature for additional monies. Vice Chairman Padilla stated that he recalled that the majority of the area residents were supporting renovation and at one point had offered their labor as well as some financial support. He stated further that he would be optimistic about further funding from the Legislature. Discussion continued on monies that had been raised at one point by the area residents for a new roof. Commissioners Pando and Baca cautioned that steps needed to be taken to prevent any accidents from occurring and placing the County in a situation of liability. County Manager Fernandez stated that staff had been directed to board up the facility so that no one can get into it and place no trespassing signs and indicating it is private property. Commissioner Baca stated her support for restoration but recognizes the financial constraints. County Manager Fernandez stated that he wanted to inform the Commissioners of a meeting tonight regarding future plans for the 911 service and they are asking for public input and specifically from public entities. He stated that his understanding from Mr. Cherry was they wish to explore combining all the efforts into a single site. Commissioner Giron inquires of Mr. Fernandez as to the process for obtaining speed humps in his district and would like to be informed when the request will be processed so that he can advise his constituents. County Manager Fernandez stated that the actual speed humps would have to be manufactured because of the chip seal. He stated further that the anchor bolts had not been sent and that he received those the latter part of last week. In response to an inquiry by Commissioner Giron, County Manager Fernandez stated that there are roughly five areas that have been requested and he needs direction on allocation and priority. Commissioner Giron stated that it was important to meet with Mr. Pena to discuss the costs and priorities. The County Manager suggested that at the time of the Workshop on the 21st these matters could be addressed. (Exhibit I)

k)Warrants

County Manager James Fernandez presented the Warrants for approval at a total of \$249,163.69 for the last two weeks. Commissioner Pando moved to approve the warrants and his motion was seconded by Commissioner Baca. Motion carried (Warrants on file in the office of the Valencia County Clerk).

**NEXT MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 21, 2000, at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

**ADJOURNMENT**

Commissioner Pando made a motion to adjourn the August 7th, 2000, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Baca seconded the motion. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the August 7th, 2000, Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

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**ALICIA AGUILAR, CHAIRMAN**

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

**SS  
S. T. FRANK PANDO, MEMBER**

**SS  
ELOY GIRON, MEMBER**

**SS  
HELEN BACA, MEMBER**

**ATTEST:ss**

**KANDY CORDOVA, COUNTY CLERK**

**DATE**

**For an official copy of these minutes or attachments see Commission Book 37 Page 613.**