

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

June 27, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, Interim County Manager	
Cynthia R. Wimberly, County Attorney	
Sally Perea, County Clerk	
Press and Public	

1. The meeting was called to order by Chairman Pedro Rael at 3:30 PM.

2. Chairman Rael led the Pledge of Allegiance.

3. Approval of Agenda

Chairman discussed any additions or deletions to the agenda. Commissioner Pinkston moved to remove Item 6 (a), Item 7 (c) and Item 7 (q) from the agenda. Seconded by Commissioner Kirkham. Motion carried unanimously. Commissioner Medina asked to change the Regular Business Meeting of July 18th to July 19th. Commissioners agreed by consensus. Commissioner Pinkston said she had a conference call scheduled from Washington and commissioners consensus was for Commissioner Pinkston to participate on this important business call.

4. Approval of Minutes

May 30, 2007 Regular Business Meeting
June 13, 2007 Regular Business Meeting
June 13, 2007 Public Hearing Meeting

Commissioner Kirkham moved for approval of the above meetings. Seconded by Commissioner Pinkston. Motion carried unanimously.

5. Public Requests – At the discretion of the Chair.

{For Information Only – limited to two minutes per person on subjects not on this published agenda}

Fire Chief, Charles Eaton, publicly asked for a moment of silence for two young men that Valencia County will miss, Joel Dahl from Los Lunas, and Henry Byrd, III. from Veguita. These young men died in Iraq serving our country.

Ernie Byers discussed a free pilot program waste system along with brochures for Commissioners review.

Bill Lebrecht, Meadow Lake said he just can't say it enough, because every time the matter of removal of abandoned or burnt out mobile homes are on the agenda means another major clean-up for the Meadow Lake area. Mr. Lebrecht said they appreciate staff for their hard work on this important matter. Mr. Lebrecht invited the public to attend a meeting on July 14th at the community center, State Representative Kiki Saavedra will be in attendance for any questions.

6. Discussion (Non-Action) Items

a) Presentation of CDBG Projects (Abatement) – Anthony Savilla

Removed from agenda.

b) Department Reports – Department Directors

Ms. Gabaldon stated she had a written report for commissioners perusal and would stand for any questions.

c) Reports from Boards, Commissions & Committees – County Commission

Commissioners discussed roads, Commissioner Kirkham was concerned upon hearing that Valencia County had lost the GRIP project and there is no truth to this matter. Commissioner Kirkham asked Mr. Zamora to give an update on this project. Mr. Zamora said the GRIP II application process has been supplemental throughout the last two months, we have had several discussions with Council of Governments, with Department of Transportation, at the same time the Department of Transportation has been developing the process, asking the county to submit the application. There has been some confusion on the GRIP II project, but the county has submitted a revised application regarding the Manzano Expressway, requesting the entire amount of \$10.4 million dollars. We have a match that includes funding from some of the developments that are coming in, Mr. Zamora said. These would be related to intersection improvements, as a result of traffic impacts, resulting from these new developments located off the Manzano Expressway. Mr. Zamora said he has been in contact with Mari Anixter with the Los Lunas Schools, who has been influential on the state level with

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authorities on the project on the county's behalf. The application is in and Valencia County is in the running for it.

Commissioner Gentry asked Mr. Chavez where he was at on the mobile home park issue. Mr. Chavez said he spoke with Mr. Gleason, and he will meet with him next week.

7. Action Items:

a) Consideration of Award Bid #621, Carpet – Judicial Complex – Eric Zamora/Jim Puckett (See Exhibit A)

Mr. Zamora said the bid opening for #621 for the Judicial Complex was presented at the last commission meeting. There was a question as to the standard that was applied to the bid process whether or not the two bidders, Pete's Carpet and Raby Carpet met the criteria. Mr. Zamora asked Mr. Puckett, the Project Representative to add additional data.

Mr. Puckett said we have experts in the carpet business with us today, Pete Gallegos, Pete's Carpet, Lisa McNary, Representative for Shaw carpet, Phillip Raby, Raby Company, and Andor Abonyi, Representative for InterFace Carpet. Mr. Puckett stated they will be able to discuss the specifications, warranty provisions, installation detail, cleanability of the carpet, replaceability, and other questions the commissioners may have.

Pete Gallegos, Los Lunas, owner of Pete's Carpet, stated after reviewing the specs on this request, that they meet the requirements 100% of what this commission has asked for with regard to carpet. InterFace Flooring does not meet the specs. Mr. Gallegos said he would stand for questions at this time.

Lisa McNary, Shaw contract, said she lives in Albuquerque, discussed the comparison chart of the carpet specifications.

Phillip Raby, The Raby Companies, Albuquerque, said he has been in the carpet business for 48 years. Mr. Raby discussed the important factors of InterFace Flooring.

Andor Abonyi, InterFace Flor Commercial, Albuquerque, discussed at length the comparison chart of the carpet specifications.

Commissioners had questions regarding the above carpet products, (1) Pertinent carpet specification items that make their carpet the best selection, (2) Warranty provisions, (3) Installation details, (4) Other public building installations, and (5) User concerns, cleanability, serviceability, replaceability, etc.

After hearing both vendors presentations, Chairman Rael moved to accept the bid from Pete's Carpet Appliance & Furniture for the carpet and installation. Seconded by Commissioner Kirkham. Discussion. Commissioner Pinkston voted no. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry abstained. Commissioner Medina voted yes. Motion carried.

b) Consideration of Award Alternates Judicial Complex – Eric Zamora/Jim Puckett (See Exhibit B)

Mr. Puckett presented the above item that includes three bids for the interior construction, paving & landscaping. The recommendation is for the low bidder, Clayton Construction, Inc. out of Albuquerque. Mr. Puckett stated that we have received a protest from one of the bidders CC Construction, Chris Chavez, owner. On the basis of two items, the low bidder failed to list a masonry subcontractor and failed to include the sales tax amount on the bid document. Mr. Puckett stated that regarding a recent, similar project with the courtroom at the Bernalillo Metropolitan Courthouse reinforces my recommendation to proceed with the work. Commissioner Pinkston moved to approve Clayton Construction as the low bidder for Judicial Complex bid. Seconded by Commissioner Gentry. Motion carried unanimously.

c) Consideration of Interim Agreement between The Town of Peralta regarding the continuation of services – Mayor Edward Archuleta

Removed from the agenda.

d) Final Action of public Hearing held: June 13, 2007

i) Request to Amend Zone Maps for OD to C1, off Hwy 6 in Los Lunas, NM Highland Meadows Subdivision, Unit 5, Lot B2B, 10.52 acres, more or less/Gail Majors – County Commission (See Exhibit C)

Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Discussion. Commissioner Pinkston voted yes. Commissioner Kirkham voted no. Chairman Rael voted no. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 3-2.

e) Consideration of dedicate entrance road (1100') to Rio Abajo Conservation area as a County public Road, Valencia Soil & Water Conservation – Marcel Reynolds (See Exhibit D)

Marcel Reynolds, Valencia Soil & Water Conservation District, said with him today was Charlie O'Leary, Project Manager for The Trust for Public Lands, and Mary Towslee. Mr. Reynolds said the Soil & Water Conservation District has discussed this project regarding the possibility of Valencia County taking control and ownership of a portion of a road in the county that would provide access to a wildlife sanctuary. The road in question is approximately 1100 feet in length and contains a railroad crossing. The District currently owns the road in question, that the railroad crossing will be

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substantially upgraded and improved if the county takes control of the road, at little or no cost to the county. The railroad will be responsible for future maintenance of the railroad crossing, in accordance with federal and state law. There are five residences with small children in that area that use this crossing daily. Mary Towslee spoke on the dangerous risk of the crossing where someone got killed eight years ago. Ms. Towslee spoke of the ongoing project to get arms and lights at the railroad crossing to no avail in order to make it a safer crossing. Charlie O'Leary spoke on working diligently on this project to secure public access across the railroad. According to the Department of Transportation, they are asking for the county to agree to maintain either side of the property which will relieve several of the funding that is available to upgrade the crossing. Mr. O'Leary spoke on the liability as well and asked for the county to maintain either side of the road and the railroad would maintain the crossing itself. After lengthy discussion, Commissioner Kirkham moved for approval for the dedication of the entrance road. Seconded by Chairman Rael. Discussion. Commissioner Gentry spoke on having a great deal of interest in this project and wanted to disclose the fact that he owns all of the property on the south side, it will not benefit his property and will not hurt his property either but he has had a interest in the safety of this railroad crossing. Commissioner Gentry spoke on the liability and that the Soil & Water Conservation will bring that road up to county specifications and the Department of Transportation will donate the entire road asphalt millings for the entire road. Mr. Zamora said the requirements for acceptance of a roadway are that the developer or persons wishing to dedicate the roadway is that they bring the road up to county specifications. Commissioner Kirkham amended her motion for approval for the dedication contingent upon the Soil & Water Conservation District getting those improvements with regard to county specifications and final acceptance by the Public Works Department. Chairman Rael amended his second. Motion carried unanimously.

f) Consideration of MOU Extension with Los Lunas Public Schools regarding School Resource Officer – Rene Rivera (See Exhibit E)

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

g) Consideration of Community Services Monitor Contract Extension – Eric Zamora (See Exhibit F & G)

Mr. Zamora presented the above items for a one year renewal extension for the Los Lunas and Belen Magistrate Court. Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

h) Consideration of County Cooperative Extension Lease – Eric Zamora (See Exhibit H)

Ms. Wimberly presented the above item. Commissioner Kirkham moved for approval conditioned upon DFA's approval if necessary. Seconded by Commissioner Pinkston. Motion carried unanimously.

i) Consideration of Assessor's Protest Committee – Viola Vallejos (See Exhibit I)

Olinda Reneau, Chief Appraiser, Assessor's Office, presented the above item. The Assessor's Office has a protest hearing on August 6, 2007 and the state mandates the office to set up a hearing board. Ms. Reneau stated in order to ensure the public a fair protest she asks for the approval of the following, Eric Eichwald, Ambrose Chavez and Jerome Moya as the alternate. Commissioner Kirkham moved for approval of the above protest board. Seconded by Commissioner Pinkston. Motion carried unanimously.

j) Consideration of Mutual Assistance Agreements between Central NM Correctional Facility – Hector Cardenas

i) Los Chavez Fire Department (See Exhibit J)

ii) Valencia County Sheriff's Department (See Exhibit K)

iii) Valencia County Detention Center (See Exhibit L)

Mr. Cardenas presented the above items for renewal purposes. Commissioner Pinkston moved for approval of all three agreements. Seconded by Commissioner Medina. Motion carried unanimously.

k) Resolution 2007-33, Public Nuisance Requiring Renovation or Removal by County, 28 Bosque Place, Los Lunas, NM; Lot 63, Unit 3, Meadow Lake Subdivision – Anthony Savilla (See Exhibit M)

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

County Clerk, Sally Perea, announced **Resolution 2007-33.**

l) Resolution 2007-34, Public Nuisance Requiring Renovation or Removal by County, 11 La Bamba, Los Lunas, NM; Lot 10, Blk. 9, Mesa Estates – Anthony Savilla (See Exhibit N)

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

County Clerk Sally Perea announced **Resolution 2007-34.**

m) Resolution 2007-35, Public Nuisance Requiring Renovation or Removal by County, 32 Primero, Los Lunas, NM, Lot 30-D, Mesa Ridge – Anthony Savilla (See Exhibit O)

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

County Clerk Sally Perea announced **Resolution 2007-35.**

n) Resolution 2007-36, Public Nuisance Requiring Renovation or Removal by County, 69 San Francisco, Los Lunas, NM, Lot 4, Blk 4, Unit 15 El Cerro Mission – Anthony Savilla (See Exhibit P)

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

County Clerk Sally Perea announced **Resolution 2007-36.**

o) Resolution 2007-37, Public Nuisance Requiring Renovation or Removal by County, 136 Bonita Loop, Los Lunas, NM, Lot 39, Unit 4, Meadow Lake Subdivision – Anthony Savilla (See Exhibit Q)

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

County Clerk Sally Perea announced **Resolution 2007-37.**

p) Consideration of Adult Administrative Director Contract – County Commission (See Exhibit R)

Commissioner Gentry moved for approval of the above contract. Seconded by Commissioner Medina. Motion carried unanimously.

q) Consideration of Joint Powers Agreement between Cibola County Detention – Derek Williams – Removed from the agenda.

Removed from the agenda.

r) Consideration of agreement for Juvenile confinement between the County of Santa Fe – Eric Zamora (See Exhibit S)

Mr. Zamora presented the above item. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

s) Financial Matters:

i) Consideration of Award Bid #619 “Belen Public Health Building Construction” – Vangie Gabaldon (See Exhibit T)

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

ii) Consideration of Traffic Safety Bureau Grant Sheriff’s Department – Gary Hall (See Exhibit U)

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

iii) Consideration of Approval: Payroll/Warrants – Wilma Abril

Ms. Abril presented the computer printout list of all the checks issued by the Manager’s Office on June 22, 2007 covering payroll process on that date. Payroll Check #79412 thru Payroll Check #79508 inclusive. Direct Deposit Check #2855 thru Direct Deposit Check #2992 inclusive. Deduction Check #90070 thru Deduction Check #90102 inclusive for a total of \$286,907.08. **(See Exhibit V)**

Ms. Abril presented the computer printout list of all the checks issued by the Manager’s Office on June 22, 2007 covering vendor bills processed on that date. Check #90103 thru Check #90379 inclusive for a total of \$818,421.98. **(See Exhibit W)**

Commissioner Pinkston moved to approve the above payroll and warrants. Seconded by Commissioner Kirkham. Discussion. Motion carried unanimously.

8. Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Kirkham moved to enter into executive session. Seconded by Commissioner Pinkston. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 5-0.

Commissioner Kirkham moved to go back into regular session. Seconded by Commissioner Pinkston. Motion carried unanimously.

Ms. Wimberly stated matters that were discussed in closed session. The status of the Bizzell Planning and Zoning litigation, the status of the Ber Ben Road litigation, several tort claim act notices, the status of the Chavez litigation, status of the Planning and Zoning litigation, discussed the

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status of the Cordova litigation. Under personnel, the board discussed the scope of work for the EMS Coordinator position and while she was present no final action was taken.

Chairman Rael moved for approval as to the items that were discussed in closed session as presented by Ms. Wimberly and that no final action was taken. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 5-0.

Ms. Wimberly stated that on the agenda the item of Adult Detention Housing of Prisoners was not discussed.

Chairman Rael stated matters that were discussed in closed session when Ms. Wimberly was not present and stated the board did not discuss the item of Adult Detention Housing of Prisoners either. Chairman Rael stated that the board mentioned but did not discuss the consideration of standard & requirements regarding qualification for County Manager, the board mentioned but did not discuss or take any action on the consideration of re-advertising the County Manager position, the board did discuss at length item (c) Consideration of Extension of Temporary County Manager position, and item (d) Consideration of County Manager position-contract. No action was taken.

Commissioner Pinkston moved to approve the summarization of Chairman Rael's statements as to what the Board discussed in executive session. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 5-0.

9. Action on Executive Session Item (s)

a) Consideration of Standard & Requirements regarding qualification for County Manager

b) Consideration of Re-advertising County Manager Position

c) Consideration of Extension of Temporary County Manager Position

Chairman Rael moved that the board took no action was necessary on the above items, a,b and c. Seconded by Commissioner Kirkham. Motion carried unanimously.

d) Consideration of County Manager Position-Contract

Commissioner Medina moved to appoint Eric Zamora as County Manager from July 1, 2007 thru July 1, 2008. Seconded by Commissioner Pinkston. Motion carried unanimously.

Commissioner Medina moved that in between the time that Mr. Zamora decides that he does not want the County Manager position that he go back into the position of Public Works Director on the same salary that he had. Seconded by Commissioner Pinkston. Motion carried unanimously.

Chairman Rael asked counsel to draft a contract for Mr. Zamora to negotiate the specific terms and stated that it is an exempt position.

e) Consideration of EMS Coordinator

Commissioner Gentry moved that we re-advertise the EMS Coordinator position as \$17.50 per hour plus benefits and have the job description with it as the Coordinator and that we do it rapidly with the condition that we get written authority from Los Lunas and Belen that they will contribute directly or indirectly. Commissioner Gentry said for Los Lunas and Belen to negotiate a MOU with this position to reflect the difference for the medical director contribution. Seconded by Commissioner Pinkston. Motion carried unanimously,

f) Adult Detention Housing of Prisoners

No final action was taken.

10) County Manager's Report (Informational Only)

Grants Interim Approval of proposed operating Budget for the 2007-2008, Fiscal Year
Mr. Zamora reported on the report from DFA giving Valencia County primary approval of the 2007-2008 budget.

Commissioners directed staff to hire a Public Works assistant and to draft a criteria for that position.

10. The next Regular Public Hearing Meeting of the Valencia County Board of County Commission will be held on July 11, 2007 at 3:30 PM in the County Commission Room at the Valencia County Courthouse.

11. Adjournment

Commissioner Gentry moved to adjourn. Seconded by Commissioner Medina. Motion carried unanimously. Chairman Rael reminded commissioners to sign all proper documents before leaving. Time 8:32 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the June 27, 2007 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
PEDRO G. RAEL, CHAIRMAN**

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

**ss/
DAVID R. MEDINA, MEMBER**

**ss/
RON GENTRY, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/ by Debbie Ridley

SALLY PEREA, COUNTY CLERK

DATE: July 19, 2007