

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

NOVEMBER 6, 2000

M I N U T E S

Chairman Alicia Aguilar Called THE MEETING TO ORDER at 9:00 AM.

PRESENT	ABSENT
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

County Clerk Kandy Cordova read the Agenda for the Executive Session. Commissioner Pando made a motion to go into Executive Session with a second to the motion by Commissioner Padilla. Motion carried.

Commissioner Pando made a motion to return from Executive Session with a second by Commissioner Padilla. Motion carried.

Mrs. Carol Anaya reported that during Executive Session the following personnel changes were discussed: New Hires: Daniel Hughes, Cops II, Carol Mallory, Temp Part-time Inventory Clerk; Resignation: Jennifer Hawks; Leave Without Pay: Gerald Garcia; Cathy Trevino and Letitcia Sedillos, Probationary to Non-Probationary with salary increase; Tiffany Gurule, Probationary to Non Probationary. CommissionerPando made a motion to approve the personnel matters with a second by Commissioner Padilla. Motion carried.

County Attorney Thomas Garde reported that during the Executive Session they had discussed the status of the termination of Susie Tosh, a former County employee. He stated that they had discussed the decision rendered by Judge Pope with regards to the Gleason appeal and also the status conference with regards to Twin Mountain and he advised the Commission that they have not yet received a date for the appeal hearing from Judge Pope. He stated that no action was taken on any of the items.

Commissioner Padilla made a motion that the foregoing was all that was discussed in Executive Session with a second by Commissioner Pando. Motion carried.

PLEDGE OF ALLEGIANCE

Commissioner Pando led the Pledge of Allegiance with a special tribute to the veterans of the Country.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the Agenda for the Regular Meeting. County Manager James Fernandez stated that under Public Requests there is a request from Lisa Mickle regarding a stop sign in Jarales. Mrs. Elaine Chavez and James Ashmore requested to be added under Public Requests. A motion to approve the Agenda as amended was made by Commissioner Pando with a second by Commissioner Padilla. Motion carried

APPROVAL OF MINUTES

Commissioner Pando made a motion to approve the Minutes of the October 16, 2000 Commission Meeting. Commissioner Padilla seconded the motion. Motion carried.

PUBLIC REQUESTS

Ms. Donna Hofheins addressed the Commission regarding traffic on Mill Road in Jarales. She stated that there was a stop sign until October when someone complained there would be a problem with farm equipment so the stop sign was removed. She stated that she and other petitioners have complained to the Commission on numerous occasions regarding what they consider a dangerous situation. She submitted another petition and a letter from one of the local bus drivers. (Exhibit A) She explained that the problem being experienced by farmers could be resolved by a different positioning of the sign. Commissioner Baca inquired if the stop sign had been put up and removed or was it ever put up at all. Ms. Hofheins replied that the sign had not been put up. Commissioner Baca

requested the County Manager to find a solution for the problem at the earliest possible time. Mr. Fernandez stated that the matter would be addressed immediately.

Mrs. Elaine Chavez addressed the Commission on behalf of Alfred Bennett, Candidate for State Senate District 29. She submitted an unsigned statement. (Exhibit B) She stated that she too was concerned that deputy sheriffs would not allow people to come into a public building. She stated that the letter was not signed because it had been dictated over the telephone.

Mr. James Ashmore, addressed the Commission on behalf of the Highland Meadows Neighborhood Association. He wished to introduce himself and the Board to the Commission because they hoped to be working with the Commission aggressively in the near future to resolve some community issues. Commissioner Pando who represents the area of Highland Meadows stated that he had met with many members of the Association and appreciated the interest they continue to show in bringing improvements to the area. Chairman Aguilar invited the Association to keep the Commissioners updated on what is going on in the community.

ACTION ITEMS

a) Recognition of Century High Students for Construction of Bosque Trail

Mr. Paul Luna, Principal of Century High School in Los Lunas, addressed the Commission and expressed his thanks for their support of the alternative school and various projects, which are available to students. He was accompanied by three students who in turn explained their involvement in the various aspects of construction of the trail, to which they invited Commissioners and the general public to visit and enjoy. Mr. Luna then went into more detail on other projects in which the students are involved. Commissioners expressed their pride and congratulations to Mr. Luna and the students for the fine accomplishments. Chairman Aguilar presented them with a plaque of recognition and appreciation.

b) Approval of Quarterly Report/Tierra Bonita

Ms. Robin Ver Eecke presented her quarterly report. (Exhibit C) Commissioners offered their congratulations for her good work.

c) Acceptance of Petitions – Process to Incorporate Rio Communities

Ms. Cynthia Sluder addressed the Commission and submitted Petitions for Incorporation. (Original petitions filed in the Office of the County Clerk) She stated that an election must be held to ratify incorporation and the date she and the Association are hoping for would be in July of 2001. Mr. Richard Klapper also addressed the Commission, as did Mr. Nick Petriliak on the history of the movement for incorporation. Mr. John Maples also addressed the Commission in opposition to incorporation, saying when he chose to live in the Rio Communities it was because of the more rural lifestyle. He stated that he believed the media had distorted problems of safety and praised the efforts of the Sheriff and his office. Mr. Klapper and Mr. Petriliak responded that incorporation would give residents more control over their lives and that they believed the consensus of the majority of the community favored incorporation. Mr. Steven Chavez, Planning Director for the County stated that more study of the mechanics of the incorporation needed to be done to be certain they met legal criteria. He recommended that representatives of the incorporation movement meet with Planning and Zoning to review the actions taken to insure all required steps had been taken. He stated it would be a priority matter for Planning and Zoning. County Attorney Tom Garde agreed legal review is needed. Commissioner Padilla made a motion to table acceptance of the petitions with a second by Commissioner Pando. Motion carried.

d) Citizen Request for Billboard Moratorium/Write a Restrictive Ordinance

Mr. Vincent Chavez addressed the Commission regarding his interest in a billboard moratorium for Valencia County. He began his statement with a definition of a billboard and reviewed his earlier assertions regarding what he calls sign pollution of the County. He was joined in his comments by Mr. Earl Gleason and Mr. James Ashmore. Speaking against a moratorium were George Key of the Bowlin Company, Mr. Jack Huning and Marie Martinez. Discussion ensued regarding the necessity and the problem with enforcement. Chairman Aguilar stated that the ordinance passed in the City of Belen couldn't be enforced. Statistics on the billboards in place were provided by Mr. Michael McCartney of Planning and Zoning. Mr. Steven Chavez, County Planner, stated that moratoriums were generally used for emergencies and was not warranted at this time. Discussion continued, after which a motion was made by Commissioner Pando to deny a moratorium at this time. Commissioner Baca seconded the motion. Motion carried.

e) Approval of Liquor License-Application No. A-4575/#279

Valencia County Clerk presented the Liquor License application of Tierra del Sol County Club for approval by the Commission. Commissioner Padilla made a motion for approval with a second by Commissioner Baca. Motion carried. (Exhibit D)

f) Russell Owens Lot Split

Mr. Steven Chavez recommended the earlier action of the Commission in denying the split should be reversed. He recommended a three-lot split be approved. Chairman Aguilar stated that in the administrative decision to allow the split initially there were some issues that should have been addressed. She then inquired as to the waiver of the paving and whether or not Mr. Steiner owns any lots that have not been sold upon which the Commission could impose some requirements. She emphasized that the requirements should be imposed on Mr. Steiner, not Mr. Owens. She stated that when other administrative splits are requested in the future that Mr. Chavez review them. County Attorney Tom Garde then inquired as to the date of the initial split and then stated that the

issue was basically a discretionary decision on the part of the Commission. Chairman Aguilar then inquired if the entrance to the new lots would be private roads. Mr. Chavez responded that the replat by Mr. Owens includes a new road and it would be a private road. He also stated that his recommendation did require that he meet the paving requirements of the new regulations. Chairman Aguilar then inquired if the road was being brought up to gravel specifications before any permits are issued. Mr. Chavez responded that he didn't know and has no documentation about that. Chairman Aguilar stated that she brought the matter up because of many complaints received from citizens on confusion between a privately maintained public road and a publicly maintained public road. Mr. Owens stated that the road on the property had already been approved with Mr. Steiner's replat. Chairman Aguilar stated she understood that but that it is a privately maintained road. Mr. Owens stated that the road is the required 40 feet to allow for school buses access as well as emergency vehicle and he acknowledged responsibility of the landowners to meet safety requirements. He then inquired as to the ordinance regarding paving and was it in effect when Mr. Steiner initially had the property. Chairman Aguilar stated that the ordinance was in effect. Commissioner Pando then inquired as to how many of the lots had been sold. Mr. Owens stated that Mr. Steiner has sold, he purchased the front eight-acre tract and Mr. Steiner has sold a sixteen-acre tract to the southwest to one other individual. Commissioner Pando speculated that further administrative splits would be requested and before we know what we will have here is a full-blown subdivision. He stated that in the meantime no one has addressed the roads. He stated that in his opinion the Commission should adhere to the three-year rule. Chairman Aguilar then requested that Administration notify the purchasers of the properties from Mr. Steiner and Mr. Steiner that they do have a responsibility on the roads so that permits are not issued until those roads are brought up to specifications. Mr. McCartney stated that the building inspectors couldn't deny a permit based on road specifications, especially if it is a private road. Chairman Aguilar clarified she was speaking of the administrative split approval. She stated that if that had been complied with Mr. Owens would now have a road that meets specifications. She stated that this particular situation has been addressed but added her caution to any future splits. Mr. McCartney stated that he believed Mr. Steiner got in before the regulation was in effect. Chairman Aguilar stated she understood it was pre-paving but that it should have been brought up to gravel specifications. Chairman Aguilar then stated that she would follow Planning and Zoning recommendation and move approval to the split. Commissioner Padilla made a second to the motion. Commissioner Pando stated that he was voting against the split. Motion carried. (Exhibit E)

Board of Commissioners Convenes as the Indigent Board

A motion to convene as the Indigent Board was made by Commissioner Padilla with a second by Commissioner Pando. Motion carried.

g) Amendment to Indigent Resolution/Indigent Report and Appeals

Mrs. Barbara Baker presented an Amendment to the Valencia County Indigent Hospital Claim Program Resolution. After inquiry by Commissioners and recommendation of County Attorney Tom Garde, Commissioner Pando made a motion to table the Amendment. Commissioner Padilla seconded the motion. Motion carried. Mrs. Baker then presented Indigent Claims for \$169,598.87 with a recommendation to approve \$108,950.23 of those claims. Commissioner Pando made a motion to approve the recommendation with a second by Commissioner Baca. Motion carried. She then recommended the approval of appeal by Diane Padilla. Commissioner Pando made a motion for approval with a second by Commissioner Padilla. Motion carried. She then recommended approval of the appeal of Clarence Moya. Commissioner Padilla made a motion for approval with a second by Commissioner Pando. Motion carried. (Exhibit F)

A motion to reconvene as the Board of County Commissioners was then made by Commissioner Pando with a second by Commissioner Padilla. Motion carried.

h) Request Approval of Out of State Travel

Sheriff Juan Julian requested approval for out of state travel for James Purdy to attend a conference in Las Vegas, Nevada. Commissioner Padilla made a motion to approve the request with a second by Commissioner Baca. Motion carried. (Exhibit G)

i) Approval of Resolutions

Fire Marshal John Cherry requested approval of Resolution 2000-50, budget adjustment. Commissioner Pando made motion for approval with a second by Commissioner Padilla. Motion carried. (Exhibit H) Commissioner Baca made a motion to approve Resolution 2000-51 that was seconded by Commissioner Padilla. Motion carried. (Exhibit I) County Clerk Kandy Cordova presented Resolution 2000-52, Intra-budget transfer. Motion to approve was made by Commissioner Pando with a second by Commissioner Baca. Motion carried. (Exhibit J)

k) Manager's Report

County Manager James Fernandez reported to the Commission that construction on the Las Maravillas parking lot, improvements and drainage was scheduled to begin today. He stated that it is scheduled to be completed in 30 calendar days, actual construction time is to take about two weeks, depending on the weather. He stated further that at Commissioner Pando's town-hall meeting, information on the Special Assessment District had been requested and presented a report provided by Mr. Steven Chavez and asked the Commissioners to review the report prior to sending it out. Mr. Fernandez stated that Mr. Frank Holguin, who is here today, has reported on the mobile unit being acquired from the Federal Government. Discussion ensued on whether or not the buildings would be given to the County and the County's responsibility for maintenance and insurance. Discussion also was had on the site for the building and ordinances of the county. Mr. Fernandez stated there were

several questions that needed to be addressed. He then presented the Warrants for approval. (On file in the Office of the County Clerk) Commissioner Pando made a motion to approve the Warrants with a second by Commissioner Baca. Motion Carried.

NEXT MEETING

Chairman Aguilar announced that the next meeting of the Commission would be on November 13, 2000 for the Canvass the General Election at 4:00 PM. She stated that the next Regular meeting of the Commission would be held on November 20, 2000 at 6:00 PM with Executive Session beginning at 5:00 PM.

ADJOURNMENT

Commissioner Pando made a motion to adjourn with a second by Commissioner Padilla. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the Regular Meeting of November 6, 2000 (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, CHAIRMAN**

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

**ss/
S. T. FRANK PANDO, MEMBER**

ELOY GIRON, MEMBER

**ss/
HELEN BACA, MEMBER**

ATTEST: Corrine Sedillo for

KANDY CORDOVA, COUNTY CLERK

DATE: November 20, 2000

For an official signed copy of these minutes and attachments see Book 37 Page 970.