

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

July 2, 2002

Chairman Aurelio H. Padilla called the Meeting to order at 9:05 A.M.

PRESENT	ABSENT
Aurelio H. Padilla, Chairman	
Gary Daves, Vice-Chairman	
S. T. Frank Pando, Member	
Alicia Aguilar, Member	
Helen Baca, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Aurelio H. Padilla called the Meeting to order at 9:05 A.M. Tina Gallegos, County Clerk read the agenda for executive session.

Executive Session

Commissioner Pando made a motion to enter into executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Commissioner Pando made a motion to go into Regular session. Seconded by Commissioner Daves. Motion carried. 4-0.

Carol Anaya reported during executive session the following was discussed. Vidal Blea from the Assessor’s Office retirement as of July 31, 2002 and Ms. Anaya informed the Commission on an employee who was attending voting polls on Primary Election day and that was an error on the supervisor and documentation was submitted to this effect.

Tom Garde reported during executive session the following was discussed. The draft on the Cornell contract, which is submitted, to the Attorney General’s office and Department of Finance and Administration the Commission discussed the status of this contract and the status of the default judgment that will be heard next week at the Metro Court in Albuquerque.

Commissioner Pando made a motion to accept Ms. Anaya’s and Mr. Garde’s report as to what was discussed in executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Chairman Padilla asked Tom Garde to lead the Pledge of Allegiance.

Approval of Agenda

Ms. Gallegos read the agenda for the Regular Meeting. Commissioner Pando made a motion to approve the agenda as read. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Approval of Minutes

No minutes at this time for approval.

Public Requests

Commissioner Pando commented that the News Bulletin incorrectly reported on the motion that he had voted for the budget and actually voted against approving the budget for this fiscal year 2002-2003 due to the employee’s situation was not to his satisfaction. Commissioner Pando also stated the motion to put the Assessor’s Office on 40 hours and he also voted against that motion because he felt that monies should have benefited all the employees and not just the select group and Mr. Pando said he would repeat himself because all this has done is pit departments against departments.

Commissioner Aguilar addressed the Commission and the public that yesterday she had received a copy from the minutes from Bernalillo County on the Juvenile Detention Center meeting and wants this part of the record. At their last meeting on April 17th the Commission discussed the budget and the Juvenile facility, Ms. Aguilar said she would briefly read highlights of the minutes. Tom Swisstack, Bernalillo County Juvenile Detention Director opened the meeting. Tom indicated that Torrance County has been behind payments since November and another issue is overtime around \$5,000. Debbie Hayes wanted to know where the program is headed and mentioned as opening the Valencia facility as a shelter and added she does not know the numbers yet for this project. The

minutes go on to indicate option one as Valencia County going with Cornell opening it with females as a shelter bed unit, Debbie asked if the facility could run itself and James said it would not be an option and has not even looked into it. Debbie feels privatization is not an option and James agreed. James added that if Cornell ran the facility they would move the population to Santa Fe it goes on to say that Tom feels it would be about \$123,000 to \$124,000 more to open the other side with females. That would be about \$60,000 for Valencia and Sandoval County. Nursing costs would go up, possibly three times a day. It goes on to indicate that Debbie added that she personally appreciated everything that has been done to benefit the County and James agreed. Thaddeus Lucero added that he feels the Valencia Commission does not have a comfort zone with the decisions made by the Regional Board. James said the Commission is in agreement by four out of five regarding the Juvenile facility. James added that he is pleased with the facility and his Commission is working out issues. Commissioner Aguilar said she read this for the record because as she has said in the past this was never brought to us and wants this part of the record.

Chairman Padilla said we will go on with the Action Items listed on the agenda.

Planning & Zoning Matters

Request to Update Valencia County Zoning Maps – Ruben Chavez

Mr. Chavez stated to the Commission that in their packets they will notice every so often the official zoning map is brought before the Commission for signatures and there is a list of changes that were made to the zoning map by virtue of requests of zone changes that have been heard before this Commission. Also included is a list of zone changes that have been denied. Mr. Chavez said if there are any questions the zone maps are ready for signatures.

Chairman Padilla said on the advice of attorney Tom Garde he and Commissioner Baca are recusing themselves on this action item because of conflict of interest. At this time Chairman Padilla and Commissioner Baca left the room.

Mr. Chavez requested a zone change to amend the zone maps from RR2 to C2 for Bridget Sanchez for the purpose of building and operating a convenience store. Mr. Chavez said the reason for C2 is Ms. Sanchez would also like to sell packaged liquor at this location and this request was heard at the June 11th, Planning and Zoning Commission Meeting and it comes before this Commission as an unfavorable recommendation on a 2 to 1 vote of the Planning and Zoning Commission. Mr. Chavez said there is a copy of the petitions for the Board to review. Bridget Sanchez introduced herself and stated she wants to operate a convenience store to sell burritos, doughnuts, pastries, tortillas, bread, groceries and packaged liquor. Ms. Sanchez explained the layout of the convenience store and stated she has a petition of over 300 people supporting her on this issue. Commissioner Pando asked isn't there a school close by? Ms. Sanchez said yes but in order to sell liquor the premises has to be 300 feet away from the school property and it is. Mr. Garde addressed the Commission the Statute reads all measurements taken in order to determine the location of the licensed premises shall be from the property line to the property line. Len Smith Valdez spoke on behalf of Bridget Sanchez in regard to the selling of packaged liquor and the distance from the school to the convenience store in question. Commissioner Aguilar said the issue before is the zone change only as far as the liquor license then that has to come before us for approval and then the State will have the say yes they can sell liquor or no they can't but before us today is the zone change only and this does not give her permission to sell liquor because it is not up to this Commission unless the State has approval of the liquor license. Commissioner Daves asked for public request at this time.

Tomasita Cordova from Jarales on behalf of the zone change had petitions against the change. Ms. Cordova said they are all Jarales residents and said she hopes this Commission will vote as the Zoning Commission voted and that is against the change. Ms. Cordova said they have problems such as drug and alcohol and she is against zoning completely. Ms. Cordova said thanks to the Commission for listening.

Manuel Baca from Jarales was very emotional and stated that the population has grown in the Jarales area and they are in dire need of a convenience store. Mr. Baca said he is not familiar with all the problems he just knows they need a store.

Jennifer Homan said she is currently moving to Casa Colorado just a few miles from the convenience store and her children will be attending the school in question. Ms. Homan said she will also be substituting at this school and she doesn't see a problem with the store's location or traffic problem and will be good for the community as well as the economy, which will employ local people.

Greg Silva said he was a newcomer to Jarales and his main concern is safety because the County is growing and this road is a hazard and is against this store.

Lydia Trujillo said she is for the change and said she has lived in Jarales all her life and thinks this will be competitive business for Jarales; she drives a school bus and doesn't see the traffic as a problem. Ms. Trujillo said the liquor sales will not be a problem and in fact with the school so close this might be monitored.

Tom Brunton from Jarales said he has been a resident since 1993 and this is a divided neighborhood and is against it because of traffic safety and said he lives by the curve and would like to see more stores open just not in this location the road is too narrow and asked the Commission to go out and look at it.

Raymond Sanchez from Jarales stated he is opposed to the zoning change and commends Ms. Sanchez for the business part of it but in all practicality there is already one there and doesn't feel there is enough revenue to bring in out there but the traffic situation is bad.

Steven LaJeunesse a resident from Jarales said he has been there for about a year and is opposed to the location because of safety reasons. Mr. LaJeunesse said he rides his bike down that road and knows every curve and how dangerous it is and with the store being right by the school would entice the school kids to cross the road to the store and this would be dangerous unless there is crosswalks in place or a streetlight and stresses to the Commission the safety of the people due to this location.

Ms. LaJeunesse said she works at the school and her concern is that some kids leave school without permission and the store would entice them to cross and to this effect the location is dangerous to the school children. Ms. LaJeunesse said she opposes this also because of the packaged liquor.

Corrine Sanchez, mother of Bridget Sanchez spoke on behalf of her daughter and said it has been Bridget's lifelong dream to be a baker. Ms. Sanchez said Bridget had gone to school to be a dental hygienist but instead she wants to be a baker. Ms. Sanchez said the curve in question is north of the church and doesn't feel this is a problem.

Allison McCloud from Los Lunas said she was opposed to this zone change because of safety reasons. Ms. McCloud said this also would create a problem with school kids using this as a hangout and opens up so much potential problems.

Marie Silva said she objects to the package liquor and said she just found out her grown daughter used to sneak out to buy liquor and this is dangerous for all kids.

Commissioner Pando said if this is granted with certain conditions this question is for Mr. Chavez do those certain conditions go with the land? Mr. Chavez said yes they do with the land.

Commissioner Daves said if C2 was granted with conditions that limited these conditions and feels this is the consensus of the public here. There is a question of two acres for C2 and we need to look at what spot zoning is and Commissioner Daves said there are other locations that can be of use for this store. Commissioner Pando said he has a petition with signatures for the zone change and against the zone change. Commissioner Pando made a motion to approve this zone change from RR2 to C2 and if there is a liquor license ever approved it be only for package liquor. Motion failed for a lack of a second.

At this time Chairman Padilla and Commissioner Baca returned to the meeting.

Request Amendment to Zone Maps Amend Zone Maps from C1 to WCF – Titan Towers-L.Galloway & P. Armijo

Ruben Chavez requested to amend the zone maps from C1 to WCF for the purpose of a 150" telecommunications monopole along with the related equipment. Mr. Chavez said Laddie Galloway and Peter Armijo are present to discuss this request to amend the zone map. Mr. Armijo asked the Commission's approval from C1 to WCF to eliminate the need for future development of the towers within the area of this particular 150' tower. This 150' tower would be capable of maintaining at least four carriers, Crickett plus three more and Mr. Armijo stated this is people mandated. There are areas having trouble with the phones because there are so many out there due to the high demand that is going on right now calls are being dropped. Laddie Galloway, site specialist for Titan Towers asked the Commission if they had any questions. Commissioner Aguilar said she did and asked Mr. Galloway are you also asking for variance on the proposed landscaping, lighting, signage, noise buffering, color and camouflage and health and safety? Mr. Galloway said the site is inside the existing fence line of the white elephant of were the current site is. The compound would blend into the existing use of the property. Commissioner Aguilar said the other towers that have come before us in Rio Communities and also the one in Rio Del Oro and part of the concern was the kids in the summer months climbing the chain link fence and actually climbing the tower. Mr. Galloway said this tower would have a deterrent to eliminate this type of problem. Commissioner Aguilar asked if the variances have been granted. Ruben Chavez, Planning and Zoning said yes they have been. Commissioner Daves asked Planning and Zoning on the variances. Anna Jojola from Planning and Zoning stated on the landscaping on the location where the tower is going to be placed you would not be able to see the landscaping anyway and it is in back of the White Elephant Storage. This will all blend in with the landscaping. Dan Andazola, Engineer for Crickett Communications discussed with the Commission Crickett is one of the carriers that would this would benefit. Commissioner Daves asked Mr. Chavez if this option was beneficial at this time. Commissioner Pando said he has heard this before everyone comes in and says there won't be another tower but yet there are so many out there and Commissioner Pando said where are we going with this and if it were up to him he would knock everyone of those towers down but unfortunately it is not up to him. Chairman Padilla said he felt like Commissioner Pando but whose responsibility would it be to take those towers down because there are so many out there. Mr. Chavez said there is stipulation they have so many days for the tower to come down if it is no longer of use and there is a removal clause in their contract. Commissioner Daves said these towers are everywhere and we have gotten used to seeing them. There is so much competition out there. Commissioner Daves made a motion for approval of this request to amend zone maps from C1 to WCF. Chairman Padilla seconded the motion. Discussion. Commissioner Pando voted no. Commissioner Aguilar voted no. Commissioner Daves voted yes. Commissioner Baca voted yes. Chairman Padilla voted yes. Motion carried. 3-2.

Request Amendment to Zone Maps Amend Zone Maps from RR1 to PD – Campbell Farming Corp/Agent: Brian O'Hare

Ruben Chavez requested to amend the zone maps from RR1 to PD for the purpose of the proposed PD zoning will have 3 uses: 1) light industrial; 2) commercial; 3) recreational. This property is out in the outland district; the distance is just above the Belen airport. It is a planned development, probably the first one of its kind that we have. Brian O'Hare gave a power point presentation for this planned development. Mr. O'Hare stated the purpose of the PD District is to allow and encourage a comprehensive development rather than traditional parcel-by-parcel development. The Campbell Business Center needs to be competitive with other industrial parks in New Mexico and the Albuquerque area. The PD will have light industrial lots that are ready to go with paved roads, sewer, water, electric, and communication services stubbed out at each lot. Mr. O'Hare said this will be a seven to ten year planned development, which will include 2800 acres. Campbell Business Center has developed a flexible and creative Master Plan for the site. This will show a commercial Town Center and recreation facilities that will give the light industrial park the aesthetic and desirable use of open areas. The local youth groups and other community members, for example, can use the soccer and baseball fields. The Master Plan also shows pedestrian walking and running paths or routes that can be used by any community member. Commissioner Aguilar asked where would the water come from. Mr. O'Hare said from the City of Belen they would be willing to negotiate a water service agreement. Commissioner Pando made a motion for approval on this request to amend the zone maps from RR1 to PD. Chairman Padilla asked for public opinion. Gil Gray applauds what the Commission is trying to do but has some issues on the green space and not overtaken with weeds. Mr. O'Hare said Campbell Farms does have a maintenance plan that will be put to use for this project. Chairman Padilla reminded Commissioners there is a motion on the table. Commissioner Pando repeated his motion for approval on the request to amend the zone maps from RR1 to PD. Seconded by Commissioner Baca. Discussion. Commissioner Pando commented that he has sat on this Commission seat for 31/2 years and associated with County Government and it is a nice feeling to sit here and let future Commissioners know when they make a decision it is for the good of Valencia County. Ruben Chavez from Planning and Zoning said this is a step in a good direction for Valencia County and has to be a good feeling for the County to implement such a project. Revenue will come in for the County and this is a good thing. Mr. Chavez recommended this approval. Commissioner Aguilar said her concern was if Belen were to annex this project it would reap all the benefits. She said she met with Robert Gateway and posed this question to him and he said this was a project within the County and he would consent this project stay in the County. Commissioner Aguilar said she would ask for the motion to be amended to state this concern on annexation to reflect this condition. Commissioner Daves said he opposes this amendment to the motion and asked Mr. Fernandez if there is gross receipts tax and fire excise tax that is unincorporated that the County collects. Mr. Fernandez said the county does bring in taxes on the unincorporated area. Commissioner Pando stayed with his motion on the request for approval to amend zone maps from RR1 to PD. Commissioner Baca seconded it. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Break @ 1.05 PM to 1:25 PM.

Department Requests/Reports

Valencia County Commission Convenes as Indigent Board

Indigent Appeals and Report – Barbara Baker

Commissioner Pando made a motion to convene as indigent board. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Ms. Baker requested an appeal for Alison MacLeod to her indigent assistance denial letter of June 10, 2002. Mrs. MacLeod was denied as the income was above the maximum allowed. Ms. MacLeod was employed in 2001; she has not been employed since the end of September. She is currently a full time student and the County takes the last 12 months income Ms. MacLeod was over. She currently is not employed and lives with friends. Ms. Baker recommended the Commission reconsider this denial. Commissioner Daves made a motion for approval. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Ms. Baker proceeded with her report and presented the indigent claims from May 29, 2002 to June 19, 2002. The total amount of claims submitted is \$164,815.24 and there were 75 claims submitted and 11 denials and Ms. Baker asked the Commission approval of \$44,899.39 and to deny \$119,915.85. Commissioner Baca made a motion for approval. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Commissioner Pando made a motion to reconvene as Board of County Commissioners. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Request approval to Change Bank Services from Wells Fargo to Bank of the West – Diana Martinez-Coplen, County Treasurer

Treasurer's Operating Account, County Payable Account and Payroll Account

Ms. Coplen said the reason for this change is interest rates are so low and the interest we make on our accounts with Wells Fargo is very minimal. The fees are excessive and the money earned with

the Bank of the West would be more and the fees are considerably less. A low estimated savings of \$2,087.73 would be saved annually with Bank of the West. Linda Lyle, Vice-President for Bank of the West presented to the Commission a cost comparison for review. Ms. Lyle said changing banks is to reduce cost, secondary to that is to reduce time spent on certain tasks due to reduced staffing. Ms. Lyle said Bank of the West can help with both goals. With the market and current rates as low as they are it would be of value for you to keep your balances as high as possible in your checking account therefore off-setting fees versus interest gained through a repurchase investment. Although Bank of the West's interest rate on the repurchase investment is higher than Wells Fargo; the earnings credit rate is even higher therefore justifying keeping as high a balance in the checking account as possible. Ms. Lyle said this is a three-year contract. Daniel Garcia was present and Ms. Lyle said he is from the Los Lunas branch and will accommodate the County's daily deposit and checking cashing needs. Danielle Jony, Treasurer's Office explained to the Commission the breakdown of the interest fees. Commissioner Pando made a motion for approval to change banks. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Request Signature on 2002 Legislative Appropriation Grant Agreement for Valencia County – Monica Mireles

Ms. Mireles requested Commission signature on appropriations received from the 2002 legislative session. The expiration of the agreement is June 30, 2007. The legislature appropriated \$300,000 to the County of Valencia for constructions projects. Commissioner Pando made a motion for approval of the grant agreement between Valencia County and Department of Finance and Administration. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Aguilar passed. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Request Permission to Apply for LLEBG – Monica Mireles

Ms. Mireles requested Commission permission to apply for funding from the Local Law Enforcement Block Grant Program (LLEBG). Valencia County is eligible to apply for funding from the LLEBG Program in the amount of \$36,553.00 with a matching requirement of \$4,061.00 for a total amount of \$40,614.00. Ms. Mireles said the request has been submitted to LLEBG. Ms. Mireles said this has been incorporated into the 2002-2003 fiscal year budget. Commissioner Pando made a motion for approval of this request. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Financial/Business Matters

Approval of Payroll & Warrants – James Fernandez

Mr. Fernandez presented Treasurer's Financial Report as of Sunday, June 30, 2002 General Fund cash balance in the amount of \$1,535,151.06. Mr. Fernandez presented computer printout of all checks issued by the Fiscal Office on 06-28-2002 covering payroll processed on the above date. Warrant #69048 thru Warrant #69081 inclusive. Payroll #52699 thru payroll #52872 inclusive. Listing total \$162,911.91 and of that \$101,976.06 if from the General Fund. Commissioner Baca made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Mr. Fernandez presented computer printout of all checks issued by the Fiscal Office on 06-28-2002 covering vendor bills processed on the above date. Warrant #69082 thru Warrant #69154 inclusive. Listing total \$88,071.20 and of that \$49,224.85 if from the General Fund. Commissioner Pando made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Manager's Report

Jail Monitor's Report – Informational

Mr. Fernandez reported for the period of June 15, 2002 to June 28, 2002 average prisoner count was 138 and of that count 119 were males and 19 were females.

The next Regular Meeting of the Valencia County Board of County Commission will be held on July 16, 2002 at 5:00 PM Executive Session and 6:00 PM Regular Session in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Pando made a motion to adjourn. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Commissioner Baca voted yes. Motion carried. 4-0. Time being 1:45 PM

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

VALENCIA COUNTY BOARD OF COMMISSIONERS

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

**ss/
GARY DAVES, VICE-CHAIRMAN**

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

**ss/
ALICIA AGUILAR, MEMBER**

**ss/
HELEN BACA, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: August 20, 2002