

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

November 18, 2005

PRESENT	ABSENT
Mary J. Andersen, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
Paul Edward Trujillo, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Michael R. Trujillo County Manager	
Wimberly Law Firm, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

The Meeting was called to order by Chairman Mary Andersen at 9:00 AM.

Chairman Andersen led the Pledge of Allegiance.

Approval of Agenda

Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

Approval of Minutes

None

Public Requests

None

Discussion (Non-Action) Items

- a. **Commissioner Communication/Questions – County Commission**
- b. **Reports from Boards, Commissioners & Committees – County Commission**

Commissioner Pinkston announced that Meadow Lake is having a Christmas Fair, December 10th from 9:00 AM to 3:00 PM at the Meadow Lake Community Center.

Action Items

Board of Commissioners convene as Indigent Claims Board

Commissioner Pinkston moved to convene. Seconded by Commissioner Kirkham. Motion carried unanimously.

a. Indigent Report & Appeals – Barbara Baker

Ms. Baker presented the Indigent Claims from October 6, 2005 to November 4, 2005. The amount of claims submitted was \$286,870.68. There were 99 claims submitted and 22 applicant denials. Ms. Baker asked for approval of \$41,499.87. Commissioner Trujillo moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. **(See Exhibit A)**

Ms. Baker presented an appeal for Sharon Andrade, Valencia County inmate in that the appeal was denied as the bill was received after the 90-day limit. Ms. Baker recommended approval of the Cibola County Detention Center bill in the amount of \$80.08. Commissioner Trujillo moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. **(See Exhibit B)**

Board Reconvenes as Board of County Commissioners

Commissioner Trujillo moved to reconvene. Seconded by Commissioner Pinkstson. Motion carried unanimously.

b. Final Action on Public Hearing held November 9, 2005 – County Commission

1) Consideration of a zone change request to amend the zone map from outland to suburban residential for the purpose of developing a subdivision. Legal Description T6N R3E, Portion of the S ¼ of Sec 6, Land of Willie MA. Orona/Scott Eddings
Commissioner Kirkham moved for approval. Seconded by Commissioner Trujillo. Motion carried unanimously.

2) Approve or deny a zone change request from RR2 to RR1, Mp 77 Tr 200B2-C1 & C2 AKA 07 Barbara Lane/Agent Laura Sanchez

Commissioner Gentry moved for approval. Seconded by Commissioner Trujillo. Motion carried unanimously.

c. Request to Publish – An Ordinance providing for the abatement and identification of public nuisances in the entire unincorporated area of Valencia County, repealing conflicting prior ordinances – Mike Trujillo

Commissioner Kirkham stated that staff make available copies to the public. At the last meeting this was a big concern to the public that they did not have access to a copy or the attached exhibits.

Commissioner Trujillo asked Mr. Trujillo to briefly summarize the changes that were made.

Mr. Trujillo said under definitions page 2, Article 3, Section 3.4 was eliminated, instead of using agricultural uses, we inserted agricultural activities.

Ms. Wimberly said the agricultural activities in exclusion of equine activities, agricultural activities which are defined as including agricultural uses, agricultural facilities, agricultural operation, anything that falls in those definitions will be defined as agricultural activities.

Mr. Trujillo said also excluded was property management. Under the right to farm act, which is a state statute, it should be noted that it applies to commercial farm activities as presently written. There were a few motorcycle enthusiasts at our last meeting, we have not changed the decibel ratings for loud vehicular noises.

Commissioner Gentry said we went from land to activities on the agricultural portion and one question was page 6, solid waste definition was changed as to state statute.

Commissioner Gentry moved for approval to publish. Seconded by Commissioner Pinkston. Motion carried unanimously. **(See Exhibit C)**

d. Donation of base course for Lopez Loop – Commissioner Paul Trujillo

Commissioner Trujillo said he had an offer from one of his constituents to provide base course for a road in his District. This includes delivery of that base course with that individuals vehicles. Commissioner Trujillo moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

e. Appointment of Animal Control Advisory Board – County Commission

Chairman Andersen appointed Janel Chavez as her representative for District I. Commissioner Kirkham said she would like to appoint Mark Rosenblum for District II. Commissioner Trujillo said he would like to appoint Dori Jacobs as his representative for District III. Commissioner Gentry said his appointee is Cynthia Ferrari for District IV. Commissioner Pinkston said her appointee is Judy Babcock for District V.

Commissioner Gentry moved for approval of the above appointees. Seconded by Commissioner Pinkston. Motion carried unanimously. **(See Exhibit D)**

f. Approval of lease provisions with City of Belen for Public Health Facility – Mike Trujillo

Mr. Trujillo said he met with the Mayor and the City Manager last week and after discussion they offered to lease the property to the County on a twenty year lease agreement with four five-year options. They would also like a reversionary clause should the building no longer function as a public health facility as the property falls in the middle of an entire block that the City owns. Mr. Trujillo said today we are asking approval of the lease provisions with the City of Belen. Commissioner Trujillo moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

g. Approval of Schematic Design Phase – Mike Trujillo

1) Tome Dominquez de Mendoza Community Center

Dick Engstrom, Partner for Village Architects introduced John Kirkpatrick, Project Manager and Karen Vigil They gave a power point presentation on the Tome Dominquez de Mendoza Community Center. Mr. Engstrom said the design or user committee established by the Commission met again on October 28, 2005 and reviewed the design documents presented by the architect. Based on Village Architects review and discussion on design elements meeting the programmatic requirements, Scheme B is being presented to the Commission for approval subject to some minor façade changes that will occur during the Design Development phase. **Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Discussion.** Commissioner Trujillo said with the spelling of Tome, the historical spelling was Thome and his concern was had the committee addressed this. Mr. Engstrom said he would bring this up to the committee. Chairman Andersen said she had questions on the financial impact the 35% overhead and profit. Mr. Trujillo said what is in here is the standard construction 25% and when you budget out a project you budget to the mid-point of the project which is an inflation factor. Mr. Kirkpatrick said there are two things going on here. We base our unit cost on the prices that we generate estimates from our experience and we also do it on a national data base. Part of the problem in the last six months is escalating prices so they have recommended because the data base only gets updated once a year, the unit price that we are using to their recommendation we incorporate and it has been proven that it is pretty much right on. Chairman Andersen said she understands the concept but she also knows that overhead is based upon the cost of running a new business and not the cost of materials going into the project. There is a construction cost and a profit percentage can be set a side separately. If this is part of the fee she can understand that but 35% is just too astronomical. Mr. Kirkpatrick said what overhead and profit in the construction contract includes is not just the overhead profit for the contractor it also includes the general conditions of the contract which is usually a substantial amount. This includes the superintendent, pickup trucks and tools. Mr. Kirkpatrick said we can split that number down for the Commission and give you what the components are. Commissioner Kirkham said she is anxious to get this project rolling. Chairman Andersen said we need to be careful with cost, we have \$600,000 in this project. Commissioner Gentry said is the motion to approve the site plan and not the financial plan? Mr. Trujillo said as we go through each phase of work under the border plate, architects contract that we have with the County, we require they give us an updated estimated cost of construction. At each phase we get this on the plan and broken down for detail. **Commissioner Kirkham amended the motion for approval of the schematic**

design with the clarification of a breakdown of the project. Commissioner Pinkston amended her second. Motion carried unanimously. (See Exhibit E)

2) Belen Public Health Facility

Mr. Trujillo said the above request is for approval of the schematic design for the Belen Public Health Facility. Mr. Trujillo said members of the Belen staff were in attendance represented by Lupe Reynoso. The architect and the design group have been working with the Public Health staff and site development review with the City's architects. Becker Street will shortly be undergoing streetscape changes, the City is requested that the design be tied into the Railroad era streetscape now a part of the City's design criteria for Becker Street. The proposed building is 5900 square feet and will require demolition of the old drive-through bank building site. As a comparison, the existing building the County leases in Belen for Public Health is 2800 square feet. This new building will enhance the medical care provided in the southern part of the County. Ms. Reynoso gave a brief presentation on the efficiency and type of floor plan for public health clinics that this facility would have. Commissioner Kirkham moved for approval. Seconded by Commissioner Trujillo. Motion carried unanimously. **(See Exhibit F)**

h. Approval of real property lease agreements

1) Maintenance Yard/Animal Control, 1209 Highway 314, W/PCD, GSD

Mr. Trujillo said State Property Control advised them last week that the original lease with the state for the above property expired August 10, 2002. The State will still lease the area due to the County's investment and need for the property. The terms of the lease are as before rent fees of \$620.00 per year which we can provide in-kind assistance in the form of road maintenance or other type of clean-up service. The lease term due to statutory restrictions is twenty years with two five-year options or through the year 2035. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. **(See Exhibit G)**

2) 911 Emergency Dispatch Center, W/PCD, GSD

Mr. Trujillo said the above request is for approval of a space assignment understanding with the State Property Control for cottage #1 for use as the 911 Regional Dispatch Center and possibly an Emergency Operating Center. The lease would be for \$0.00 per year if the authority submeters the building separate from the master meter of the campus. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. **(See Exhibit H)**

i. Approval of proposed ICIP amendments – Mike Trujillo

j. Judicial Complex Update – Mike Trujillo

Mr. Trujillo presented the ICIP plan for the FY 2007-2011. Mr. Trujillo said the judicial complex will be added to this plan, the City annexed 10 acres into the corner of Morris Road and state road 314. Due to the 10 month delay on the judicial complex we are short due to this delay. By adding this to the ICIP we will propose the legislature to assist the County on this issue and judicial complex funding request in the amount of \$1.8 million. Additionally, we have received requests for funds for speed humps for the County and ask for \$150,000.00. Mr. Trujillo said we will also add the possibility of railroad grade separation at Jarales south and at state road 304 at the railroad tracks in the amount of \$6 million. Commissioner Gentry said he would like to add because we are in need of a medical facility in our County and add \$4 million to the plan. Commissioner Gentry moved for approval of the above items to be added to the ICIP plan. Seconded by Commissioner Trujillo. Motion carried unanimously. **(See Exhibit I)**

k. Financial Matters

1) Resolution 2005-83, Wal-Mart Neighborhood Watch Grant – Sheriff's Dept – Michael Steininger

Mr. Steininger stated that Wal-Mart periodically awards money to the Sheriff's Office for the neighborhood watch program in the amount of \$1000.00. Commissioner Pinkston moved for approval. Seconded by Commissioner Trujillo. Motion carried unanimously. **(See Exhibit J)**

2) Resolution 2005-84, FY05 SCAAP Grant Award W/Justice Benefits, Inc. – Michael Steininger

Mr. Steininger said this is monies that comes from the Justice Department to help the County offset part of its cost for housing illegal aliens. The award money is in the amount of \$5,616.00. Commissioner Pinkston moved for approval. Seconded by Commissioner Trujillo. Motion carried unanimously. **(See Exhibit K)**

l. Approval of Payroll & Warrants – Michael Steininger

Mr. Steininger presented the computer printout list of all the checks issued by the Manager's Office on November 10, 2005 covering payroll process on that date. Payroll Check #70184 thru Payroll Check #70489 inclusive. Deduction Check #82747 thru Deduction Check #82779 inclusive for a listing total of \$274,119.81. **(See Exhibit L)**

Mr. Steininger presented the computer printout list of all the checks issued by the Manager's Office on November 9, 2005 covering vendor bills processed on that date. Check #82780 thru Check #82780 inclusive for a total of \$4,500.00. **(See Exhibit M)**

The balance in the general fund is \$1,774,236.00.

Commissioner Trujillo moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

Executive Session

Commissioner Trujillo moved to enter into executive session. Seconded by Commissioner Pinkston. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Commissioner Pinkston voted yes. Chairman Andersen voted yes. Motion carried 5-0. Commissioner Kirkham moved to enter into regular session. Seconded by Commissioner Pinkston. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Gentry voted yes. Commissioner Trujillo voted yes. Chairman Andersen voted yes. Motion carried 5-0.

Mr. Trujillo reported as to what was discussed in executive session. Discussed were several personnel matters and pending or threatened litigation. One was a settlement agreement on Burris vs. Yates and it is a following action item below but the request from the Commission that it be removed from the agenda. No decisions were made and no action taken.

Commissioner Trujillo moved to accept the above report. Seconded by Commissioner Pinkston. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Commissioner Pinkston voted yes. Chairman Andersen voted yes. Motion carried 5-0.

1) Action on settlement agreement & mutual releases in Burris v Yates
Removed from the agenda and no action taken.

County Manager's Report

Industrial Park Rezoning

Mr. Trujillo said there was a hearing with the P & Z zoning commission dealing with the commission's request to rezone the industrial park from I-3 to I-2. There is a recommendation coming forth at the next public hearing. One of the major issues is our I District language needs some serious rehabilitation. Mr. Trujillo said he would have staff look at similar I districts or industrial district language to see if can't make the public feel more comfortable. Chairman Andersen suggested this be done at all due speed.

The next Business Meeting of the Valencia County Board of County Commission will be held on December 2, 2005 at 9:00 AM at the Los Lunas Schools Consolidated Board Room.

Adjournment

Adjournment at 11:10 AM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 18, 2005 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
MARY J. ANDERSEN, CHAIR**

**ss/
GEORGIA OTERO-KIRKHAM, VICE-CHAIR**

**ss/
PAUL EDWARD TRUJILLO, MEMBER**

**ss/
RON GENTRY, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: December 2, 2005